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

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

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

Monday	Tuesday	Wednesday	Thursday	Friday
NRC	USDA/ASCS		NRC	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/NHTSA	USDA/FNS		DOT/NHTSA	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
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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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INFORMATION AND ASSISTANCE

Questions and requests for specific information may be directed to the following numbers. General inquiries may be made by dialing **202–523–5240.**

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"Dial - a - Regulation" (recorded summary of highlighted documents appearing in next day's issue).	202–523–5022
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A Cumulative List of CFR Sections Affected is published separately at the end of each month. The guide lists the parts and sections affected by documents published since the revision date of each title.

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Title 7—Agriculture

SUBTITLE A—OFFICE OF THE SECRETARY OF AGRICULTURE

PART 1—ADMINISTRATIVE REGULATIONS

Rules of Practice Governing Formal Adjudicatory Administrative Proceedings Instituted By the Secretary

The following new Subpart H of Part 1, Subtitle A, Title 7, Code of Federal Regulations, establishes uniform rules of practice governing formal adjudicatory administrative proceedings instituted by the Department or any agency thereof under the statutes and regulations designated in the Subpart.

On June 16, 1976, there was published in the FEDERAL REGISTER a notice that the Department was considering the promulgation of uniform rules of practice governing formal adjudicatory proceedings which would replace the separate rules governing such proceedings under the various statutes and regulations involved. Although the rulemaking provisions of 5 U.S.C. 553 do not apply to the promulgation of rules of procedure or practice, interested persons were given an opportunity to submit comments on the proposed uniform rules set forth in the notice in the FEDERAL REGISTER. All comments received pursuant to the FEDERAL REGISTER notice and all other available information and suggestions were carefully considered in developing the final uniform rules. As a result, a number of changes have been made in the proposed uniform rules as published in the FEDERAL REGISTER.

The rules have been made applicable to adjudicatory administrative proceedings under the United States Cotton Standards Act (7 U.S.C. 51b and 53) and section 506 of the Federal Land Policy and Management Act of 1976 (section 506, Public Law 94-579 enacted October 21, 1976), in addition to proceedings under the statutes designated in the proposed rules. The ex parte communication provisions set forth in the proposed uniform rules have been amended in accordance with Section 4 of Public Law 94-409, enacted September 13, 1976. A provision has been included with respect to the place of hearings in proceedings under the Packers and Stockyards Act, 1921, as amended by Public Law 94-410 enacted September 13, 1976. Other changes were made in the proposed uniform rules for clarity of the proivsions and for efficiency and expedition in the proceedings in the interests of effectiveness in carrying out the objectives and policies of the underlying statutes, commensurate with fair and impartial proceedings.

The uniform rules of practice promulgated in the new Subpart H set forth below shall supersede all rules of practice now in existence governing the proceedings covered by the new rules which are in conflict with the new rules. The Administrators of the agencies administering the programs involved will publish documents specifically revoking any rules superseded by the new rules and promulgating any additional supplemental rules relating to particular circumstances arising in connection with proceedings under the statutes and regulations administered by them.

Effective date: The uniform rules of practice contained in the new Subpart H set forth below shall become effective 1 February 1977 with respect to all proceedings covered thereby instituted on and after said date. Proceedings instituted prior to said date shall continue under the applicable rules of practice in effect when the proceedings were agree that the proceeding shall be governed on and after 1 February 1977 by the new uniform rules set forth ni the new Subpart H.

Dated: December 27, 1976.

RICHARD E. BELL,
Acting Secretary.

Subpart H—Rules of Practice Governing Formal Adjudicatory Proceedings Instituted by the Secretary Under Various Statutes

Sec.

AUTHORITY: 5 U.S.C. 301; sec. 4, 23 Stat. 32; sec. 2, 32 Stat. 792, as amended, 34 Stat. 1260, as amended, 37 Stat. 832, sec. 28, 39 Stat. 490, sec. 407, 42 Stat. 169, sec. 10, 42 Stat. 1519, sec. 15, 46 Stat. 537, as amended, sec. 402, 53 Stat. 1285, sec. 205(b), 60 Stat. 1090, sec. 14, 71 Stat. 447, as amended, sec. 21, 80 Stat. 353, sec. 9, 84 Stat. 1406, sec. 14, 84 Stat. 1629, sec. 310, 90 Stat. 2767, sec. 18, 90 Stat. 2884; 7 U.S.C. 61, 87e, 228, 268, 499o, 1592, 1624(b), 2151, 15 U.S.C. 1828, 21 U.S.C. 111, 120, 154, 463(b), 621, 1043, 43 U.S.C. 1740.

§ 1.130 Meaning of words.

As used in this subpart, words in the singular form shall be deemed to import the plural, and vice versa, as the case may require.

§ 1.131 Scope and applicability of this part.

(a) The rules of practice in this subpart shall be applicable to all adjudicatory proceedings under the statutory provisions listed below as those provisions have been or may be amended from time to time.[1] The provisions of 7 CFR 1.26 shall be inapplicable to the proceedings covered by this subpart.

Animal Welfare Act, Section 19 (7 U.S.C. 2149).
Egg Products Inspection Act, Section 18 (21 U.S.C. 1047).
Federal Land Policy and Management Act of 1976, Section 506 (43 U.S.C. 1766).
Federal Meat Inspection Act, Sections 4, 6, 7(e), 8, and 401 (21 U.S.C. 604, 606, 607(e), 608, 671).
Federal Seed Act, Section 409 (7 U.S.C. 1599).
Horse Protection Act of 1970, Sections 4(c) and 6 (15 U.S.C. 1823(c), 1825).
Packers and Stockyards Act, 1921, as supplemented, Sections 203, 312, 401, 502(b), and 505 of the Act, and Section 1, 57 Stat. 422, as amended by section 4, 90 Stat. 1249 (7 U.S.C. 193, 204, 213, 218a, 218d, 221).
Perishable Agricultural Commodities Act, 1930, sections 3(c), 4(d), 6(c), 8(a), 8(b), 8(c), 9 and 13(a), (7 U.S.C. 499c(c), 499d (d), 499f(c), 499h(a), 499h(b), 499h(c), 499i, 499m(a)).
Poultry Products Inspection Act, sections 6, 7, 8(d), and 18 (21 U.S.C. 455, 456, 457(d), 467).
United States Cotton Standards Act, as supplemented, section 3 of the Act and section 2 of 47 Stat. 1621 (7 U.S.C. 51b, 53).
United States Grain Standards Act, sections 7(g)(3), 9,[2] 10, and 17A(d) (7 U.S.C. 79(g)(3), 85, 86).
United States Warehouse Act, sections 12 and 25 (7 U.S.C. 246, 253).
Virus-Serum-Toxin Act (21 U.S.C. 156).

[1] See also the regulations promulgated under these statutes for any supplemental rules relating to particular circumstances arising thereunder.

[2] The rules of practice in this subpart are applicable to formal proceedings under section 9 of the United States Grain Standards Act for refusal to renew, or for suspension or revocation of a license if the respondent requests that such proceeding be subject to the administrative procedure provisions in 5 U.S.C. 554, 556, and 557. If such a request is not made, the Rules of Practice in 7 CFR Part 26, Subpart C shall apply.

(b) These rules of practice shall also be applicable to: (1) Adjudicatory proceedings under the regulations promulgated under the Agricultural Marketing Act of 1946 (7 U.S.C. 1621 et seq.) for the denial or withdrawal of inspection, certification, or grading service.[1]

(2) Adjudicatory proceedings under the regulations promulgated under the Animal Guarantine and Related Laws (21 U.S.C. 111 et seq.) for the suspension or revocation of accreditation of veterinarians (9 CFR Parts 160, 161).[1]

(3) Proceedings for debarment of counsel under § 1.141(d) of this subpart; and

(4) Other adjudicatory proceedings in which the complaint instituting the proceeding so provides with the concurrence of the Assistant Secretary for Administration.

§ 1.132 Definitions.

As used in this subpart, the terms as defined in the statute under which the proceeding is conducted and in the regulations, standards, instructions, or orders issued thereunder, shall apply with equal force and effect. In addition and except as may be provided otherwise in this subpart:

(a) "Complaint" means the formal complaint, order to show cause, or other document by virtue of which a proceeding is instituted.

(b) "Complainant" means the party instituting the proceeding.

(c) "Respondent" means the party proceeded against.

(d) "Judicial Officer" means an official of the United States Department of Agriculture delegated authority by the Secretary of Agriculture, pursuant to the Act of April 4, 1940 (7 U.S.C. 450c–459g) and Reorganization Plan No. 2 of 1953, (5 U.S.C. 1970 ed., Appendix, p. 550), to perform the function involved (7 CFR 2.35(a)), or the Secretary of Agriculture if the authority so delegated is exercised by the Secretary.

(e) "Administrator" means the Administrator of the Agency administering the statute involved, or any officer or employee of the Agency to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act for the Administrator.

(f) "Hearing Clerk" means the Hearing Clerk, United States Department of Agriculture, Washington, D.C. 20250.

(g) "Judge" means any Administrative Law Judge appointed pursuant to 5 U.S.C. 3105 and assigned to the proceeding involved.

(h) "Decision" means: (1) the Judge's initial decision made in accordance with the provisions of 5 U.S.C. 556 and 557, and includes the Judge's (i) findings and conclusions and the reasons or basis therefor on all material issues of fact, law, or discretion, (ii) order, and (iii) rulings on proposed findings, conclusions and orders submitted by the parties; and

(2) The decision and order by the Judicial Officer upon appeal of the Judge's decision.

(i) "Hearing" means that part of the proceeding which involves the submission of evidence before the Judge for the record in the proceeding.

§ 1.133 Institution of proceedings.

(a) *Submission of information concerning apparent violations.* (1) Any interested person desiring to submit information regarding an apparent violation of any provision of a statute listed in § 1.131 of this subpart or of any regulation, standard, instruction, or order issued pursuant thereto, may file the information with the Administrator of the agency administering the statute involved in accordance with this section and any applicable statutory or regulation provisions. Such information may be made the basis of any appropriate proceeding covered by the rules in this subpart, or any other appropriate proceeding authorized by the particular statute or the regulations promulgated thereunder.

(2) The information may be submitted by telegram, by letter, or by a preliminary statement of facts, setting forth the essential details of the transaction complained of. So far as practicable, the information shall include such of the following items as may be applicable:

(i) The name and address of each person and of the agent, if any, representing such person in the transaction involved;

(ii) Place where the alleged violation occurred;

(iii) Quantity and quality or grade of each kind of product or article involved;

(iv) Date of alleged violation;

(v) Car initial and number, if carlot;

(vi) Shipping and destination points;

(vii) If a sale, the date, sale price, and amount actually received;

(viii) If a consignment, the date, reported proceeds, gross, net;

(ix) Amount of damage claimed, if any;

(x) Statement of other material facts, including terms of contract; and

(xi) So far as practicable, true copies of all available papers relating to the transaction complained about, including shipping documents, letters, telegrams, invoices, manifests, inspection certificates, accounts of sales, and any special contracts or agreements.

(3) Upon receipt of the information and supporting evidence, the Administrator shall cause such investigation to be made as, in the opinion of the Administrator, is justified by the facts. If such investigation discloses that no violation of the Act or of the regulations, standards, instructions, or orders issued pursuant thereto, has occurred, no further action shall be taken and the person submitting the information shall be so informed.

(4) The person submitting the information shall not be a party to any proceeding which may be instituted as a result thereof and such person shall have no legal status in the proceeding, except as a subpoenaed witness or as a deponent in a deposition taken without expense to such person.

(b) *Filing of complaint.* (1) If there is reason to believe that a person has violated or is violating any provision of a statute listed in § 1.131 or of any regulation, standard, instruction or order issued pursuant thereto, whether based upon information furnished under subsection (a) of this section or other information, a complaint may be filed with the Hearing Clerk pursuant to these rules.

(2) As provided in 5 U.S.C. 558, in any case, except one of wilfulness or one in which public health, interest, or safety otherwise requires, prior to the institution of a formal proceeding which may result in the withdrawal, suspension, or revocation of a "license" as that term is defined in 5 U.S.C. 551(8), the Administrator, in an effort to effect an amicable or informal settlement of the matter, shall give written notice to the person involved of the facts or conduct concerned and shall afford such person an opportunity, within a reasonable time fixed by the Administrator, to demonstrate or achieve compliance with the applicable requirements of the statute, or the regulation, standard, instruction or order promulgated thereunder.

§ 1.134 Docket number.

Each proceeding, immediately following its institution, shall be assigned a docket number by the Hearing Clerk, and thereafter the proceeding shall be referred to by such number.

§ 1.135 Contents of complaint.

A Complaint filed pursuant to § 1.133 (b) shall state briefly and clearly the nature of the proceeding, the identification of the complainant and the respondent, the legal authority and jurisdiction under which the proceeding is instituted, the allegations of fact and provisions of law which constitute a basis for the proceeding, and the nature of the relief sought.

§ 1.136 Answer.

(a) *Filing and service.* Within 20 days after the service of the complaint (within 10 days in a proceeding under section 4(d) of the Perishable Agricultural Commodities Act, 1930), or such other time as may be specified therein, the respondent shall file with the Hearing Clerk an answer signed by the respondent or the attorney of record in the proceeding. The attorney may file an appearance of record prior to or simultaneously with the filing of the answer. The answer shall be served upon the complainant, and any other party of record, by the Hearing Clerk.

(b) *Contents.* The answer shall: (1) Clearly admit, deny, or explain each of the allegations of the Complaint and shall clearly set forth any defense asserted by the respondent; or

(2) State that the respondent admits all the facts alleged in the complaint; or

(3) State that the respondent admits the jurisdictional allegations of the complaint and neither admits nor denies the remaining allegations and consents to the issuance of an order without further procedure.

(c) *Default.* Failure to file an answer within the time provided under § 1.136

(a) shall be deemed, for purposes of the proceeding, an admission of the allegations in the Complaint, and failure to deny or otherwise respond to an allegation of the Complaint shall be deemed, for purposes of the proceeding, an admission of said allegation, unless the parties have agreed to a consent decision pursuant to § 1.138.

§ 1.137 Amendment of complaint or answer.

At any time prior to the filing of a motion for a hearing, the complaint or answer may be amended. Thereafter, such an amendment may be made with consent of the parties, or as authorized by the Judge upon a showing of good cause.

§ 1.138 Consent decision.

At any time before the Judge files the decision, the parties may agree to the entry of a consent decision. Such agreement shall be filed with the Hearing Clerk in the form of a decision signed by the parties with appropriate space for signature by the Judge, and shall contain an admission of at least the jurisdictional facts, consent to the issuance of the agreed decision without further procedure and such other admissions or statements as may be agreed between the parties. The Judge shall enter such decision without further procedure, unless an error is apparent on the face of the document. Such decision shall have the same force and effect as a decision issued after full hearing, and shall become final upon issuance to become effective in accordance with the terms of the decision.

§ 1.139 Procedure upon failure to file an answer or admission of facts.

The failure to file an answer, or the admission by the answer of all the material allegations of fact contained in the complaint, shall constitute a waiver of hearing. Upon such admission or failure to file, complainant shall file a proposed decision, along with a motion for the adoption thereof, both of which shall be served upon the respondent by the Hearing Clerk. Within 20 days after service of such motion and proposed decision, the respondent may file with the Hearing Clerk objections thereto. If the Judge finds that meritorious objections have been filed, complainant's Motion shall be denied with supporting reasons. If meritorious objections are not filed, the Judge shall issue a decision without further procedure or hearing. Copies of the decision or denial of complainant's Motion shall be served by the Hearing Clerk upon each of the parties and may be appealed pursuant to § 1.145. Where the decision as proposed by complainant is entered, such decision shall become final and effective without further proceedings 35 days after the date of service thereof upon the respondent, unless there is an appeal to the Judicial Officer by a party to the proceeding pursuant to § 1.145: *Provided, however,* That no decision shall be final for purposes of judicial review except a final decision of the Judicial Officer upon appeal.

§ 1.140 Prehearing conferences and procedure.

(a) *Purpose and Scope.* (1) Upon motion of a party or upon the Judge's own motion, the Judge may direct the parties or their counsel to attend a conference at any reasonable time, prior to or during the course of the hearing, when the Judge finds that the proceeding would be expedited by a prehearing conference. Reasonable notice of the time and place of the conference shall be given. The Judge may order each of the parties to furnish at or subsequent to the conference any or all of the following:

(i) An outline of the case or defense;

(ii) The legal theories upon which the party will rely;

(iii) Copies of or a list of documents which the party anticipates introducing at the hearing; and

(iv) A list of anticipated witnesses who will testify on behalf of the party. At the discretion of the party furnishing such list of witnesses, the names of the witnesses need not be furnished if they are otherwise identified in some meaningful way such as a short statement of the type of evidence they will offer.

(2) The Judge shall not order any of the foregoing procedures that a party can show is inappropriate or unwarranted under the circumstances of the particular case.

(3) At the conference, the following matters shall be considered:

(i) The simplification of issues;

(ii) The necessity of amendments to pleadings;

(iii) The possibility of obtaining stipulations of facts and of the authenticity, accuracy, and admissibility of documents, which will avoid unnecessary proof;

(iv) The limitation of the number of expert or other witnesses;

(v) Negotiation, compromise, or settlement of issues;

(vi) The exchange of copies of proposed exhibits;

(vii) The identification of documents or matters of which official notice may be requested;

(viii) A schedule to be followed by the parties for completion of the actions decided at the conference; and

(ix) Such other matters as may expedite and aid in the disposition of the proceeding.

(b) *Reporting.* A prehearing conference will not be stenographically reported unless so directed by the Judge.

(c) *Action in Lieu of Personal Attendance at a Conference.* In the event the Judge concludes that personal attendance by the Judge and the parties or counsel at a prehearing conference is unwarranted or impractical, but determines that a conference would expedite the proceeding, the Judge may conduct such conference by telephone or correspondence.

(d) *Order.* Actions taken as a result of a conference shall be reduced to a written appropriate order, unless the Judge concludes that a stenographic report shall suffice, or, if the conference takes place within 7 days of the beginning of the hearing, the Judge elects to make a statement on the record at the hearing summarizing the actions taken.

(e) *Related matters.* Upon motion of a respondent, the Judge may order the attorney for the complainant to produce and permit the respondent to inspect and copy or photograph any relevant written or recorded statements or confessions made by such respondent within the possession, custody or control of the complainant.

§ 1.141 Procedure for Hearing.

(a) *Request for Hearing.* Any party may request a hearing on the facts by including such request in the complaint or answer, or by a separate request, in writing, filed with the Hearing Clerk within the time in which an answer may be filed. Failure to request a hearing within the time allowed for the filing of the answer shall constitute a waiver of such hearing. Waiver of hearing shall not be deemed to be a waiver of the right to request oral argument before the Judicial Officer upon appeal of the Judge's decision. In the event the respondent denies any material fact and fails to file a timely request for a hearing, the matter may be set down for hearing on motion of the complainant or upon the Judge's own motion.

(b) *Time and Place.* If any material issue of fact is joined by the pleadings, the Judge, upon motion of any of the parties, jointly or individually, stating that the matter is at issue and is ready for hearing, shall set a time and place for hearing as soon as feasible thereafter, with due regard for the public interest and the convenience and necessity of the parties. The Judge shall file with the Hearing Clerk a notice stating the time and place of hearing.[3] If any change in the time or place of the hearing is made, the Judge shall file with the Hearing Clerk a notice of such change, which notice shall be served upon the parties, unless it is made during the course of an oral hearing and made a part of the transcript, or actual notice is given to the parties.

(c) *Appearances.* The parties may appear in person or by attorney of record

[3] The place of hearing in a proceeding under the Packers and Stockyards Act shall be set in accordance with subsections (e) and (f) of section 407 of the Packers and Stockyards Act, as added by section 11 of Public Law 94-410 (90 Stat. 1252). In essence, if there is only one respondent, the hearing is to be held as near as possible to the respondent's place of business or residence, depending of course upon the availability of a courtroom or other appropriate hearing room. If there is more than one respondent, and they have their places of business or residence within a single unit of local government, a single geographic area within a State, or a single State, the hearing is to be held as near as possible to their places of business or residence, depending of course on the availability of a courtroom or other appropriate hearing room. If there is more than one respondent, and they have their places of business or residence distant from each other, those subsections have no applicability.

in the proceeding. Any person who appears as attorney must conform to the standards of ethical conduct required of practitioners before the courts of the United States.

(d) *Debarment of Attorney.* (1) Whenever a Judge finds that a person acting as attorney for any party to the proceeding is guilty of unethical or contumacious conduct, in or in connection with a proceeding, the Judge may order that such person be precluded from further acting as attorney in the proceeding. An appeal to the Judicial Officer may be taken from any such order, but no proceeding shall be delayed or suspended pending disposition of the appeal: *Provided,* That the Judge shall suspend the proceeding for a reasonable time for the purpose of enabling the party to obtain another attorney;

(2) Whenever it is found, after notice and opportunity for hearing, that a person, who is acting or has acted as attorney for another person in any proceeding before the United States Department of Agriculture, is unfit to act as such counsel because of such unethical or contumacious conduct, such person will be precluded from acting as counsel in any or all proceedings before the Department as found to be appropriate.

(e) *Failure to Appear.* A respondent who, after being duly notified, fails to appear at the hearing without good cause, shall be deemed to have waived the right to an oral hearing in the proceeding and to have admitted any facts which may be presented at the hearing. Such failure by the respondent shall also constitute an admission of all the material allegations of fact contained in the complaint. Complainant shall have an election whether to follow the procedure set forth in § 1.139 of these rules or whether to present evidence, in whole or in part, in the form of affidavits or by oral testimony before the Judge. Failure to appear at a hearing shall not be deemed to be a waiver of the right to be served with a copy of the Judge's decision and to appeal and request oral argument before the Judicial Officer with respect thereto in the manner provided in § 1.145 of these rules.

(f) *Order of Proceeding.* Except as may be determined otherwise by the Judge, the complainant shall proceed first at the hearing.

(g) *Evidence.*—(1) *In General.* (i) The testimony of witnesses at a hearing shall be on oath or affirmation and subject to cross-examination.

(ii) Upon a finding of good cause, the Judge may order that any witness be examined separately and apart from all other witnesses except those who may be parties to the proceeding.

(iii) After a witness called by the complainant has testified on direct examination, any other party may request and obtain the production of any statement, or part thereof, of such witness in the possession of the complainant which relates to the subject matter as to which the witness has testified. Such production shall be made according to the procedures and subject to the definitions and limitations prescribed in the Jencks Act (18 U.S.C. 3500).

(iv) Evidence which is immaterial, irrelevant, or unduly repetitious, or which is not of the sort upon which responsible persons are accustomed to rely, shall be excluded insofar as practicable.

(2) *Objections.* (i) If a party objects to the admission of any evidence or to the limitation of the scope of any examination or cross-examination or to any other ruling of the Judge, the party shall state briefly the grounds of such objection, whereupon an automatic exception will follow if the objection is overruled by the Judge.

(ii) Only objections made before the Judge may subsequently be relied upon in the proceeding.

(3) *Depositions.* The deposition of any witness shall be admitted in the manner provided in and subject to the provisions of § 1.148.

(4) *Exhibits.* Unless the Judge finds that the furnishing of copies is impracticable, four copies of each exhibit shall be filed with the Judge: *Provided,* That, where there are more than two parties in the proceeding, an additional copy shall be filed for each additional party. A true copy of an exhibit may be substituted for the original.

(5) *Official Records or Documents.* An official government record or document or entry therein, if admissible for any purpose, shall be admissible in evidence without the production of the person who made or prepared the same, and shall be prima facia evidence of the relevant facts stated therein. Such record or document shall be evidenced by an official publication thereof or by a copy certified by a person having legal authority to make such certification.

(6) *Official Notice.* Official notice shall be taken of such matters as are judicially noticed by the courts of the United States and of any other matter of technical, scientific, or commercial fact of established character: *Provided,* That the parties shall be given adequate notice of matters so noticed, and shall be given adequate opportunity to show that such facts are erroneously noticed.

(7) *Offer of Proof.* Whenever evidence is excluded by the Judge, the party offering such evidence may make an offer of proof, which shall be included in the transcript. The offer of proof shall consist of a brief statement describing the evidence excluded. If the evidence consists of a brief oral statement, it shall be included in the transcript in toto. If the evidence consists of an exhibit, it shall be marked for identification and inserted in the hearing record. In either event, the evidence shall be considered a part of the transcript and hearing record if the Judicial Officer, upon appeal, decides the Judge's ruling excluding the evidence was erroneous and prejudicial. If the Judicial Officer decides the Judge's ruling excluding the evidence was erroneous and prejudicial and that it would be inappropriate to have such evidence considered a part of the hearing record, the Judicial Officer may direct that the hearing be reopened to permit the taking of such evidence or for any other purpose in connection with the excluded evidence.

(h) *Transcript.* Hearings shall be recorded and transcribed verbatim. Transcripts thereof shall be made available to any person, at actual cost of duplication (5 U.S.C. App. I, sec. 11).

§ 1.142 Post-hearing procedure.

(a) *Corrections to transcript*—(1) At any time, but not later than the time fixed for filing proposed findings of fact, conclusions and order, or briefs, as the case may be, any party may file a motion proposing corrections to the transcript.

(2) Unless a party files such a motion in the manner prescribed, the transcript shall be presumed, except for obvious typographical errors, to be a true, correct, and complete transcript of the testimony given at the hearing and to contain an accurate description or reference to all exhibits received in evidence and made part of the hearing record, and shall be deemed to be certified without further action by the Judge.

(3) At any time prior to the filing of the Judge's decision and after consideration of any objections filed as to the transcript, the Judge may issue an order making any corrections in the transcript which the Judge finds are warranted, which corrections shall be entered onto the original transcript by the Hearing Clerk (without obscuring the original text).

(b) *Proposed findings of fact, conclusions, order, and briefs.* The parties may file with the Hearing Clerk proposed findings of fact, conclusions and orders, based solely upon the record and on matters subject to official notice, and briefs in support thereof. The Judge shall announce at the hearing a definite period of time within which these documents may be filed.

(c) *Judge's decision.* The Judge, within a reasonable time after the termination of the period allowed for the filing of proposed findings of fact, conclusions and orders, and briefs in support thereof, shall prepare, upon the basis of the record and matters officially noticed, and shall file with the Hearing Clerk, the Judge's decision, a copy of which shall be served by the Hearing Clerk upon each of the parties. Such decision shall become final and effective without further proceedings 35 days after the date of service thereof upon the respondent, unless there is an appeal to the Judicial Officer by a party to the proceeding pursuant to § 1.145: *Provided, however,* That no decision shall be final for purposes of judicial review except a final decision of the Judicial Officer upon appeal.

§ 1.143 Motions and requests.

(a) *General.* All motions and requests shall be filed with the Hearing Clerk, and served upon all the parties, except (1) requests for extensions of time pursuant to § 1147 (2) requests for subpoenas pursuant to § 1.149, and (3) motions and requests made on the record during the oral hearing. The Judge shall rule upon all motions and requests filed or

made prior to the filing of an appeal of the Judge's decision pursuant to § 1.145, except motions directly relating to the appeal. Thereafter, the Judicial Officer will rule on any motions and requests, as well as the motions directly relating to the appeal.

(b) *Motions Entertained.* (1) Any motion will be entertained other than a motion to dismiss on the pleading.

(2) All motions and requests concerning the complaint must be made within the time allowed for filing an answer.

(c) *Contents.* All written motions and requests shall state the particular order, ruling, or action desired and the grounds therefor.

(d) *Response to Motions and Requests.* Within 10 days after service of any written motion or request, or within such shorter or longer period as may be fixed by the Judge or the Judicial Officer, an opposing party may file a response to the motion or request. The other party shall have no right to reply to the response; however, the Judge or the Judicial Officer, in their discretion, may order that a reply be filed.

(e) *Certification to the Judicial Officer.* The submission or certification of any motion, request, objection, or other question to the Judicial Officer prior to the filing of an appeal pursuant to § 1.145 shall be made by and in the discretion of the Judge. The Judge may either rule upon or certify the motion, request, objection, or other question to the Judicial Officer, but not both.

§ 1.144 Judges.

(a) *Assignment.* No Judge shall be assigned to serve in any proceeding who (1) has any pecuniary interest in any matter or business involved in the proceeding, (2) is related within the third degree by blood or marriage to any party to the proceeding, or (3) has any conflict of interest which might impair the Judge's objectivity in the proceeding.

(b) *Disqualification of Judge.* (1) Any party to the proceeding may, by motion made to the Judge, request that the Judge withdraw from the proceeding because of an alleged disqualifying reason. Such motion shall set forth with particularity the grounds of alleged disqualification. The Judge may then either rule upon or certify the motion to the Secretary, but not both.

(2) A Judge shall withdraw from any proceeding for any reason deemed by the Judge to be disqualifying.

(c) *Powers.* Subject to review as provided elsewhere in this part, the Judge, in any assigned proceeding, shall have power to:

(1) Rule upon motions and requests;

(2) Set the time and place of a prehearing conference and the hearing, adjourn the hearing from time to time, and change the time and place of hearing;

(3) Administer oaths and affirmations;

(4) Issue subpoenas as authorized by the statute under which the proceeding is conducted, requiring the attendance and testimony of witnesses and the production of books, contracts, papers, and other documentary evidence at the hearing;

(5) Summon and examine witnesses and receive evidence at the hearing;

(6) Take or order the taking of depositions as authorized under these rules;

(7) Admit or exclude evidence;

(8) Hear oral argument on facts or law;

(9) Do all acts and take all measures necessary for the maintenance of order, including the exclusion of contumacious counsel or other persons;

(10) Take all other actions authorized under these rules.

(d) *Who may act in the absence of the Judge.* In case of the absence of the Judge or the Judge's inability to act, the powers and duties to be performed by the Judge under these rules of practice in connection with any assigned proceeding may, without abatement of the proceeding unless otherwise directed by the Chief Judge, be assigned to any other Judge.

§ 1.145 Appeal to Judicial Officer.

(a) *Filing of Petition.* Within 30 days after receiving service of the Judge's decision, a party who disagrees with the decision, or any part thereof, or any ruling by the Judge or any alleged deprivation of rights, may appeal such decision to the Judicial Officer by filing an appeal petition with the Hearing Clerk. As provided in § 1.141(g)(2), objections regarding evidence or a limitation regarding examination or cross-examination or other ruling made before the Judge may be relied upon in an appeal. Each issue set forth in the petition, and the arguments thereon, shall be separately numbered; shall be plainly and concisely stated; and shall contain detailed citations of the record, statutes, regulations or authorities being relied upon in support thereof. A brief may be filed in support of the appeal simultaneously with the petition.

(b) *Response to Appeal Petition.* Within 20 days after the service of a copy of an appeal petition and any brief in support thereof, filed by a party to the proceeding, any other party may file with the Hearing Clerk a response in support of or in opposition to the appeal and in such response any relevant issue, not presented in the appeal petition, may be raised.

(c) *Transmittal of Record.* Whenever an appeal of a Judge's decision is filed and a response thereto has been filed or time for filing a response has expired, the Hearing Clerk shall transmit to the Judicial Officer the record of the proceeding. Such record shall include: the pleadings; motions and requests filed and rulings thereon; the transcript of the testimony taken at the hearing, together with the exhibits filed in connection therewith; any documents or papers filed in connection with a prehearing conference; such proposed findings of fact, conclusions, and orders, and briefs in support thereof, as may have been filed in connection with the proceeding; the Judge's decision; such exceptions, statements of objections and briefs in support thereof as may have been filed in the proceeding; and the appeal petition, and such briefs in support thereof and responses thereto as may have been filed in the proceeding.

(d) *Oral Argument.* A party bringing an appeal may request, within the prescribed time for filing such appeal, an opportunity for oral argument before the Judicial Officer. Within the time allowed for filing a response, appellee may file a request in writing for opportunity for such an oral argument. Failure to make such request in writing, within the prescribed time period, shall be deemed a waiver of oral argument. The Judicial Officer may grant, refuse, or limit any request for oral argument. Oral argument shall not be transcribed unless so ordered in advance by the Judicial Officer for good cause shown upon request of a party or upon the Judicial Officer's own motion.

(e) *Scope of Argument.* Argument to be heard on appeal, whether oral or on brief, shall be limited to the issues raised in the appeal or in the response to the appeal, except that if the Judicial Officer determines that additional issues should be argued, the parties shall be given reasonable notice of such determination, so as to permit preparation of adequate arguments on all issues to be argued.

(f) *Notice of argument; postponement.* The Hearing Clerk shall advise all parties of the time and place at which oral argument will be heard. A request for postponement of the argument must be made by motion filed a reasonable amount of time in advance of the date fixed for argument.

(g) *Order of argument.* The appellant is entitled to open and conclude the argument.

(h) *Submission on briefs.* By agreement of the parties, an appeal may be submitted for decision on the briefs, but the Judicial Officer may direct that the appeal be argued orally.

(i) *Decision of the Judicial Officer on Appeal.* As soon as practicable after the receipt of the record from the Hearing Clerk, or, in case oral argument was had, as soon as practicable thereafter, the Judicial Officer, upon the basis of and after due consideration of the record and any matter of which official notice is taken, shall rule on the appeal. If the Judicial Officer decides that no change or modification of the Judge's decision is warranted, the Judicial Officer may adopt the Judge's decision as the final order in the proceeding, preserving any right of the party bringing the appeal to seek judicial review of such decision in the proper forum.

A final order issued by the Judicial Officer shall be filed with the Hearing Clerk. Such order may be regarded by the respondent as final for purposes of judicial review without filing a petition for rehearing, reargument, or reconsideration of the decision of the Judicial Officer.

§ 1.146 Petitions for reopening hearing; for rehearing or reargument of proceeding; or for reconsideration of the decision of the Judicial Officer.

(a) *Petition requisite.* (1) *Filing; service; ruling.* A petition for reopening the hearing to take further evidence, or for rehearing or reargument of the proceeding, or for reconsideration of the decision of the Judicial Officer, must be made by petition filed with the Hearing Clerk. Every such petition must state specifically the grounds relied upon. Any such petition filed prior to the filing of an appeal of the Judge's decision pursuant to § 1.145 shall be ruled upon by the Judge, and any such petition filed thereafter shall be ruled upon by the Judicial Officer.

(2) *Petition to reopen hearing.* A petition to reopen a hearing to take further evidence may be filed at any time prior to the issuance of the decision of the Judicial Officer. Every such petition shall state briefly the nature and purpose of the evidence to be adduced, shall show that such evidence is not merely cumulative, and shall set forth a good reason why such evidence was not adduced at the hearing.

(3) *Petition to rehear or reargue proceeding, or to reconsider the decision of the Judicial Officer.* A petition to rehear or reargue the proceeding or to reconsider the decision of the Judicial Officer shall be filed within 10 days after the date of service of such decision upon the party filing the petition. Every petition must state specifically the matters claimed to have been erroneously decided and alleged errors must be briefly stated.

(b) *Procedure for disposition of petitions.* Within 20 days following the service of any petition provided for in this section, any party to the proceeding may file with the Hearing Clerk a reply thereto. As soon as practicable thereafter, the Judge or the Judicial Officer, as the case may be, shall announce the determination whether to grant or deny the petition. The decision of the Judicial Officer shall automatically be stayed pending the determination to grant or deny a timely petition. Such decision shall not be final for purposes of judicial review until the petition is denied or the decision is affirmed or modified pursuant to the petition and the time for judicial review shall begin to run upon the filing of such final action on the petition. In the event that any such petition is granted, the applicable rules of practice, as set out elsewhere herein, shall be followed. A person filing a petition under this section shall be regarded as the moving party, although such person shall be referred to as the complainant or respondent, depending upon the designation in the original proceeding.

§ 1.147 Filing; service; extensions of time; and computation of time.

(a) *Filing; number of copies.* Except as otherwise provided in this section, all documents or papers required or authorized by the rules in this part to be filed with the Hearing Clerk shall be filed in quadruplicate: *Provided,* That where there are more than two parties in the proceeding, an additional copy shall be filed for each additional party. Any document or paper required or authorized under the rules in this part to be filed with the Hearing Clerk shall, during the course of an oral hearing, be filed with the Judge.

(b) *Service; proof of service.* Copies of all such documents or papers required or authorized by the rules in this part to be filed with the Hearing Clerk shall be served upon the parties by the Hearing Clerk, or by some other employee of the Department, or by a U.S. Marshal or deputy marshal. Service shall be made either (1) by delivering a copy of the document or paper to the individual to be served or to a member of the partnership to be served, or to the president, secretary, or other executive officer or any director of the corporation or association to be served, or to the attorney of record representing such individual, partnership, corporation, organization, or association; or (2) by leaving a copy of the document or paper at the principal office or place of business or residence of such individual, partnership, corporation, organization, or association, or of the attorney or agent of record and mailing by regular mail another copy to such person at such address; or (3) by registering or certifying and mailing a copy of the document or paper, addressed to such individual, partnership, corporation, organization, or association, or to the attorney or agent of record, at the last known residence or principal office or place of business of such person: *Provided,* That if the registered or certified document or paper is returned undelivered because the addressee refused or failed to accept delivery, the document or paper shall be served by remailing it by regular mail. Proof of service hereunder shall be made by the certificate of the person who actually made the service: *Provided,* That if the service be made by mail, as outlined in subparagraph (3) of this paragraph, proof of service shall be made by the return post-office receipt, in the case of registered or certified mail, or by the certificate of the person who mailed the matter by regular mail. The certificate and post-office receipt contemplated herein shall be filed with the Hearing Clerk, and made a part of the record of the proceeding.

(c) *Extensions of time.* The time for the filing of any document or paper required or authorized under the rules in this part to be filed may be extended by the Judge or the Judicial Officer as provided in § 1.143, if, in the judgment of the Judge or the Judicial Officer, as the case may be, there is good reason for the extension. In all instances in which time permits, notice of the request for extension of the time shall be given to the other party with opportunity to submit views concerning the request.

(d) *Effective date of filing.* Any document or paper required or authorized under the rules in this part to be filed shall be deemed to be filed at the time when it reaches the Hearing Clerk; or, if authorized to be filed with another officer or employee of the Department it shall be deemed to be filed at the time when it reaches such officer or employee.

(e) *Computation of time.* Saturdays, Sundays and Federal holidays shall be included in computing the time allowed for the filing of any document or paper: *Provided,* That, when such time expires on a Saturday, Sunday or Federal holiday, such period shall be extended to include the next following business day.

§ 1.148 Depositions.

(a) *Motion for taking deposition.* Upon the motion of a party to the proceeding, the Judge may, at any time after the filing of the complaint, order the taking of testimony by deposition. The motion shall be in writing, shall be filed with the Hearing Clerk, and shall set forth: (1) The name and address of the proposed deponent; (2) the name and address of the person (referred to hereafter in this section as the "officer") qualified under the regulations in this part to take depositions, before whom the proposed examination is to be made; (3) the proposed time and place of the examination, which shall be at least 15 days after the date of the mailing of the motion; and (4) the reasons why such deposition should be taken, which shall be solely for the purpose of eliciting testimony which otherwise might not be available at the time of hearing, for use as provided in paragraph (g) of this section.

(b) *Judge's order for taking deposition.* If the Judge finds that the testimony may not be otherwise available at the hearing, the taking of the deposition may be ordered. The order shall be filed with the Hearing Clerk, shall be served upon the parties, and shall state: (1) the time and place of the examination; (2) the name of the officer before whom the examination is to be made; and (3) the name of the deponent. The officer and the time and place need not be the same as those suggested in the motion.

(c) *Qualifications of officer.* The deposition shall be made before the Judge or before an officer authorized by the law of the United States or by the law of the place of the examination to administer oaths, or before an officer authorized by the Secretary to administer oaths.

(d) *Procedure on examination.* (1) The deponent shall be examined under oath or affirmation and shall be subject to cross-examination. Objections to questions or documents shall be in short form, stating the grounds of objections relied upon. The questions propounded, together with all objections made (but not including argument or debate), shall be recorded verbatim. In lieu of oral examination, parties may transmit written questions to the officer prior to the examination and the officer shall propound such questions to the deponent.

(2) The applicant shall arrange for the examination of the witness either by oral examination, or by written questions upon agreement of the parties or as directed by the Judge. If the examination is conducted by means of written questions, copies of the questions shall be served upon the other party to the proceeding and filed with the officer at least 10 days prior to the date set for the

examination unless otherwise agreed, and the other party may serve cross questions and file them with the officer at any time prior to the time of the examination.

(e) *Certification by officer.* The officer shall certify on the deposition that the deponent was duly sworn and that the deposition is a true record of the deponent's testimony. The officer shall then securely seal the deposition, together with one copy thereof (unless there are more than two parties in the proceeding, in which case there should be another copy for each additional party), in an envelope and mail the same by registered or certified mail to the Hearing Clerk.

(f) *Corrections to the transcript.* (1) At any time prior to the hearing, any party may file a motion proposing corrections to the transcript of the deposition.

(2) Unless a party files such a motion in the manner prescribed, the transcript shall be presumed, except for obvious typographical errors, to be a true, correct, and complete transcript of the testimony given in the deposition proceeding and to contain an accurate description or reference to all exhibits in connection therewith, and shall be deemed to be certified correct without further procedure.

(3) At any time prior to use of the deposition in accordance with subsection (g) of this section and after consideration of any objections filed thereto, the Judge may issue an order making any corrections in the transcript which the Judge finds are warranted, which corrections shall be entered onto the original transcript by the Hearing Clerk (without obscuring the original text).

(g) *Use of deposition.* A deposition ordered and taken in accordance with the provisions of this section may be used in a proceeding under these rules if the Judge finds that the evidence is otherwise admissible and (1) that the witness is dead; (2) that the witness is unable to attend or testify because of age, sickness, infirmity, or imprisonment; (3) that the party offering the deposition has endeavored to procure the attendance of the witness by subpoena, but has been unable to do so; or (4) that such exceptional circumstances exist as to make it desirable, in the interests of justice, to allow the deposition to be used. If the party upon whose motion the deposition was taken refuses to offer it in evidence, any other party may offer the deposition or any part thereof in evidence. If only part of a deposition is offered in evidence by a party, an adverse party may require the introduction of any other part which ought in fairness to be considered with the part introduced, and any party may introduce any other parts.

§ 1.149 Subpoenas.[4]

(a) *Issuance of subpoenas.* The attendance and testimony of witnesses and the production of documentary evidence from any place in the United States on behalf of any party to the proceeding may be required by subpoena at any designated place of hearing if authorized by the statute under which the proceeding is conducted. Subpoenas shall be issued by the Judge upon a reasonable showing by the applicant of the grounds and necessity thereof; and with respect to subpoenas for the production of documents, the request shall also show their competency, relevancy, and materiality. All requests for subpoenas shall be in writing, unless waived by the Judge for good cause shown. Except for good cause shown, requests for subpoenas shall be submitted by the applicant to the Judge at least 10 days prior to the date set for the hearing.

(b) *Service of subpoenas.* Subpoenas may be served (1) by a United States Marshal or a deputy marshal, or (2) by any other person who is not less than 18 years of age, or (3) by registering or certifying and mailing a copy of the subpoena addressed to the person to be served at the last known principal place of business or residence. Proof of service may be made by the return of service on the subpoena by the United States Marshal or deputy marshal; or, if served by an employee of the Department, by a certificate stating that the employee personally served the subpoena upon the person named therein; or, if served by another person, by an affidavit stating that such person personally served the subpoena upon the person named therein; or, if service was by registered or certified mail, by an affidavit made by the person mailing the subpoena that it was mailed as provided herein and by the signed return post-office receipt: *Provided,* That the return receipt without an affidavit or certificate of mailing shall be sufficient proof of service. In making personal service, the person making service shall leave a copy of the subpoena with the person subpoenaed, or, if such person is not immediately available, with any other responsible person residing or employed at the place of residence or business of the person subpoenaed. The original of the subpoena, bearing or accompanied by the required proof of service, shall be returned to the official who issued the same. The party at whose instance a subpoena is issued shall be responsible for the service thereof.

§ 1.150 Fees of witnesses.

Witnesses summoned under these rules of practice shall be paid the same fees and mileage that are paid witnesses in the courts of the United States, and witnesses whose depositions are taken, and the officer taking the same, shall be entitled to the same fees as are paid for like services in the courts of the United States. Fees shall be paid by the party at whose instance the witness appears or the deposition is taken.

§ 1.151 Ex Parte Communications.

(a) At no stage of the proceeding between its institution and the issuance of the final decision shall the Judge or Judicial Officer discuss ex parte the merits of the proceeding with any person who is connected with the proceeding in an advocative or in an investigative capacity, or with any representative of such person: *Provided,* That procedural matters shall not be included within this limitation; and *Provided further,* That the Judge or Judicial Officer may discuss the merits of the case with such a person if all parties to the proceeding, or their attorneys have been given notice and an opportunity to participate. A memorandum of any such discussion shall be included in the record.

(b) No interested person shall make or knowingly cause to be made to the Judge or Judicial Officer an ex parte communication relevant to the merits of the proceeding.

(c) If the Judge or the Judicial Officer receives an ex parte communication in violation of this section, the one who receives the communication shall place in the public record of the proceeding:

(1) all such written communications;

(2) memoranda stating the substance of all such oral communications; and

(3) all written responses, and memoranda stating the substance of all oral responses thereto.

(d) Upon receipt of a communication knowingly made or knowingly caused to be made by a party in violation of this section, the Judge or Judicial Officer may, to the extent consistent with the interests of justice and the policy of the underlying statute, require the party to show cause why his claim or interest in the proceeding should not be dismissed, denied, disregarded, or otherwise adversely affected on account of such violation.

(e) To the extent consistent with the interests of justice and the policy of the underlying statute, a violation of this section shall be sufficient grounds for a decision adverse to the party who knowingly commits a violation of this section or who knowingly causes such a violation to occur.

(f) For purposes of this section "ex parte communication" means an oral or written communication not on the public record with respect to which reasonable prior notice to all parties is not given, but it shall not include requests for status reports on any matter or the proceeding.

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[4] This section relates only to subpoenas for the stated purpose and has no relevance with respect to investigatory subpoenas.

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

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENT

[Amendment 8]

PART 729—PEANUTS

Regulations for Determination of Acreage Allotments and Marketing Quotas for 1972 and Subsequent Crops of Peanuts; Miscellaneous Changes

This amendment of the allotment and marketing quota regulations for peanuts of the 1972 and subsequent crops is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et. seq.).

The purposes of this amendment are (1) to exclude from Part 731 of this chapter the dates of transfer, release and reapportionment of peanut acreage allotments since these dates will now be set and published by the State committee, (2) to provide for accepting a late-filed release and for requesting reapportioned acreage, (3) to exclude from the regulations the restrictions formerly placed on releasing and transferring allotments on federally owned land and (4) to include the basic penalty rate for the 1976 crop of peanuts.

The marketing of peanuts of the 1976 crop is now underway and it is essential that the basic penalty rate for the 1976 crop be announced immediately. It is hereby determined that compliance with the notice of proposed rulemaking, public procedure, and 30-day effective date provisions of 5 U.S.C. 553 is impracticable and contrary to the public interest.

The regulations for determination of acreage allotments and marketing quotas for 1972 and subsequent crops of peanuts (37 FR 2645, 3629, 23414, 39 FR 10883, 36564, 40578, 41 FR 1885, 36194, 7 CFR part 729) are amended as follows:

1. Paragraphs (a), (b) and (c) of § 729.22 are revised to read as follows:

§ 729.22 Release and reapportionment.

(a) *Release of acreage allotments.* Except as provided in this paragraph, any part of a farm allotment on which peanuts will not be produced and which the operator of the farm voluntarily surrenders in writing to the county committee shall be deducted from the allotment to such farm if such acreage is surrendered not later than the closing date. The State committee shall establish and publicize the closing dates for the entire State or for areas consisting of one or more counties in the State taking into consideration the normal planting dates for the State. The closing date for release of farm allotments shall be no later than the date on which planting of peanuts normally becomes general on farms in the State, area or county. The State committee may accept a late-filed release in cases where the State committee determines that the producer was prevented from filing for reasons beyond his control. Where the entire farm allotment was released in each of the 2 years preceding the current year, the release of the effective farm allotment for the current year shall be in writing and signed by both the owner and the operator of the farm. If any part of the farm allotment is permanently released (i.e., for the current year and all subsequent years), such release shall be in writing and signed by both the owner and operator of the farm. Acreage allotments may not be released (1) from new farms, (2) for the current year, if the owner of the farm notifies the county committee in writing, before acreage is released by the operator, that he objects to such a release, and (3) from the allotment pool if an application for transfer from the pool has been filed in accordance with Part 719 of this chapter. In addition, the peanut acreage may not be released from a farm covered under a long-term land use conservation program, if the allotment is designated.

(b) *Reapportionment of released acreage allotment.* The acreage released under paragraph (a) of this section may be reapportioned by the county committee to other farms in the same county receiving allotments in amounts determined by the county committee to be fair and reasonable on the basis of land, labor, and equipment available for the production of peanuts; crop-rotation practices; and soil and other physical factors affecting the production of peanuts. A farm shall be eligible to receive reapportionment of released acreage only if a written request is filed by the farm owner or operator at the office of the county committee as provided for under paragraph (a) of this section.

(c) *Closing date for reapportionment of released acreage.* Any acreage released to the county committee may be reapportioned by the county committee to other farms in the county at any time not later than 30 days following the closing date set by the State committee under paragraph (a) of this section for the filing of a request for an increase in allotment from released acreage.

2. A new subparagraph (5) is added to paragraph (b) of § 729.43 to read as follows:

§ 729.13 Penalty rate.

* * * * *

(b) *Future years.* * * *

(5) *1976 crop.* The basic support price for peanuts for the marketing year beginning August 1, 1976 and ending July 31, 1977, is $414 per ton or 20.7 cents per pound. Therefore, the basic penalty rate for the 1976 crop of peanuts is 15.5 cents per pound.

3. Paragraph (b) of § 729.69 is revised to read as follows:

§ 729.69 Terms and conditions applicable to transfer under section 358a of the act.

* * * * *

(b) *Filing record of transfer.* Form ASCS–375 "Record of Transfer of Allotment or Quota" shall be filed not later than the dates set by the State committee in paragraph (a) of § 729.22. The State committee may authorize the acceptance of a late-filed record in cases where the State committee determines that the producer was prevented from timely filing for reasons beyond his control.

* * * * *

§ 729.69 [Amended]

4. Paragraph (s) of § 729.69 is revoked.

(Secs. 358, 358a, 359, 375, 55 Stat. 88, as amended, 81 Stat. 658, as amended, 55 Stat. 90, as amended, 52 Stat. 66, as amended; 7 U.S.C. 1358, 1358a, 3159, 1375.)

Effective date: January 4, 1977.

Signed at Washington, D.C., on December 17, 1976.

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

[FR Doc.77-98 Filed 1-3-77;8:45 am]

Title 9—Animals and Animal Products

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

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

PART 113—STANDARD REQUIREMENTS

Miscellaneous Amendments

• Purpose. To eliminate needless testing, to make a conforming change in a test procedure, and to correct paragraph designations. •

Statement of considerations. The introductory paragraph for 9 CFR 113.52 states that all cell lines used to prepare biological products shall be tested by all tests described in the Section. Some cell lines are used to prepare viral antigens which are to be used only in laboratory tests (in vitro) and not in animals. It has been determined by the Deputy Administrator that such cell lines need not be tested for oncogenicity, tumorigenicity, and karyology. These amendments exempt such cell lines from these tests.

Cells from two sources (primary cells and cell lines) are used in the production of viral vaccines. Test requirements for these cells are prescribed in § 113.51 and § 113.52, respectively. A test for mycoplasma contamination provided in § 113.28 is a requirement of these cells.

The regulations presently provide that to satisfy the mycoplasma contamination test requirements for primary cells, either final container samples of completed product or samples of the final pool of harvested material may be tested. However, to satisfy the present mycoplasma contamination test requirements for a cell line, either samples from each subculture of cells or the final pool of harvested material have to be tested. Testing of final container samples of completed product is not sufficient under the present regulations to satisfy the mycoplasma contamination test requirements for a cell line. However, no sufficient reason appears to be present for not permitting testing of samples of final containers for a cell line. Therefore, these amendments permit the licensee to test samples of final containers, regardless of the type of cells used.

Cell identity test requirements for the Master Cell Stock in § 113.52 were inadvertently codified in paragraphs and subparagraphs designated (g) (5), (g) (5) (i), (g) (5) (ii), and (g) (5) (iii). These amendments correct these designations to read (h), (h) (1), (h) (2), and (h) (3), respectively. No substantive changes are made.

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

Section 113.52 is amended by revising the introductory paragraph, by revising paragraph (b), and redesignating subparagraphs (g) (5), (g) (5) (i), (g) (5) (ii), and (g) (5) (iii) as (h), (h) (1), (h) (2), and (h) (3), respectively, to read:

§ 113.52 Requirements for selection of cell lines.

All cell lines used to prepare biological products shall be tested as prescribed in this section, except that if the products are used in vitro tests only, the cell lines need not be tested for oncogenicity, tumorigenicity, and karyology. Cell lines found unsatisfactory by any prescribed test shall not be used.

* * * * *

(b) The MCS and either each subculture of cells used to prepare a biological product or the final pool of harvested material (with or without the stabilizer) or final container samples of completed product for each serial of such product shall be shown to be free of mycoplasma by methods prescribed in 9 CFR 113.28. The sample for testing shall consist of at least 75 cm^2 of actively growing cells or the equivalent, in harvest fluids. The cells shall represent all sources of cells in the batch.

* * * * *

(h) The MCS shall be shown to be of the same species of origin as that reported in § 113.52(a)(1) by the following method. The samples for testing shall consist of at least four monolayers of cells, each with an area at least as large as a 10.5×22 mm coverslip. The monolayers shall be grown to at least 80 percent confluency using media that do not contain any additives whose species of origin match the species of origin of the MCS. The monolayers shall then be removed from their media, processed, and stained in the following fashion. At least two monolayers shall be stained with an antispecies fluorescein-tagged antibody conjugate unrelated to the species of origin of the MCS and with an antispecies fluorescence-tagged antibody conjugate specific to the species of origin of the MCS. All monolayers shall then be examined for evidences of specific fluorescence.

(1) If specific fluorescence is not found in the monolayers stained with the conjugate specific to the species of origin of the MCS, the cell line is unsatisfactory and shall not be used for vaccine production.

(2) If nonspecific fluorescence is found in the monolayers stained with conjugate from an unrelated species of origin, or other results make the test results equivocal, the procedure shall be repeated until either specific fluorescence is found only in the monolayers stained with conjugate specific to the species of origin of the MCS and not in the control monolayers, or, alternately, specific fluorescence cannot be identified and the MCS is declared unsatisfactory.

(3) Alternate tests to determine the species of origin of the MCS may be used if approved by Veterinary Services.

(21 U.S.C. 151 and 154; 37 FR 38477; 38 FR 19141)

These amendments relax the test requirements for vaccines prepared with a cell line to conform with the requirements for vaccines prepared with primary cells. In order to be of maximum benefit, they must be made effective immediately.

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

The foregoing amendments shall become effective January 4, 1976.

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

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

[FR Doc.77-267 Filed 1-3-77;8:45 am]

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

SUBCHAPTER A—MANDATORY MEAT INSPECTION

PART 319—DEFINITIONS AND STANDARDS OF IDENTITY OR COMPOSITION

Standards for Combination Cured Pieces of Meat and Nonmeat Protein Products

Correction

In the November 16, 1976, issue of the FEDERAL REGISTER (41 FR 50451), the Department published a document revoking § 319.900 (9 CFR 319.900) of the Federal meat inspection regulations. However, the heading for former § 319.900, "Subpart V—Combination meat and Non-Meat Protein Products," and the reference in the table of contents to "Subpart V—Combination Meat and Non-Meat Protein Products" and "§ 319.900 Combination Cured Meat;", were inadvertently not revoked. Therefore, they are hereby revoked.

In view of the circumstances, these amendments consist of minor changes and it does not appear that public participation with respect to this action would make additional relevant information available to this Department. Accordingly, under the administrative procedure provisions of 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

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

This amendment shall become effective January 4, 1977.

Done at Washington, D.C., on December 27, 1976.

J. M. HEJL,
Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc.77-133 Filed 1-3-77;8:45 am]

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Regs. K, M, and Y; Docket No. R-0074]

FOREIGN SUBSIDIARY CORPORATIONS AND BANKS

Proceeds From Sale of Long-Term Debt Obligations in Foreign Markets; Transfer to United States Parents for Domestic Purposes

Under the eighth paragraph of Section 25(a) of the Federal Reserve Act (12 U.S.C. 615(c)), an Edge Corporation may, with the prior consent of the Board, invest directly or indirectly in the stock of foreign corporations that do not transact any business in the United States except such as, in the Board's judgment, may be incidental to their international or foreign business. Similar limitations on business in the United States are imposed upon (a) Edge Corporations under the tenth paragraph of Section 25(a) of the Federal Reserve Act (12 U.S.C. 616); (b) foreign banks, the stock of which is held by a member bank under the third paragraph of Section 25 of the Federal Reserve Act (12 U.S.C. 601); and (c) companies, the shares of which are owned or controlled by a bank holding company under Section 4(c)(13) of the Bank Holding Company Act (12 U.S.C. 1843(c)(13)).

In a request for an interpretation filed with the Board by a member bank and its parent bank holding company, the issue arose whether it would be a permissible activity for an existing foreign subsidiary corporation, subject to the provisions of either Section 25(a) of the Federal Reserve Act or Section 4(c)(13) of the Bank Holding Company Act, to sell long-term debt obligations in foreign markets and to transfer the proceeds to its United States parent(s) for domestic purposes. These debt obligations would have initial maturities in excess of seven years and may or may not be supported by the guaranty of the United States parent organzation(s).

In the Board's judgment, it appears that the transfer by a foreign subsidiary corporation to its United States parent of proceeds received from the foreign subsidiary's sale of long-term debt obligations in foreign markets would not be an impermissible activity under the above discussed statutory provisions relating to the conduct of incidental business activities in the United States.

This interpretation also applies to a foreign subsidiary bank held directly by a member bank under the third para-

graph of Section 25 of the Federal Reserve Act.

12 CFR Parts 211, 213, and 225 are amended by adding new §§ 211.112, 213.106, 225.136 to read as follows:

PART 211—CORPORATIONS ENGAGED IN FOREIGN BANKING AND FINANCING UNDER THE FEDERAL RESERVE ACT

§ 211.112 Utilization of Foreign Subsidiaries to Sell Long-Term Debt Obligations in Foreign Markets and to Transfer the Proceeds to Their United States Parent(s) for Domestic Purposes.

(a) In a request for an interpretation filed with the Board by a member bank and its parent bank holding company, the issue arose whether it would be a permissible activity for one of their existing foreign subsidiary corporations, subject to the provisions of either Sections 25 or 25(a) of the Federal Reserve Act or Section 4(c)(13) of the Bank Holding Company Act, to sell long-term debt obligations in foreign markets and to transfer the proceeds of these obligations to its United States parent(s) for domestic purposes.

(b) Under the specific proposal put forward, a foreign subsidiary of the parent bank holding company would sell debt obligations in foreign markets, which obligations would have initial maturities in excess of seven years and may or may not be supported by the guaranty of its parent bank holding company. The foreign subsidiary in question would have substantial other international or foreign business and would be performing an activity that its parent bank holding company could perform directly, i.e., raising capital funds through the sale of long-term debt obligations.

(c) Under the eighth paragraph of Section 25(a) of the Federal Reserve Act (12 U.S.C. 615), an Edge Corporation may, with the prior consent of the Board, purchase and hold stock of a corporation that is "not engaged in the general business of buying or selling goods, wares, merchandise or commodities in the United States, and not transacting any business in the United States except such as in the judgment of the Board . . . may be incidental to its international or foreign business." Similarly, under the tenth paragraph of the same section, an Edge Corporation shall not "carry on any part of its business in the United States except such as in the judgment of the Board . . . may be incidental to its international or foreign business." Pursuant to the third paragraph of Section 25 of the Federal Reserve Act, a national banking association[1] may acquire and hold, directly or indirectly, stock or other evidences of ownership in a foreign bank as long as such foreign bank is "not engaged, directly or indirectly, in any activity in the United States except as, in the judgment of the Board . . . shall be incidental to the international or foreign business of such foreign bank." Finally, Section 4(c)(13) of the Bank Holding Company Act exempts from the nonbanking prohibitions of Section 4 of the Act "shares of, or activities conducted by, any company which does no business in the United States except as an incident to its international or foreign business."

(d) In the Board's judgment, the slight wording differences between the quoted portions of the above statutes were not intended by Congress to bear any meaningful significance. Accordingly, the Board has interpreted these provisions in the past as being synonymous[2] and this interpretation applies to each of the above statutory provisions.

(e) To the extent that the foreign subsidiary in question is involved in the issuance of long-term debt obligations in foreign markets, there is no legal issue raised since that subsidiary would clearly be engaging in permissible foreign activities. However, an issue is raised whether the transfer of the proceeds of those obligations to its parent institution causes such foreign subsidiary to be "doing" or "transacting" business within the United States in violation of the statutory provisions set forth above.

(f) The Board has determined that the foreign subsidiary in question is not "transacting" or "doing" business in the United States by the mere transfer of proceedes of its long-term foreign debt obligations to its parent corporation. In the Board's judgment, the foreign subsidiary is essentially providing a service to its parent in that it is serving as its parent's alter ego for the limited purpose of obtaining long-term funds that the parent could otherwise obtain directly.[3] The transfer of borrowing proceeds between a United States parent and its foreign subsidiary in this situation can thus be viewed as not more than an intra-organizational transaction for the parent's benefit. In the Board's view, such a transaction is distinguishable from a commercial loan to a third-party United States resident by a foreign subsidiary, which loan would bring a foreign subsidiary into direct lending competition with domestic banking organizations.

(g) In the Board's judgment, this interpretation applies only to a situation where a foreign subsidiary, acting strictly on behalf of its parent organization, issues debt obligations abroad for the sole and express purpose of supplying funds to its parent organization. To meet this test, the Board believes three conditions must be satisfied: (1) the foreign subsidiary should be wholly-owned (except for directors' qualifying shares, if any) by its United States parent organization(s); (2) the proceeds repatriated should be no greater in amount than the amount of debt issued abroad; and (3) the proceeds should be repatriated on approximately the same terms and conditions as the obligations issued by the foreign subsidiary.

[1] Paragraph 20 of Section 9 of the Federal Reserve Act (12 U.S.C. 335) makes the provisions of Section 25 applicable to State member banks.

[2] See § 225.4(f)(1) of Regulation Y, wherein the Board has by regulation applied to foreign subsidiaries of domestic bank holding companies the Edge Act limitations on activities in the United States.

[3] While such a foreign subsidiary may be viewed as providing a service to its parent bank holding company, the Board nevertheless believes that any bank holding company that plans to acquire shares of a foreign corporation to engage solely in the activities described herein will have to file an application under section 4(c)(13) of the Bank Holding Company Act and § 225.4(f) of Regulation Y. (See in this regard the Board's prior ruling on foreign operations subsidiaries at 12 CFR 250.143.)

PART 213—FOREIGN ACTIVITIES OF NATIONAL BANKS

§ 213.106 Utilization of Foreign Subsidiaries To Sell Long-Term Debt Obligations in Foreign Markets and To Transfer the Proceeds to Their United States Parent(s) for Domestic Purposes.

For text of this interpretation, see § 211.112 of this subchapter.

PART 225—BANK HOLDING COMPANIES

§ 225.136 Utilization of Foreign Subsidiaries To Sell Long-Term Debt Obligations in Foreign Markets and To Transfer the Proceeds to Their United States Parent(s) for Domestic Purposes.

For text of this interpretation, see § 211.112 of this subchapter.

Board of Governors of the Federal Reserve System, December 27, 1976.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.77-185 Filed 1-3-77;8:45 am]

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Docket No. R-0004]

PART 220—CREDIT BY BROKERS AND DEALERS

Temporary Suspension of Uniform Margin Requirements for Option Specialists

The Board of Governors, pursuant to authority contained in sections 7 and 23 of the Securities Exchange Act of 1934, as amended (15 U.S.C. 78g and w), proposed for comment on December 16, 1976, an amendment to § 220.4(g) of Regulation T (41 FR 55552) governing credit which a broker or dealer extends to option Specialists in a Specialists' account. The existing rule requires that credit terms to Specialists conform to those available to public customers in a general account with two exceptions. One exception is applicable only if the account is that of a joint venture and it allows the broker carrying the account to disregard any disproportionate sharing of profits and losses when analyzing the amount of credit being extended. The other exception allows the creditor to determine "in good faith" the maximum loan value of any registered securities in the account rather than use the maximum loan value (currently 50 per cent)

which the Board of Governors changes from time to time.

The general account provision for the writing of options has been amended effective January 1, 1977 (41 FR 43895). In order to provide a sufficient period for the collection and analysis of comments on the proposed rule for Specialists' credit and to avoid the necessity for costly reprogramming of computer systems until such time as the Board acts upon the proposed amendment to § 220.4 (g), the Board has determined to permit option Specialists to continue using the existing provisions of § 220.3(d)(5) after January 1, 1977, instead of the new general account provision which takes effect on that date. The effect of this action is to permit, in calculating the adjusted debit balance of a Specialist's account, the use of the amount of any margin customarily required by the creditor in connection with the issuance of the option, rather than the amount specified by the Board.

To implement this, the Board hereby temporarily suspends the application of § 220.3(d)(5) and (i) as such sections would apply after January 1, 1977 to transactions in options in a Specialist's account within the scope of § 220.4(g) of Regulation T.

The requirements of 5 U.S.C. 553 with respect to notice, public participation and deferred effective date were not followed in connection with this suspension since it temporarily relieves a restriction and the Board found that to follow the requirements of section 553 would be impractical and contrary to the public interest inasmuch as it might involve needless expense for option Specialists and possible market disruption.

Effective date: This suspension is effective on January 1, 1977.

By order of the Board of Governors, December 29, 1976.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.76-38484 Filed 12-29-76;3:37 pm]

[Docket No. R-0073]

PART 226—TRUTH IN LENDING

Fair Credit Billing; Open End Credit; Discounts for Cash; Correction

In FR Doc. 75-24962 appearing at page 43200 in the FEDERAL REGISTER of September 19, 1975, paragraph (x) of § 226.2 appearing on page 43202 is corrected in the fifteenth line by adding "226.4(i);" after the section symbols (§§) and immediately prior to "226.7(a)(6)".

Pursuant to 5 U.S.C. 533, the Board finds that prior notice of this rulemaking is unnecessary and that public participation is impractical since, in its view, the change is in the nature of a technical correction clearly mandated by the Truth in Lending Act. § 226.4(i) was inadvertently not included in the enumeration of sections in § 226.2(x) for which "open end credit" shall mean "consumer credit extended on an account by use of a credit card * * *" when the final Fair Credit Billing amendments to Regulation Z were published on September 19. It is essential that § 226.4(i) be included in this enumeration in order for the Regulation to fully implement section 167 of the Truth in Lending Act which provides that discounts of up to five per cent for payment in cash in lieu of by credit card do not constitute finance charges.

By order of the Board of Governors, December 27, 1976.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.77-186 Filed 1-3-77;8:45 am]

Title 13—Business Credit and Assistance

CHAPTER III—ECONOMIC DEVELOPMENT ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 309—GENERAL REQUIREMENTS FOR FINANCIAL ASSISTANCE

Modification of Public Works Projects; Approval Procedures

Pursuant to the authority vested in it by section 701 of the Public Works and Economic Development Act of 1965, as amended, the Economic Development Administration (EDA) hereby amends 13 CFR Part 309 for the purpose of clarifying its regulations for the modification of public works projects.

§ 309.26(b) is amended by deleting its reference to the Assistant Secretary. This change will prevent confusion as to actual process by which proposed project modifications are approved. Under established delegations of authority, certain changes in public works projects can be authorized by EDA's regional directors. As revised, § 309.26(b) describes more accurately EDA's procedures for the modification of public works projects.

In that the matter contained herein relates to the EDA grant and loan program, the relevant provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of the proposed rulemaking, opportunity for public participation and delay in effective date are inapplicable. However, in accordance with the spirit of public policy set forth in 5 U.S.C. 553, interested persons may submit written comments or suggestions regarding this amendment to the Assistant Secretary for Economic Development, U.S. Department of Commerce, Room 7800B, Washington, D.C. 20230, on or before February 3, 1977. Until such time as further changes are made, this amendment shall remain in effect thus permitting the public business to proceed more expeditiously.

Consideration has been given as to whether the matter set forth in this regulation constitutes a major proposal with an inflationary impact within the meaning of OMB Circular No. A-107 and the interpretative guidelines issued by the Department of Commerce. It has been determined that this regulation does not constitute action requiring an inflationary impact statement.

In consideration of the foregoing, 13 CFR 309 is hereby amended by revising § 309.26(b) to read as follows:

§ 309.26 Project modification.

* * * * * *

(b) Proposed changes will be processed for approval following normal amendment procedures.

* * * * * *

(Sec. 701, Pub. L. 89-136, 79 Stat. 570 (42 U.S.C. 3121 et seq.); Department of Commerce Organization Order 10-4, 40 FR 56702.)

Effective date: This amendment becomes effective on January 4, 1977.

The Economic Development 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.

JOHN W. EDEN,
Assistant Secretary for Economic Development.

[FR Doc.77-190 Filed 1-3-77;8:45 am]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-13105]

PART 200—ORGANIZATION; CONDUCT AND ETHICS; AND INFORMATION AND REQUESTS

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

Fingerprinting of Persons Employed Prior to July 1, 1976

The Securities and Exchange Commission today announced the amendment of Rule 17f-2 [17 CFR § 240.17f-2] under the Securities Exchange Act of 1934 (the "Act") [15 U.S.C. 78a et seq., as amended by Pub. L. No. 94-29 (June 4, 1975)] regarding the fingerprinting of persons employed by or associated with brokers, dealers, members of national securities exchanges, registered transfer agents, and registered clearing agencies prior to July 1, 1976.

Background. On March 16, 1976, the Commission adopted Section 240.17f-2,[1] providing exemptions from the requirement of section 17(f)(2) of the Act that every member of a national securities exchange, broker, dealer, registered transfer agent, and registered clearing agency shall require that each of its partners, directors, officers, and employees be fingerprinted and shall submit such fingerprints, or cause the same to be submitted, to the Attorney General of the United States for identification and appropriate processing.

Paragraph (f) of Section 240.17f-2 provides that persons required to be fingerprinted pursuant to paragraph (a) of this section and who were employed prior to July 1, 1976 shall be exempt from its provisions until January 1, 1977. In its adopting release, the Commission stated that such persons would be finger-

[1] Securities Exchange Act Release No. 12214, 41 F.R. 13594 (March 31, 1976).

printed after that date according to a schedule to be announced prior to that time.

Amended Section 240.17f–2. In order to achieve the establishment of an efficient fingerprinting program and to contribute to the orderly processing of fingerprints of the large numbers of persons involved, the Commission encourages those organizations subject to Section 17(f)(2) of the Act to submit fingerprints of its partners, directors, officers and employees to the appropriate self-regulatory organization on a schedule which contemplates that fingerprints of one-quarter of the total number of persons required to be fingerprinted be submitted during each calendar quarter of 1977.[2] Paragraph (f) of Section 240.17f–2 is amended to provide an exemption for all persons subject to this section until January 1, 1978 upon condition that 25% of those employees required by this section to be fingerprinted shall be fingerprinted in each calendar quarter.

The Commission finds, in accordance with the Administrative Procedure Act [5 U.S.C. 553(b)(3)(B)], that the amendment to Section 240.17f–2 provides the Attorney General and those persons affected by the implementation schedule prescribed by the Commission with an essential transitional period; accordingly, notice and public procedure are unnecessary as a prerequisite to the adoption of such amendment, and the amendment should be adopted, effective immediately, in accordance with the Administrative Procedure Act [5 U.S.C. 533(d)(3)]. The Commission further finds that the adoption of amended paragraph (f) of Section 240.17f–2 is not inconsistent with the public interest or the protection of investors.

Extension of Plans of Self-Regulatory Organizations. Pursuant to the provisions of paragraph (c) of Rule 17f–2, the American Stock Exchange, Inc., ("Amex"), the Boston Stock Exchange, Inc., ("BSE"), the Midwest Stock Exchange, Inc., ("MSE"), the National Association of Securities Dealers, Inc. ("NASD"), the New York Stock Exchange, Inc., ("NYSE"), the Pacific Stock Exchange, Inc., ("PSE"), and the Philadelphia Stock Exchange, Inc., ("Phlx") submitted plans whereby they would collect fingerprint cards from their members, forward such records to the FBI for identification and appropriate processing, and thereafter return the fingerprint cards and any information received from the FBI to the participating entities submitting such records.

The Amex, BSE, and NYSE plans, in addition, provide for the transmittal of fingerprint records for employees and associated persons of non-bank registered transfer agents handling Amex-listed, BSE-listed and NYSE listed securities respectively. The NASD plan encompasses employees and associated persons of non-bank registered transfer agents for securities traded over-the-counter or on any exchange whose plan does not provide for processing fingerprint cards for such transfer agents. The NASD plan also encompasses employees and associated persons of sole CBOE members and SECO brokers and dealers.

These plans were approved by the Commission during a pilot period which is due to expire on December 31, 1976. In order to continue the efficient channeling of fingerprint cards to the FBI and the transmittal of processed fingerprint cards to submitting entities, these plans have been approved on a permanent basis.

Delegation of Authority. Pursuant to paragraph (c) of Section 17 CFR § 240.17f–2 the Commission is authorized to approve amendments to plans of self-regulatory organizations submitted pursuant to paragraph (c) of Section 240.17f–2. The Commission has amended Rule 30–3(a)(18) of its Rules of General Organization [17 CFR § 200.30–3(a)(18)] to add thereon (a)(18)(iii) to delegate to the Director of the Division of Market Regulation the authority to approve amendments to plans of self-regulatory organizations submitted pursuant to paragraph (c) of Section 240.17f–2. These amendments to Section 200.30–3 are adopted pursuant to Sections 17(f)(2) and 23(a) of the Act, and Sections 78d–1 and 78d–2 of Title 15 of the United States Code.

The Commission finds, in accordance with Sections 5 U.S.C. 553(b)(3)(B) and 553(d)(3) of the Administrative Procedure Act, that the foregoing action relates solely to agency organization, procedure or practice and should be effective immediately in order to enhance the efficient operation of the Commission fingerprinting program pursuant to paragraph (c) of 17 CFR § 240.17f–2 under the Act and that notice and public procedure are not necessary with respect to the foregoing action.

Impact on Competition. Following the mandate of Section 23(a) of the Act, as amended, the Commission has considered the impact of the adoption of new paragraph (f) of Section 240.17f–2. The Commission finds that the amendment of the fingerprinting regulation will provide for the orderly phase-in of persons required to be fingerprinted and who were employed prior to July 1, 1976 into the fingerprinting program. The Commission finds that the amendment imposes no burden on competition not necessary or appropriate in furtherance of the purposes of the Act and is not inconsistent with the public interest or the protection of investors.

Effective date: Section 240.17f–2(f) is effective immediately.

Statutory Basis

(Sec. 240.17f–2(f) is adopted pursuant to Sections 2, 17(f), and 23(a) of the Securities Exchange Act of 1934.)

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

DECEMBER 23, 1976.

Text of Amendments:

Part 200 is amended as follows:

Commission action: Pursuant to sections 17(f) and 23(a) of the Securities Exchange Act of 1934, and Sections 78d–1 and 78d–2 of Title 15 of the United States Code, the Securities and Exchange Commission hereby amends § 200.30–3 in Chapter II of Title 17 of the Code of Federal Regulations to read as follows:

§ 200.30–3 Delegation of authority to Director of Division of Market Regulation.

* * * * *

(a) With respect to the Securities Exchange Act of 1934 (15 U.S.C. 78a, et seq.):

* * * * *

(18) Pursuant to Rule 17f–2 (§ 240.17f–2 of this Chapter).

* * * * *

(iii) To approve amendments to plan of a registered national securities exchange or a national securities association submitted pursuant to Rule 17f–2(c) (§ 240.17f–2(c) of this chapter).

Part 240 is amended as follows:

Commission action: Pursuant to Sections 2, 17(f) and 23(a) of the Securities Exchange Act of 1934, the Securities and Exchange Commission amends paragraph (f) of Rule 17f–2 [240.17f–2(f)] in Chapter II of Title 17 of the Code of Federal Regulations to read as follows:

§ 240.17f–2 Fingerprinting of securities industry personnel.

* * * * *

(f) Every person who is a partner, director, officer, or employee of a member of a national securities exchange, broker, dealer, registered transfer agent, or registered clearing agency, and who is required to be fingerprinted pursuant to paragraph (a) of this section, and who was employed by or associated with such organization prior to July 1, 1976, shall be exempt from the provisions of paragraph (a) until January 1, 1978 upon condition that twenty-five percent of those persons required by this section to be fingerprinted shall be fingerprinted in each calendar quarter.

* * * * *

[FR Doc.77–130 Filed 1–3–77;8:45 am]

[Release Nos. 34–13097, 35–19819, IC–9582]

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

Stock Appreciation Rights

The Securities and Exchange Commission today announced that it has adopted certain amendments to Rule 16b–3 [17

[2] There is no requirement in the regulation which provides that fingerprints must be rolled in the same calendar quarter in which they are to be submitted. Accordingly, if an organization wishes to roll fingerprints of all employees at one time and then hold them for submission during subsequent calendar quarters, such procedure would be deemed acceptable.

CFR 240.16b–3] and Rule 16a–6(c) [17 CFR 240.16a–6(c)] under section 16 of the Securities Exchange Act of 1934 ("Exchange Act") [15 U.S.C. 78a et seq., as amended by Pub. L. No. 94–29 (June 4, 1975)] relating to stock appreciation rights and certain other matters. Among other things, the amendments adopted today will provide a "safe harbor" from sections 16(a) and 16(b) of the Exchange Act for certain transactions involving cash settlements of stock appreciation rights. In addition, the amendments will clarify the conditions for the availability of Rule 16b–3 and refine certain terminology and definitions used in the rule.

Notice of the proposed amendments was published on April 23, 1976 in Securities Exchange Act Release No. 34–12374 [41 FR 19983]. Many helpful comments were received from the public regarding the proposed amendments, and the Commission has given careful consideration to those comments in formulating the final revisions.

Section 16 and Related Rules

Section 16 of the Exchange Act and corresponding provisions of the Public Utility Holding Company Act of 1935 [15 U.S.C. 79a et seq., as amended by Pub. L. No. 94–29 (June 4, 1975)] and the Investment Company Act of 1940 [15 U.S.C. 80a–1 et seq., as amended by Pub. L. No. 94–29 (June 4, 1975)] are designed to provide other security holders and investors generally with information on insider securities transactions and holdings and to prevent insiders from unfairly utilizing confidential information to profit from short-term trading transactions in an issuer's securities.

Section 16(a) requires every person who beneficially owns, directly or indirectly, more than 10 percent of any class of equity security which is registered under section 12 of the Act, or who is a director or an officer of the issuer of any such security, to file statements with the Commission disclosing the amount of all equity securities of the issuer of which he is the beneficial owner and changes in such ownership.

Section 16(b) states in general that any profit realized by such officer, director or 10-percent holder realized from any purchase and sale, or any sale and purchase, of any equity security of such issuer within any period of less than six months shall inure to and be recoverable by the issuer.

Rule 16b–3 exempts from section 16(b), among other things, acquisitions of stock and nontransferable options pursuant to certain employee benefit plans. This exemptive rule reflects the Commission's recognition that under many such plans which provide for acquisitions at least every twelve months any sale would necessarily be within six months of one of the acquisition transactions. Thus, if the acquisitions were not exempt from section 16(b), the legitimate use of such plans as a method of executive compensation would be largely frustrated. Further, since the amount of benefits and the persons eligible to receive them must, in order to qualify for the exemption, be determined by persons not eligible to participate, the opportunity for abuse is slight.

Rule 16a–6(c) provides that a statement pursuant to Section 16(a) need not be filed with respect to the acquisition, expiration or cancellation of any non-transferable qualified, restricted or other stock option granted by the issuer of the securities to which the option relates, pursuant to a plan provided for the benefit of its employees and employees of its affiliates, if the plan meets the conditions specified in Rule 16b–3.

Stock Appreciation Rights

The principal purpose of the amendments adopted today is to provide an exemption from sections 16(a) and 16(b) of the Exchange Act for certain transactions in stock appreciation rights (SARs). Generally, a stock appreciation right entitles a person to receive an amount (payable in cash, securities or and combination thereof) equal to the change over a specified period of time of any one or more measures of appreciation or increase in the value of the equity security to which such right relates. Some of the standards used in determining the amount to which a person is entitled under a stock appreciation right are market value, book value, net earnings, net worth, dividends or similar factors.

It has become apparent to the Commission that there is a great deal of concern and uncertainty in the business community with respect to the status of stock appreciation rights under section 16 of the Exchange Act. The concern in this area apparently is based on the possibility that the settlement of a stock appreciation right for cash may be deemed to involve a purchase of stock which is simultaneously sold to the issuer in a cash sale. Under such a theory, any profit on the transaction realized by the director or officer would be recoverable by the issuer under the provisions of section 16(b).[1] Accordingly, absent an exemption from section 16(b), stock appreciation rights which are payable in cash would, under this theory, essentially be worthless as a means of executive compensation.

In view of the foregoing, and considering that "[t]he risk of speculative abuse is no greater with SARs than the risk associated with the exercise of a typical stock option,"[2] the Commission has determined to amend Rules 16b–3 and 16a–6(c) so that stock appreciation rights will be treated in the same way that stock options are treated under those rules. This has been done pursuant to the Commission's authority in section 16(b) to exempt by rule any transaction not comprehended within the purpose of that section. Specifically, the Commission believes that the conditions which it has established in revised Rule 16b–3 relating to cash settlements of stock appreciation rights are such that transactions satisfying those conditions are not comprehended within the purpose of section 16(b).

The Commission's action in revising Rule 16b–3 in order to provide a "safe harbor" for certain transactions in stock appreciation rights should not be construed as a statement by it that SAR transactions which do not satisfy the conditions of the rule necessarily are subject to section 16(b). In this regard, the Commission wishes to emphasize that because of the unsettled legal status of stock appreciation rights under section 16, it is expressing no view as to the applicability of that section to transactions in stock appreciation rights that are outside the scope of Rule 16b–3, and no inference in that connection should be drawn from the Commission's actions today.

Transactions Covered by the Exemption

In creating a limited exemption for stock appreciation rights, the Commission has added a new paragraph (e) to Rule 16b–3 dealing solely with transactions in such rights. The paragraph exempts from section 16(b)

> Any transaction involving the exericse and cancellation of a stock appreciation right issued pursuant to a plan (whether or not the transaction also involves the related surrender and cancellation of a stock option), and the receipt of cash in complete or partial settlement of that right * * *

The exemption, however, will be available only if all of the conditions specified in the paragraph and in the other parts of the rule are satisfied.

In response to the public commentary, the amended rule has been broadened to cover many more types of transactions involving stock appreciation rights than would have been covered under the rule as proposed in Release No. 34–12374. In the proposed version, the exemption would have been limited only to those transactions involving a stock appreciation right granted in tandem with a stock option. Many of the commentators pointed out, however, that by so restricting the exemption the Commission would effectively freeze out the many plans that involve a simple award of cash in settlement of a stock appreciation right without reference to any stock options. Since there appears to be no valid reason for discriminating against these other types of plans, the Commission

[1] It should be noted, however, that two recent court decisions suggest that Section 16(b) is not applicable to the exercise of a stock appreciation right, at least under the circumstances described in those cases. See "Rosen v. Drisler et al.," —— F. Supp.——, 73 Civ. 3367–JMC (S.D.N.Y.), CCH Fed. Sec. L. Rep. ¶ 95,748 (October 21, 1976) and "Freedman v. Barrow et al.", —— F. Supp. ——, 75 Civ. 4737–CLB (S.D.N.Y.), CCH Fed. Sec. L. Rep ¶ 95,754 (November 4, 1976). In the "Freedman" case, it was specifically stated on page 45 of the slip opinion that the exercise of a stock appreciation right does not involve the *sale* of an equity security by the officer-director, and thus there is no inherent or *per se* violation of Section 16(b) in the exercise of an SAR, as a result of the simultaneous receipt of shares thereunder. (emphasis included)

[2] "Freedman v. Barrow," note 1 supra, 46.

has revised paragraph (e) so that it will apply to almost all transactions involving the settlement of stock appreciation rights, assuming the other conditions of the rule are satisfied.

The conditions in the amended rule that are specifically applicable to transactions in stock appreciation rights are designed to prevent the unfair use of inside information in connection with such transactions. Each of these conditions is discussed below in the order in which it appears in the rule.

(1) *Information About the Issuer.* Under subparagraph (e)(1) of the revised rule, the issuer of the stock appreciation rights will be required to have filed all reports required under section 13 of the Exchange Act for at least one year immediately prior to the settlement of the SAR. In addition, the issuer must regularly release on a quarterly and annual basis summary statements of sales and earnings. These two conditions are intended to provide some degree of assurance that the amount of inside information about the issuer will be kept to a minimum through the regular release of information to the public.

The condition concerning the regular publication of summary financial data will be deemed satisfied, according to the rule, if the financial data appears: (a) on a wire service, (b) in a financial news service, (c) in a newspaper of general circulation, or (d) is otherwise made publicly available. Item (d) was inserted in the rule in recognition of the fact that an issuer has no control over whether a wire service, financial news service, or newspaper of general circulation publishes the financial data released to it. Therefore, in the event the financial data is not published by any of the entities mentioned above, the condition as to publication will be considered satisfied if the data is simply made publicly available.

In complying with the requirement that summary financial information be released on a regular basis, it will be necessary for an issuer to publish summary statements of sales and earnings for each of the first three quarters of its fiscal year, and an annual statement of sales and earnings on a summary basis after the close of the fourth quarter. The form and content of these summary statements will be left to the discretion of each issuer.

(2) *Limitation on the right and any related option.* In Release No. 34–12374, the Commission proposed the adoption of four separate limitations on both the stock appreciation rights covered by the rule and any related stock options. These limitations would have restricted the price of any stock options relating to exempt stock appreciation rights, the exercise date and transferability of such options and rights, and the date upon which the value of the stock appreciation rights could be determine.

The majority of those who commented on the four proposed limitations questioned their relevance to the objectives of section 16(b) and recommended that some or all of them be deleted from the amended rule. After reconsidering the various limitations in light of the public comments, the Commission has determined to delete two of them from the revised rule. The two deleted items, which related to the price of any stock option granted in tandem with a stock appreciation right and the date for determining the value of the stock appreciation right, would appear to have a minimal preventive effect on the speculative abuse of inside information. Accordingly, they are not deemed necessary for inclusion in the amended rule.

In addition to the two items referred to above, a third limitation, which would have restricted the transferability of stock appreciation rights and any related stock options, also has been deleted from subparagraph (e)(2) on the ground it is essentially duplicative of a similar provision in subparagraph (d)(1)(ii) of the revised rule, which relates to all plans covered by the rule.

The sole limitation of those originally proposed that has been retained in subparagraph (e)(2) of the amended rule is one which will limit the date of exercise of any stock appreciation right or related stock option that is subject to the rule. The Commission had proposed in Release No. 34–12374 that such options or rights not be exercisable during the first year of their term. In response to the comments, which indicated that a one-year limit on exercisability was excessively restrictive, and in light of the fact that section 16(b) prohibits matching purchases and sales for only a six-month period, the limitation on the date of exercise has been reduced to six months. In addition, the provision relating to this limitation has been revised to state that it will not be applicable in the event the officer or director to whom the stock appreciation right was granted dies or becomes disabled prior to the expiration of the six-month period.

(3) *Administration of the plan.* Subparagraph (e)(3) of the amended rule contains certain conditions that must be complied with in connection with the administration of the plan under which the stock appreciation rights are issued. The first of these conditions requires that the plan be administered by either the Board of Directors, a majority of which must be disinterested persons and a majority of the directors acting on plan matters must be disinterested persons, or by a committee of three or more persons, all of whom must be disinterested persons. This condition parallels a similar condition in paragraph (b) that is generally applicable to all other plans under the rule.

In its adopted form, the above requirement is somewhat different from the one originally proposed in Release No. 34–12374. As proposed, the condition would have required that the SAR plan be administered only by a committee of the Board of Directors designated for the purpose. The comments indicated that there were two major problems with this provision. First, relatively few plans are administered by a committee of the Board, with the result that many existing plans would have to be amended to comply with this condition. Second, the proposed condition did not require that the administrators of the plan be disinterested persons, thereby omitting an important safeguard that is applicable to other plans covered by the rule. In light of these comments, the Commission has revised the provision relating to the administrators of the plan in the manner indicated in the preceding paragraph.

Subparagraph (e)(3) also requires that the Board or committee which administers the plan must have sole discretion either (a) to determine the form in which payment of the right will be made (i.e., cash, securities, or any combination thereof), or (b) to consent to or disapprove the election of any plan participant (assuming he has the right to make such an election) to receive cash in full or partial settlement of the right. This condition is intended to assure that the disinterested administrators will have final control over the form in which payment of the stock appreciation right will be made.

With respect to the election by the participant concerning the form of payment of the stock appreciation right, the provision also has been revised to require that such election be made during the period beginning on the third business day and ending on the twelfth business day following the date of release of the summary financial data disseminated on a quarterly basis by the issuer pursuant to subparagraph (e)(1).[3] In effect, this condition provides a 10-day "window" period each quarter for the participant to make his election. The window period is tied to the release of financial data to the public in order to assure that the participant's election will be made during a period when there is a minimal amount of inside information about the issuer's operating results that is unavailable to the public.

While the election of the participating director or officer concerning the form of payment of his SAR must be made during the window period mentioned above, the determination of the administrators of the plan to either consent to or disapprove the participant's election may be given at any time after such election is made. Thus, it will not be necessary for the administrators to issue their consent or disapproval during the 10-day window period.

It also should be understood that the rule does not contemplate that the administrators of the plan will give advance consents, or conditional advance consents, to the election by participants concerning the form of payment of the stock appreciation right. The review of the participant's election by disinterested administrators is one of the principal protective features of the rule, and the giving of advance consents would limit the effectiveness of this feature. Accord-

[3] For purposes of Rule 16b–3, the term "business days" shall mean all calendar days except Saturdays, Sundays and national holidays.

ingly, such consents will not satisfy the requirements of subparagraph (e)(3) of the rule.

(4) *Compliance with other conditions of Rule 16b–3.* Subparagraph (e)(4) of the revised rule states simply that the plan under which the stock appreciation rights and any related stock options are granted must satisfy all of the conditions of Rule 16b–3, including those specified in paragraphs (a), (b), (c), and (d) of the rule. This provision basically is unchanged from the form in which it was proposed for comment.

(5) *Limit of the exemption.* In Release No. 34–12374, the Commission had proposed to insert a Note after the lead-in segment of paragraph (e) stating essentially that nothing in the paragraph provides an exemption from section 16(b) for the acquisition of stock upon the exercise of a stock appreciation right or a stock option. The proposed Note was intended to codify certain views previously expressed by the Commission's Division of Corporation Finance concerning stock appreciation rights. Although the Note itself has been deleted from the rule, its substance has been retained in a new subparagraph (e)(5) of the rule. Therefore, the new subparagraph makes it clear that the acquisition of stock upon the exercise of a stock appreciation right or stock option is not exempt from the provisions of section 16(b).

Clarification of the Rule's Applicability

The comments from the public indicated that there was some confusion over the Commission's proposal to amend the introductory paragraph of the rule concerning the types of plans covered by the rule. In this regard, the Commission had proposed to amend the paragraph to state that the rule covered any "profit-sharing, retirement, incentive, thrift, or savings plan, or a plan as defined in subparagraph (d)(1)." In subparagraph (d)(1), the Commission proposed to define the term "plan" to mean "an option, bonus, appreciation, or similar plan" which meets certain specified conditions. The confusion on the public's part concerning the proposed changes apparently was due to uncertainty over whether the minimum conditions specified in subparagraph (d)(1) would be applicable to all plans covered by the rule, or to only the plans specifically enumerated in that subparagraph.

To eliminate the uncertainty described above, the Commission has revised the introductory paragraph of Rule 16b–3 to state that the rule applies only to those plans that fall within the definition of a "plan" set forth in subparagraph (d)(1). Subparagraph (d)(1), as revised, defines the term "plan" to mean an "option, bonus, appreciation, profit sharing, retirement, incentive, thrift, savings or similar plan" which meets the conditions specified in that subparagraph.

The conditions which each plan that is subject to Rule 16b–3 henceforth must satisfy are two-fold:

(a) The plan must be set forth in a written document describing the means or basis for determining the eligibility of individuals to participate and either the price at which the securities may be offered or the method by which the price or the amount of the award is to be determined; and

(b) The plan must provide with respect to any option or similar right (including a stock appreciation right) offered pursuant to the plan that such option or right is not transferable other than by will or the laws of descent and distribution and that it is exercisable during the employee's lifetime only by him or by his guardian or legal representative.

The above conditions are similar to those which were proposed for comment in Release No. 34–12374. The Commission, however, has determined that they should be applied to all plans under the rule, rather than only some such plans, since it knows of no compelling reason for treating some plans differently from others under the rule. Further, the Commission does not believe that the above conditions are excessively burdensome or onerous, since they are basically designed to assure only that certain material provisions of plans covered by the rule are outlined in written form for all interested persons.

It should be noted that in response to the public comments the Commission revised the proposed requirement that each plan specify the "employees or class of employees eligible to participate." In lieu of the foregoing the amended rule will require that the plan describe the "means or basis for determining the eligibility of individuals to participate." This change will make it clear that a plan covered by the rule may include non-employees such as directors who do not work for the issuer. This change seems appropriate since the introductory language to Rule 16b–3 states that the rule applies to transactions by a director or officer without requiring that the director be an employee. Further there appear to be adequate safeguards against abuse in this area in that all such plans generally are subject to shareholder approval and must be administered by disinterested persons.

Amendments to Existing Plans

For many years, there has been uncertainty as to which amendments, if any, to existing plans covered by Rule 16b–3 must be submitted to security holders for their approval. Paragraph (a), which deals generally with the requirement of shareholder approval of plans subject to the rule, heretofore has been silent on this point. The Commission attempted to deal with this issue on a peripheral basis in Release No. 34–12374 by proposing to amend subparagraph (d)(1) to require that amendments to certain plans (but not profit sharing, retirement, incentive, thrift or savings plans) be submitted to shareholders for their approval if the amendments would materially alter the plans in certain specified ways.

The Commission now has determined to resolve the issue of which amendments to existing plans will require shareholder approval on an "across-the-board" basis. That is, it has decided to add a provision at the end of paragraph (a) which states that any amendment to an existing plan covered by Rule 16b–3 must be submitted to shareholders for their approval if the amendment would:

(a) materially increase the benefits accruing to participants under the plan;

(b) materially increase the number of securities which may be issued under the plan; or

(c) materially modify the requirements as to eligibility for participation in the plan.

The types of amendments that will be subject to shareholder approval are basically the same as those which were proposed for comment in Release No. 34–12374. The only significant alteration is in item (a) above, which, as proposed, would have applied only to an amendment that would "materially reduce the price at which the security may be offered." In this regard, the Commission has determined to broaden the coverage of that item so that it will be applicable not only to material reductions in the price at which securities may be offered under the plan, but also any other changes that would materially increase the benefits accruing to participants under the plan. This change is in accord with the basic premise of paragraph (a) that shareholders should be provided the opportunity to pass judgment on plans that will confer significant benefits upon officers and directors.

Revisions in Terminology

Prior to the amendments adopted today, Rule 16b–3 had contained various terms and references that have their origin in the Internal Revenue Code ("IRC"). The Commission does not believe there is any valid reason for maintaining these terms and references, since the provisions of the IRC do not have any meaningful relation to the objectives of section 16(b). Accordingly, all such terms and references have been deleted from the revised rule.

The Commission also has deleted certain terminology modeled after the revisions to Form S–8 that were proposed in prior Commission releases. Again, the Commission is taking this action because there does not appear to be any meaningful connection between Form S–8 and the objectives of section 16(b).

Correction of Prior Omission

For many years, Rule 16b–3 has failed to include a provision that was omitted therefrom through an apparent oversight. Specifically, paragraph (b) of the rule states that if the selection of participants or the granting of securities under a plan is subject to the discretion of any person, then such discretion shall be exercised only in accordance with the provisions of the paragraph. The paragraph then discusses separately the provisions applicable to transactions involving officers and transactions involving directors. These separate discussions, however, parallel one another for the most part, with the exception that subsection (b)(2), which deals with transactions involving officers, does not discuss

those situations in which the administrators of the plan need not act on a transaction because the matter is specifically covered by the terms of the plan itself. Subsection (b)(1), which deals with transactions involving directors, does contain such a discussion, and it seems apparent that a similar discussion was inadvertently omitted from subsection (b)(2). In fact, the Commission's staff on at least three occasions has stated in its interpretative letters that such a discussion should be "read into" subsection (b)(2). Accordingly, the Commission has corrected this oversight today by inserting in the rule a new subsection (b)(2)(iii) which corresponds to subsection (b)(1)(iii).

AMENDMENT OF RULE 16a-6(c)

The Commission also has amended Rule 16a-6(c) under the Exchange Act to exempt any person from the filing requirements of section 16(a) of the Act with respect to the acquisition, expiration, surrender or cancellation of a stock appreciation right pursuant to a plan which meets the conditions specified in Rule 16b-3. In this regard, it should be noted that, notwithstanding the exemption from the above filing requirements, there still would be certain disclosures of the exempt transactions in the issuer's proxy or information statement which is sent to stockholders.

OPERATION OF THE AMENDMENTS

Rules 16b-3 and 16a-6(c), as amended, will become effective on June 30, 1977, except that if an issuer is in compliance with the requirements of the amended rules prior to that date it may rely on the rules at the time of compliance. The effective date has been deferred until June 30th because the Commission recognizes that the changes to the abovementioned rules are extensive in nature, and that many issuers will therefore require some time to amend their plans in order to comply with the new requirements.

Because the changes outlined in this release generally represent a relaxation of the amendments proposed in Release No. 34-12374, the Commission believes that none of these modifications need to be republished for comment pursuant to the Administrative Procedure Act.

AUTHORITY. The Commission has adopted the amendments to Rule 16b-3 and Rule 16a-6(c) discussed herein pursuant to the Securities Exchange Act of 1934, particularly sections 16(a), 16(b) and 23(a) thereof; the Public Utility Holding Company Act of 1935, particularly sections 17(a), 17(b) and 20(a) thereof; and the Investment Company Act of 1940, particularly sections 30(f) and 38 thereof.

Text of revised Rule 16b-3. Rule 16b-3 is revised to read as follows:

§ 240.16b-3 Exemption from section 16(b) of acquisitions of shares of stock and stock options and stock appreciation rights under certain stock incentive, stock option or similar plans.

Any acquisition of shares of stock (other than stock acquired upon the exercise of an option, warrant or right) pursuant to a plan as defined in subparagraph (d)(1) hereof, or any acquisition, expiration, cancellation or surrender to the issuer of a stock option or stock appreciation right pursuant to such a plan by a director or officer of the issuer shall be exempt from the operation of section 16(b) of the Act if the plan meets the following conditions:

(a) *Approval by security holders.* The plan has been approved, directly or indirectly, (1) by the affirmative votes of the holders of a majority of the securities of the issuer present, or represented, and entitled to vote at a meeting duly held in accordance with the applicable laws of the state or other jurisdiction in which the issuer was incorporated, or (2) by the written consent of the holders of a majority of the securities of the issuer entitled to vote: *Provided, however,* That if such vote or written consent was not solicited substantially in accordance with the rules and regulations, if any, in effect under section 14(a) of the Act at the time of such vote or written consent, the issuer shall furnish in writing to the holders of record of the securities entitled to vote for the plan substantially the same information concerning the plan which would be required by the rules and regulations in effect under section 14(a) of the Act at the time such information is furnished, if proxies to be voted with respect to the approval or disapproval of the plan were then being solicited, on or prior to the date of the first annual meeting of security holders held subsequent to the later of (i) the first registration of an equity security under section 12 of the Act or (ii) the acquisition of an equity security for which exemption is claimed. Such written information may be furnished by mail to the last known address of the security holders of record within 30 days prior to the date of mailing. Four copies of such written information shall be filed with, or mailed for filing to, the Commission not later than the date on which it is first sent or given to security holders of the issuer. For the purposes of this paragraph, the term "issuer" includes a predecessor corporation if the plan or obligations to participate thereunder were assumed by the issuer in connection with the succession. In addition, any amendment to the plan shall be similarly approved if the amendment would:

(A) Materially increase the benefits accruing to participants under the plan;

(B) Materially increase the number of securities which may be issued under the plan; or

(C) Materially modify the requirements as to eligibility for participation in the plan.

(b) *Disinterested administrators.* If the selection of any director or officer of the issuer to whom stock may be allocated or to whom stock options or stock appreciation rights may be granted pursuant to the plan, or the determination of the number of maximum number of shares of stock which may be allocated to any such director or officer or which may be covered by stock options or stock appreciation rights granted to any such director or officer pursuant to the plan is subject to the discretion of any person, then such discretion shall be exercised only as follows:

(1) With respect to the participation of directors:

(i) By the board of directors of the issuer, a majority of which board and a majority of the directors acting in the matter are disinterested persons;

(ii) By, or only in accordance with the recommendation of, a committee of three or more persons having full authority to act in the matter, all of the members of which committee are disinterested persons; or

(iii) Otherwise in accordance with the plan, if the plan (A) Specifies the number or maximum number of shares of stock which directors may acquire or which may be subject to stock options or stock appreciation rights granted to directors pursuant to the plan and the terms upon which, and the times at which, or the periods within which, such stock may be acquired or such options or rights may be acquired and exercised; or

(B) Sets forth, by formula or otherwise, effective and determinable limitations with respect to the foregoing based upon earnings of the issuer, dividends paid, compensation received by participants, option prices, market value of shares, outstanding shares or percentages thereof outstanding from time-to-time or similar factors.

(2) With respect to the participation of officers who are not directors:

(i) By the board of directors of the issuer or a commitee of three or more directors;

(ii) By, or only in accordance with the recommendations of, a committee of three or more persons having full authority to act in the matter, all of the members of which committee are disinterested persons; or

(iii) Otherwise in accordance with the plan, if the plan (A) Specifies the number or maximum number of shares of stock which officers may acquire or which may be subject to stock options or stock appreciation rights granted to officers pursuant to the plan and the terms upon which, and the times at which, or the period within which, such stock may be acquired or such options or rights may be acquired and exercised; or

(B) Sets forth, by formula or otherwise, effective and determinable limitations with respect to the foregoing based upon earnings of the issuer, dividends paid, compensation received by participants, option prices, market value of shares, outstanding shares or percentages thereof outstanding from time-to-time or similar factors.

(3) The provisions of this paragraph shall not apply with respect to any option or right granted, or other equity security acquired, prior to the date of the first registration of an equity security under section 12 of the Act.

(c) *Plan limitations.* As to each participant or as to all participants the plan effectively limits the aggregate dollar amount of stock or the aggregate num-

ber of shares of stock which may be allocated, or which may be subject to stock options or stock appreciation rights issued pursuant to the plan. The limitations may be established on an annual basis, or for the duration of the plan, whether or not the plan has a fixed termination date, and may be determined either by fixed or maximum dollar amounts or fixed or maximum numbers of shares or by formulas based upon earnings of the issuer, dividends paid, compensation received by participants, option prices, market value of shares, outstanding shares or percentages thereof outstanding from time to time, or similar factors which will result in an effective and determinable limitation. Such limitations may be subject to any provision for adjustment of the plan or of stock allocable or options outstanding thereunder to prevent dilution or enlargement of rights.

(d) *Definitions.* Unless the context otherwise requires, all terms used in this rule shall have the same meaning as in the Act or elsewhere in the General Rules and Regulations thereunder. In addition, the following definitions apply:

(1) The term "plan" shall mean an option, bonus, appreciation, profit sharing, retirement, incentive, thrift, savings or similar plan which meets the following conditions:

(i) The plan must be set forth in a written document describing the means or basis for determining the eligibility of individuals to participate and either the price at which the securities may be offered or the method by which the price or the amount of the award is to be determined; and

(ii) The plan must provide with respect to any option or similar right (including a stock appreciation right) offered pursuant to the plan that such option or right is not transferable other than by will or the laws of descent and distribution and that it is exercisable during the employee's lifetime only by him or by his guardian or legal representative.

(2) The term "exercise of an option, warrant or right" contained in the parenthetical clause of the first paragraph of this rule shall not include:

(i) The making of an election to receive under any plan compensation in the form of stock or credits therefor, provided that such election is made either prior to the making of the award or prior to the fulfillment of all conditions to the receipt of the compensation and, provided further, that such election is irrevocable until at least six months after termination of employment;

(ii) The subsequent crediting of such stock;

(iii) The making of any election as to the time for delivery of such stock after termination of employment, provided that such election is made at least six months prior to any such delivery;

(iv) The fulfillment of any condition to the absolute right to receive such stock; or

(v) The acceptance of certificates for shares of such stock.

(3) The term "disinterested person" used in paragraphs (b) and (e) of the rule shall mean an administrator of a plan who is not at the time he exercises discretion in administering the plan eligible and has not at any time within one year prior thereto been eligible for selection as a person to whom stock may be allocated or to whom stock options or stock appreciation rights may be granted pursuant to the plan or any other plan of the issuer or any of its affiliates entitling the participants therein to acquire stock, stock options or stock appreciation rights of the issuer or any of its affiliates.

(e) *Cash Settlements of Stock Appreciation Rights.* Any transaction involving the exercise and cancellation of a stock appreciation right issued pursuant to a plan (whether or not the transaction also involves the related surrender and cancellation of a stock option), and the receipt of cash in complete or partial settlement of that right, shall be exempt from the operation of section 16(b) of the Act, as not comprehended within the purpose of that section, if all the following conditions are met:

(1) *Information about the issuer.* (i) The issuer of the stock appreciation right has been subject to the reporting requirements of section 13 of the Act for at least a year prior to the transaction and has filed all reports and statements required to be filed pursuant to that section during that year.

(ii) The issuer of the stock appreciation right on a regular basis does release for publication quarterly and annual summary statements of sales and earnings. This condition shall be deemed satisfied if the specified financial data appears (A) on a wire service, (B) in a financial news service, (C) in a newspaper of general circulation, or (D) is otherwise made publicly available.

(2) *Limitation on the right and any related option.* Neither the stock appreciation right nor any related stock option shall be exercisable during the first six months of its term, except that this limitation shall not apply in the event death or disability of the grantee occurs prior to the expiration of the six-month period.

(3) *Administration of the plan.* (i) The plan shall be administered by either the board of directors, a majority of which are disinterested persons and a majority of the directors acting on plan matters are disinterested persons, or by a committee of three or more persons, all of whom are disinterested persons;

(ii) The board or committee shall have sole discretion either (A) To determine the form in which payment of the right will be made (i.e., cash, securities, or any combination thereof), or

(B) To consent to or disapprove the election of the participant to receive cash in full or partial settlement of the right. Any such election by the participant shall be made by him during the period beginning on the third business day following the date of release of the financial data specified in subsection (e)(1)(ii) of this rule and ending on the twelfth business day following such date. The board or committee which administers the plan may either consent to, or disapprove, the participant's election at any time thereafter.

(4) *Compliance with other conditions of Rule 16b–3 § 240.16b–3.* The plan under which the stock appreciation rights and any related options are granted shall meet the conditions specified above in Rule 16b–3(a), (b), (c) and (d) (§ 240.16b–3(a), (b), (c) and (d)).

(5) *Limit of the exemption.* Nothing in this paragraph (e) provides an exemption from section 16(b) for the acquisition of stock upon the exercise of a stock appreciation right or a stock option.

Text of revised Rule 16a–6. Rule 16a–6 is revised to read as follows:

§ 240.16a–6 Certain transactions subject to section 16(a).

* * * * *

(c) Notwithstanding the foregoing, a statement need not be filed pursuant to section 16(a) of the Act.

(1) By any person with respect to the acquisition, expiration, surrender to the issuer, or cancellation of any non-transferable stock option or stock appreciation right granted by the issuer of the securities to which the option or right relates pursuant to a plan which meets the conditions specified in § 240.16b–3(a), (b), (c), (d) and (e) of this chapter, or

(2) By any issuer with respect to any put, call, option or other right or obligation to buy or sell securities of which it is the issuer. As used in this paragraph (c), the term "plan" shall have the meaning assigned to it in paragraph (d) of § 240.16b–3.

* * * * *

(Secs. 16(a), 16(b), 23(a), 48 Stat. 896, 901; sec. 203(a), 49 Stat. 704; sec. 8, 49 Stat. 1379; sec. 8, 78 Stat. 579; sec. 18, 89 Stat. 155; 15 U.S.C. 78p(a), 78p(b), 78w(a). Secs. 17(a), 17(b), 20(a), 49 Stat. 830, 833; 15 U.S.C. 79q(a), 79q(b), 79t. Secs. 30(f), 38, 54 Stat. 836, 841; 15 U.S.C. 80a–29, 80a–37.)

By the Commission,

GEORGE A. FITZSIMMONS,
Secretary.

DECEMBER 22, 1976.

[FR Doc.77–131 Filed 1–3–77;8:45 am]

[Release No. 34–13108]

PART 241—INTERPRETATIVE RELEASES RELATING TO THE SECURITIES EXCHANGE ACT OF 1934 AND GENERAL RULES AND REGULATIONS THEREUNDER

Brokers and Dealers Effecting Transactions in Municipal Securities

The Securities and Exchange Commission today announced the extension until April 1, 1977 of certain aspects of its financial responsibility and reporting program pertaining to transactions

in municipal securities. The affected components of the program consist of the Commission's interpretations with respect to the application of §§ 240.17a–3, 240.17a–4 and 240.17a–11 to brokers and dealers effecting transactions solely in municipal securities.

RECORDKEEPING AND PRESERVATION REQUIREMENTS

Section 17(a)(1)[1] of the Securities Exchange Act of 1934 (the "Act") requires registered brokers and dealers, inter alia, to make and keep such records for such periods of time as the Commission by rule prescribes as necessary or appropriate in the public interest or for the protection of investors. Among the rules adopted pursuant to this rulemaking authority are §§ 240.17a–3, 240.17a–4 and 240.17a–11. Section 240.17a–3 essentially requires brokers and dealers registered pursuant to Section 15 of the Act to make and keep current specified books and records relating to their business. Section 240.17a–4 requires the preservation for prescribde lengths of time of the books and records maintained pursuant to § 240.17a–3, as well as other documents enumerated in § 240.17a–4(b), (c) and (d). Paragraph (c) of § 240.17a–11 requires a broker or dealer to give immediate, telegraphic notice of a § 240.17a–3 violation to the Commission and the firm's designated examining authority, and to take corrective measures within forty-eight hours after the transmittal of such notice.

In Securities Exchange Act Release No. 11854 (Nov. 20, 1975) [40 FR 57786 (Dec. 12, 1975)] ("Release No. 11854"), the Commission adopted a financial responsibility and reporting program pertaining to transactions in municipal securities, including interpretations of §§ 240.17a–3, 240.17a–4 and 240.17a–11(c). In Release No. 11854, the Commission concluded that it was necessary and appropriate to provide a transitional period during which brokers and dealers effecting transactions solely in municipal securities could familiarize themselves with § 240.17a–3 and make those adjustments to their recordkeeping systems dictated by the rule's provisions.[2] The Commission accordingly interpreted § 240.17a–3 to require brokers and dealers effecting transactions solely in municipal securities to make and keep current books and records sufficient to demonstrate their financial condition, to reflect the receipt and delivery of all funds and securities, and to reflect all customer activity.[3] A companion interpretation of § 240.17a–4 *Provided*, That brokers and dealers effecting transactions solely in municipal securities would be required to preserve in an easily accessible place those books and records maintained pursuant to § 240.17a–3 as interpreted, and such other business records required to be preserved by § 240.17a–4. In addition, the Commission interpreted § 240.17a–11(c) to apply only to violations of § 240.17a–3 as interpreted.[4] The Commission stated its intention to consult and coordinate with the Municipal Securities Rulemaking Board (the "Board") concerning appropriate books and records requirements for brokers and dealers effecting transactions solely in municipal securities, and invited public comment concerning numerous questions pertaining to appropriate financial responsibility and reporting requirements for these brokers and dealers.[5]

The interpretations to §§ 240.17a–3, 240.17a–4 and 240.17a–11(c) discussed above originally were scheduled to expire on January 15, 1976. However, prior to that date, certain interested members of the public and the Board requested that these interpretations be extended. The Commission responded by extending the interpretations until March 31, 1976.[6] On February 3, 1976, the Board made available to interested members of the public an exposure draft of Board Rules G–8, G–9 and G–10 which proposed to establish recordkeeping and preservation requirements for municipal securities brokers and municipal securities dealers. The Board considered public comments and the Commission staff's preliminary comments on the exposure draft at its regularly scheduled meeting on March 25–26, 1976. As the Board's revised schedule would not allow completion of the public procedures required by Section 19(b) prior to the expiration of the interpretations of §§ 240.17a–3, 240.17a–4 and 240.17a–11(c), the Commission again deferred the expiration date of these interpretations until June 1, 1976.[7]

Thereafter, the Board formally filed its proposed recordkeeping and preservation requirements which, pursuant to Section 19(b) of the Act, were published for public comment on April 30, 1976.[8] In filing the proposed rules, the Board consented to an extension of the statutory deadline for Commission action thereon imposed by Section 19(b) of the Act from thirty-five days after their publication to ninety days after their filing (July 7, 1976), five weeks after the scheduled expiration of the Commission's interpretations of its recordkeeping and preservation rules. The Commission accordingly continued the interpretations until October 1, 1976.[9]

Subsequently, the Board consented to extend the statutory deadline for Commission action thereon until July 29, 1976. On that date, the Commission transmitted to the Board a letter suggesting that the Board employ a more generic and flexible drafting pattern in its proposed rules. The Commission noted that such an approach would be less likely to require significant adjustments and a continuing interpretive effort in order to avoid imposing an undue burden upon brokers and dealers engaged in diverse types of business. That same day, the Board extended until September 15, 1976 the deadline for Commission action with respect to proposed Board Rules G–8, G–9 and G–10. On September 14, 1976, the Board, observing that further discussion concerning its proposed rules and the Commission's position thereon might be necessary, consented to another deferral of the statutory deadline until October 27, 1976 and noted that "a further extension may prove necessary." As a result of these circumstances, the Commission granted its most recent extension of these interpretations which is now scheduled to expire on January 1, 1977.

Subsequently, the Commission issued an order on October 13, 1976 instituting a proceeding pursuant to Section 19(b) of the Act to determine whether the proposed Board Rules G–8, G–9 and G–10 should be approved or disapproved.[10]

The Commission instituted the aforementioned proceeding because of its belief that it was necessary to consider whether, in light of the importance of uniform and adequate recordkeeping and preservation systems to the overall regulatory structure, the Board's proposed rules were consistent with the requirements of the Act and the rules and regulations thereunder applicable to the Board.

Prior to the commencement of hearings with respect to the aforementioned proceeding, representatives of the Board and the Commission met and announced that the Commission and the Board had reached an "understanding respecting the recordkeeping requirements of municipal securities brokers and municipal securities dealers which will eliminate the need to comply with more than one set of recordkeeping rules. Subject to public comment, securities firms will have the option of complying either with the Board's or the Commission's recordkeeping rules and banks will be subject to the Board's rules."[11] On December 23, 1976, the Board submitted amendments to its proposed Rules G–8 through G–10 for publication in the FEDERAL REGISTER. At the same time the Commission published for comment a revision of its proposed amendments of §§ 240.17a–3 and 240.17a–4.

In these circumstances, and especially in view of the necessity to review public

[1] Securities Act Amendments of 1975, Pub. L. No. 94–29, sec. 14, 89 Stat. 137 (June 4, 1975), formerly ch. 404, sec. 17, 48 Stat. 897 (1934).

[2] Securities Exchange Act Release No. 11854, at 22–23 (Nov. 20, 1975), 40 FR 57786, 57794 (Dec. 12, 1975) [hereinafter cited as Release No. 11854].

[3] *Id.* at 23, 40 FR at 57794.

[4] *Id.* at 24–25, 40 FR at 57794.

[5] *Id.* at 23, 26–27, 40 FR at 57794.

[6] Securities Exchange Act Release No. 12021 (Jan. 15, 1976), 41 FR 3469 (Jan. 23, 1976).

[7] Securities Exchange Act Release No. 12288 (March 31, 1976), 41 FR 15842 (April 15, 1976).

[8] Securities Exchange Act Release No. 12362 (April 23, 1976), 41 FR 18175 (April 30, 1976).

[9] Securities Exchange Act Release No. 12496 (May 28, 1976), 41 FR 23668 (June 11, 1976).

[10] Securities Exchange Act Release No. 12933 (October 13, 1976).

[11] Commission Press Release, November 12, 1976.

comments which may be received as a result of the publication of amendments to the proposed rules, the Commission has concluded that it is appropriate in the public interest and for the protection of investors to maintain the aforementioned interpretations of §§ 240.17a–3, 240.17a–4 and 240.17a–11(c) until April 1, 1977.

Effective date: The effective date of this extension is January 1, 1977, the date upon which the last prior extension of the aforementioned interpretations expires.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

DECEMBER 23, 1976.

[FR Doc.77-222 Filed 1-3-77;8:45 am]

Title 21—Food and Drugs

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

[Docket No. 75P–0064]

PART 102—COMMON OR USUAL NAMES FOR NONSTANDARDIZED FOODS

Seafood Cocktails and Frozen "Heat and Serve" Dinners; New Effective Date

The Food and Drug Administration (FDA) is revoking a stay of the effective date of the common or usual name regulations for seafood cocktails and frozen "heat and serve" dinners and establishing a new effective date of January 1, 1978, for these regulations.

The Commissioner, in the FEDERAL REGISTER of March 14, 1973 (38 FR 6964), issued a final regulation under § 102.5 (21 CFR 102.5) establishing a common or usual name for seafood cocktails, that provides that the name of the food, as declared on the label, shall include a prominent statement of the percentage by weight of the seafood ingredient in the product (e.g., "shrimp cocktail, contains 30 percent shrimp").

The Commissioner, in the FEDERAL REGISTER of August 2, 1973 (38 FR 20742), issued a final regulation under § 102.11 (21 CFR 102.11) establishing a common or usual name for frozen "heat and serve" dinners that provides, inter alia, that the name of the food, as declared on the label, shall include a prominent declaration of the three or more dish components of the dinner in their order of descending predominance by weight (e.g., "ham dinner, contains ham, mashed potatoes, and peas").

Both documents provided that all labeling ordered after December 31, 1973 and all labeling used on products shipped in interstate commerce after December 31, 1974 must comply. The Commissioner, in the FEDERAL REGISTER of November 14, 1974 (39 FR 40184), postponed the December 31, 1974 effective date for these and certain other regulations until June 30, 1975.

On February 27, 1974, the American Frozen Food Institute (AFFI) filed an action in the United States District Court for the District of Columbia seeking to have the regulations establishing common or usual names for seafood cocktails and frozen "heat and serve" dinners declared invalid (*American Frozen Food Institute* v. *Weinberger*, Civil Action No. 74–354). Thereafter, AFFI petitioned the Commissioner to stay the contested regulations pending the outcome of the litigation. The Commissioner, in the FEDERAL REGISTER of June 23, 1975 (40 FR 26267), announced that he was staying the effectvie date of the two regulations "until further notice."

On March 30, 1976, United States District Judge Aubrey E. Robinson, Jr., issued a decision which upholds the challenged regulations in all respects (413 F. Supp. 548 (D.D.C. 1976)). A copy of this decision is on file in the office of the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857, and may be seen between the hours of 9 a.m. and 4 p.m., Monday through Friday. In view of Judge Robinson's decision, the Commissioner has concluded that the stay of the two regulations should be revoked and a new effective date established.

The Commissioner is aware that AFFI is pursuing an appeal of the decision by Judge Robinson. However, the Commissioner does not believe that the stay of the effective date of the regulations should be continued pending further judicial review. Such a practice would encourage frivolous appeals and petitions for certorari in actions for review of FDA regulations: unsuccessful plaintiffs might appeal adverse decisions simply to secure further postponement of regulations. The new effective date of January 1, 1978, imposed by this order is the "uniform effective date" currently being imposed by the Commissioner for all new food labeling regulations; it provides ample "lead time" for the ordering and implementation of new labeling. The challenged regulations have been thoroughly reviewed by the United States District Court and have been sustained.

The Commissioner concludes that further postponement of the effective date of these regulations, which do not ban any product but simply require more informative labeling for the consumer, would not be in the public interest. The Commissioner notes that even under the January 1, 1978, date, the industry has secured a 3-year postponement of these regulations.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(n), 403(a) and (i)(1), 701(a); 52 Stat. 1041 as amended, 1047 as amended, 1048, 1055 (21 U.S.C. 321(n), 343(a) and (i)(1), 371(a)) and under authority delegated to the Commissioner (21 CFR 5.1) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)), the stay of §§ 102.5 and 102.11, published in the FEDERAL REGISTER of June 23, 1975, is hereby revoked. Compliance with these regulations may begin immediately, and all products initially introduced into interstate commerce on or after January 1, 1978, shall comply.

Dated: December 20, 1976.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.77-2 Filed 1-3-77;8:45 am]

SUBCHAPTER E—ANIMAL DRUGS, FEEDS, AND RELATED PRODUCTS

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Carbadox and Pyrantel Tartrate

The Food and Drug Administration approves a supplemental new animal drug application (92–955) filed by Pfizer, Inc., 235 E. 42d St., New York, NY 10017, proposing that finished medicated feeds containing carbadox and pyrantel tartrate may be manufactured from medicated feed supplements containing carbadox and pyrantel tartrate singly as well as from a medicated feed supplement containing carbadox and pyrantel tartrate in combination. The drugs in the medicated feed supplements are from the sources specified in §§ 558.115(b) and 558.485(a) (21 CFR 558.115(b) and 558.485(a)). The existing regulations permitting use of the combination drug medicated feed supplement are being revised to also permit the use of two medicated feed supplements containing the drugs singly for the manufacture of finished medicated feeds. The approval is effective January , 1977.

The Commissioner of Food and Drugs is amending §§ 558.115 and 558.485 to reflect this approval.

In accordance with § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)) of the animal drug regulations, a summary of the safety and effectiveness data and information submitted to support the approval of this application is released publicly. The summary is available for public examination at the office of the Hearing Clerk, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857, between the hours of 9 a.m. and 4 p.m., Monday through Friday.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner (21 CFR 5.1) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)), Part 558 is amended as follows:

1. In § 558.115 by revising paragraph (e)(1) (i) and (ii) to read as follows:

§ 558.115 Carbadox.

* * * * *

(e) * * *

(1) * * *

(i) Not more than 0.055 percent (500 grams/ton) carbadox and used as provided in paragraph (f) (1) or (2) of this section.

(ii) Not more than 0.055 percent (500 grams/ton) carbadox with not more than 0.106 percent (960 grams/ton) pyrantel tartrate when produced from a fixed combination supplement or from individ-

ual supplements and used as provided in paragraph (f)(3) of this section.

* * * * *

2. In § 558.485 by revising paragraph (d)(2) (i) and (ii) to read as follows:

§ 558.485 Pyrantel tartrate.

* * * * *

(d) * * *

(2) * * *

(i) Not more than 0.106 percent (960 grams/ton) pyrantel tartrate and used as provided in paragraph (e) (1) or (2) of this section.

(ii) Not more than 0.106 percent (960 grams/ton) pyrantel tartrate with not more than 0.055 percent (500 grams/ton) carbadox when produced from a fixed combination supplement or from individual supplements and used as provided in paragraph (e)(4) of this section.

* * * * *

Effective date. This amendment shall be effective January 4, 1977.

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

Dated: December 14, 1976.

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

[FR Doc.77-167 Filed 1-3-77;8:45 am]

Title 24—Housing and Urban Development

CHAPTER II—OFFICE OF ASSISTANT SECRETARY FOR HOUSING PRODUCTION AND MORTGAGE CREDIT-FEDERAL HOUSING COMMISSIONER (FEDERAL HOUSING ADMINISTRATION), DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

PART 203—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

Servicing Requirements; Interim Rule

Notice was given on August 30, 1976 at 41 FR 35604 that the Department of Housing and Urban Development proposed to amend Part 203 of Chapter II of 24 CFR to incorporate mortgage servicing requirements found in HUD Handbook 4191.1 and Mortgagee Letter 75-10 into the regulations. After consideration of numerous public comments such regulations were finalized effective January 1, 1977 with publication of the final regulations appearing at 41 FR 49729 on November 10, 1976.

Comment on the final rule indicates that in the attempt to simplify the text of § 203.556 of the regulations as proposed the final version departed significantly from the intent of prior handbook and mortgagee letter instructions. In order to clarify the text and avoid misunderstanding §§ 203.554 and 203.556 are being amended as set forth herein. These amended sections will supersede the corresponding sections of the regulations published November 10, 1976 at 41 FR 49730, 49737. It is necessary to make these revisions effective as an interim rule in order that serious misunderstanding and unnecessary work and expense may be avoided and in order to match the effective date of the basic amendatory rule. Good cause requires promulgation of this rule effective January 1, 1977.

Public comments will be received on the interim rule and interested persons may participate in this rulemaking by submitting written data, views and arguments to the Rules Docket Clerk, Office of the Secretary, Department of Housing and Urban Development, 451 7th Street, S.W., Washington, D.C. 20410. Each person submitting a comment should include his name and address and refer to the document by the docket number indicated in the heading and give reasons for any recommendations. Comments received by January 31, 1977, will be considered before final action is taken on the proposal. Copies of all written comments received will be available for examination by interested persons in the Office of the Rules Docket Clerk at the address listed above. The interim rule may be changed in the light of the comments received.

A finding of inapplicability with respect to environmental impact was made in connection with the basic amendments and that statement is applicable with respect to the clarification accomplished by this amendment. A copy of the statement of inapplicability is available in the Office of the Rules Docket Clerk, Room 10141, Department of Housing and Urban Renewal, 451 7th Street, S.W., Washington, D.C. 20410 under the Rule Docket File Number shown above.

It is hereby certified that the economic and inflationary impacts of this rule have been carefully evaluated in accordance with OMB Circular A-107.

Accordingly, Part 203, of Chapter II of 24 CFR is amended as follows:

1. Section 203.554 is amended to read:

§ 203.554 Enforcement of late charges.

(a) A mortgagee shall not commence foreclosure when the only default on the part of the mortgagor is the failure to pay a late charge or charges (§ 203.25), except as provided in § 203.556.

(b) A late charge attributable to a particular installment payment due under the mortgage shall not be deducted from that installment. However, if the mortgagee thereafter notifies the mortgagor of his obligation to pay a late charge, such a charge may be deducted from any subsequent payment or payments submitted by the mortgagor or on his behalf if this is not inconsistent with the terms of the mortgage. Partial payments shall be treated as provided in § 203.556.

(c) A payment may be returned because of failure to include a late charge only if the mortgagee notifies the mortgagor before imposition of the charge of the amount of the monthly payment, the date when the late charge will be imposed and either the amount of the late charge or the total amount due when the late charge is included.

2. Section 203.556 is amended to read:

§ 203.556 Return of partial payments.

(a) For the purpose of this section, a partial payment is a payment of any amount less than the full amount due under the terms of the mortgage at the time the payment is tendered, including late charges.

(b) Except as provided in this section, the mortgagee shall accept any partial payment and either apply it to the mortgagor's account or identify it with the morgtagor's account and hold it in a trust account pending disposition. When partial payments held for disposition aggregate a full monthly installment they shall be applied to the mortgagor's account, thus advancing the date of the oldest unpaid installment but not the date on which the account first became delinquent.

(c) If the mortgage is not in default, a partial payment may be returned to the mortgagor with a letter of explanation.

(d) If the mortgage is in default, a partial payment may be returned to the mortgagor with a letter of explanation in any of the following circumstances:

(1) When payment aggregates less than 50 percent of the amount then due.

(2) The payment is less than the amount agreed to in a forbearance plan, whether or not reduced to writing.

(3) The property is occupied by a tenant who is paying rent and the rentals are not being applied to the mortgage payments.

(4) Foreclosure has been commenced. (Foreclosure is commenced when the first action required for foreclosure under applicable law is taken.)

(e) Under the following circumstances the mortgagee may return any partial payment received more than 14 days after the mortgagee has mailed to the mortgagor a statement of the full amount due, including late charges, and a notice of intention to return any payment less than such amount.

(1) Four or more monthly installments are due and unpaid, or

(2) A delinquency of any amount has continued for at least six months since the account first became delinquent.

These amendments supersede the corresponding sections of the regulations promulgated at 41 FR 49730 at page 49737 and shall be effective January 1, 1977.

Issued at Washington, D.C. December 28, 1976.

JOHN T. HOWLEY,
Acting Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc.77-168 Filed 1-3-77;8:45 am]

[Docket No. R-76-407]

SUBCHAPTER B—MORTGAGE AND LOAN INSURANCE PROGRAMS UNDER THE NATIONAL HOUSING ACT

DISBURSEMENT OF MORTGAGE PROCEEDS FOR CONSTRUCTION ITEMS

Final Regulations

Notice was given on September 2, 1976, at 41 FR 37226, that the Department was proposing to amend Parts 207, 213, 221 and 231 of Chapter II of Title 24 of the Code of Federal Regulations to reflect a change in policy with respect

to the disbursement of mortgage proceeds for construction items under a construction contract where there is no identity of interest between the mortgagor and the contractor. The proposed amendments to the regulations provided a procedure whereby the contractor's 10 percent holdback would be retained by the mortgagee to be paid into an escrow account, minus certain amounts, when the project has been substantially completed, as determined by HUD. The proposed amendments to those parts noted above, as well as amendments to Parts 205, 232, 241, 242 and 244, also provided a procedure whereby subcontractors would receive information concerning the contractor's cost breakdown and notification of all advances made under the building loan agreement.

HUD has received 30 responses to its invitation for public comment on the proposed amendments, all of which have been reviewed and carefully considered. These comments are discussed below, along with the Department's actions on those comments and changes in the proposed rules.

SPECIFIC COMMENTS AND CHANGES ON HOLDBACK PROVISIONS

1. *General comments.* Several general comments on the proposed rule were received. The majority of these comments addressed the equities of the retainage system in its entirety. HUD does not at this time consider it prudent to eliminate a proven inducement to completion of construction by the original contractor. Given the current availability and cost of surety bonds in the multifamily construction industry, a concern which varies regionally, the Department sees no basis for the conclusion that performance and payment bonds substantially eliminate the need for a holdback on the contractor's draws. However, the Department does believe that a contractor who has completed construction in conformance with its construction contract should receive the holdback regardless of the mortgagor's status with the project. These amendments are therefore limited to eliminating the possibility of loss of retainage following completion of construction, thereby reducing the potential for inequity to both contractors and subcontractors. Comments presenting alternatives to the current retainage procedures, such as, line item retainage with release upon line item completion, do not adequately consider the processing delays that could result from monitoring and approving several retainages for each project.

2. *Prohibition against identity of interest. E.g.,* § 207.26a. Several comments were received requesting that the proposed amendments be expanded to cover a contractor and a mortgagor sharing an identity of interest. The final regulations have not been extended to such situations. The Department considers the contractor's identity of interest with the mortgagor to offer significant advantages to the contractor in negotiating for release of the holdback under the present system, regardless of the extent of the identity.

3. *Escrow account interest. E.g.,* § 207.26a(c)(2). Diverse comments were received concerning distribution of interest earned by the funds held in escrow. Mortgagees generally believed that the accounts should be non-interest bearing, as reimbursement to the mortgagee for the cost of servicing the account and as reparation for the relative loss of leverage over the contractor. Mortgagors commented that their obligation to pay interest on the escrow funds after they are drawn down entitled them to receive any interest earned. Subcontractors urged their entitlement to interest, contending that the contractor's holdback represented monies the contractor in turn withheld from its subcontractors. As proposed, the amendments permitted the decision as to whether or not interest would accrue to be left to negotiation between the mortgagor and contractor. The amendments further stated a time for distribution of the interest, if any, namely, at disbursement of the escrow account. By so naming the contractor as recipient, the Department did not intend to state an inclination to either provide for interest bearing accounts or to limit distribution of interest in all cases to the contractor. The Department intends that any distribution of interest to the contractor will result in a fund subject to negotiation between the mortgagor, the contractor and its subcontractors.

4. *Local government certificates of occupancy. E.g.* § 207.26a(a)(2)(ii). One comment was received stating that the amendments permit a recalcitrant mortgagor to thwart deposit of the holdback into the escrow account by refusing to submit requests to the appropriate local government bodies for accupancy permits. An identical situation would obtain in the event the mortgagor had simply withdrawn from the project after the contractor had completed construction. The regulations have been amended to permit escrow of the retainage in such situations, assuming other requirements are met, if HUD determines that occupancy permits for all units would be forthcoming but for the mortgagor's refusal to request their issuance. It is important to note that HUD's role in such a situation will not supersede or replace that of the local government. HUD cannot insist that the local government inspect the property, nor can it undertake its own inspection in lieu of the local government. HUD will merely be making a hypothetical judgment as to the likelihood for issuance of occupancy permits for the purpose of transferring the retainage to escrow.

5. *Scope of FHA insurance.* Three comments stated that the proposed amendments left unclear the extent and timing of FHA insurance prior to release of the escrow account. The Department believes that the amendments clearly state that FHA insurance will not attach until such time as the holdback is deposited in escrow. See, e.g., § 207.26a(d). Furthermore, it is stated that disbursal does not occur until actual deposit in escrow. See, e.g., § 207.26a(b)(5). At no time prior to the time equitable rights to the holdback vest in the contractor are the funds disbursed, and, therefore, insurable by HUD. The Department finds no basis for the conclusion that the holdback amounts approved but not deposited in escrow are in fact "insured but undisbursed" funds.

6. *Miscellaneous items.* The Department received comments suggesting revisions to several FHA forms and handbook instructions. These revisions are technical and corrective in nature, and relate to such matters as incentive payments, claims to the escrow by sureties, and timing of submission of various forms required of the contractor by the construction contract prior to final endorsement. Rather than treat the subjects of these comments in the final regulations, the Department has utilized them in the revisions of pertinent sections of the handbook and documents.

SPECIFIC COMMENTS ON NOTIFICATIONS TO SUBCONTRACTORS

The Department received few specific comments on these provisions. Although comments were received from some trade associations, the Department is of the opinion that a broader range of comments is desirable prior to final rulemaking on these provisions. For that reason, the proposed amendments dealing with notifications to subcontractors, which would have amended §§ 205.112, 207.26, 213.34, 221.548, 231.10b, 232.81, 241.160, 242.69 and 244.145, will not be made effective with this publication. The Department will continue to evaluate the effect of the provisions as originally published, and invites comments from all interested parties. In addition to commenting on the advisability of proceeding to final rulemaking without further revision to the proposed amendments, the Department invites comments on the following alternatives:

1. Eliminate distribution of the "Contractor's and/or Mortgagor's Cost Breakdown," and retain both the requirement that subcontractors be informed of each draw and the requirement that receipts and waivers from each subcontractor for work covered by the previous draw accompany each request for a draw.

2. Require only that subcontractors be notified of each draw.

3. Require only that receipts and waivers from each subcontractor for work covered by the previous draw accompany each request for a draw.

The Department has determined that an Environmental Impact Statement is not required with respect to this rule. The Finding of Inapplicability, in accordance with HUD's environmental procedures handbook (HUD Handbook 1390.1), is available for inspection at the Office of the Rules Docket Clerk, Office of the Secretary, Room 10141, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410.

NOTE.—It is hereby certified that the economic and inflationary impacts of these reg-

ulations have been carefully evaluated in accordance with OMB Circular A–107.

Accordingly, Parts 207, 213, 221 and 231 of Title 24 of the Code of Federal Regulations are amended, as follows:

PART 207—MULTIFAMILY HOUSING MORTGAGE INSURANCE

1. Subpart A of the Table of Contents to Part 207 is amended to include a new section numbered § 207.26a and designated, Disposition of general contractor's holdback, as follows:

Sec.

* * * * *

207.26a Disposition of general contractor's holdback.

* * * * *

2. The following new section is added and designated as § 207.26a:

§ 207.26a Disposition of general contractor's holdback.

In those cases in which a conditional commitment has been issued after _____, and there is no identity of interest between the mortgagor and general contractor, the following provisions shall be applicable:

(a) The construction contract, whether it be lump sum or cost-plus, shall contain provisions whereby the mortgagor and contractor agree that the general contractor:

(1) Shall submit to the mortgagor, on a monthly basis, a requisition for payment equal to the total value of classes of work acceptably completed plus the value of materials and equipment not incorporated in the work but delivered to, and suitably stored at, the site, less prior payments made to the general contractor;

(2) Shall accept, for each and every requisition, 90 percent of the amount approved for payment, and shall agree that the remaining 10 percent shall be retained by the mortgagee to be deposited in an escrow account when the construction of the project has been substantially completed, with the exception of minor incomplete on-site construction items, and the following requirements have been met:

(i) All work under the construction contract, requiring inspection by municipal or other governmental authorities having jurisdiction, has been inspected and approved by such authorities and by the rating or inspection organization, bureau, association or office having jurisdiction; (ii) all required certificates of occupancy or other approvals, with respect to all units of the project, have been issued by State or local governmental authorities having jurisdiction, except that, in the event the mortgagor fails or refuses to file requests for issuance of such certificates, this requirement will be satisfied upon the Commissioner's finding that such certificates or approvals would be forthcoming but for the mortgagor's failure to request their issuance; (iii) permissions to occupy for all units of the project have been issued by the Commissioner; and (iv) in the event a cost-plus form of contract has been used, that the mortgagee has been notified by the HUD field office that the mortgagor has filed the "Contractor's Certificate of Actual Cost" with the Commissioner, except that, if the mortgagor fails or refuses to file such a certificate within a reasonable time, the general contractor's direct submission of the certificate of actual cost may be the basis for the HUD field office notification and the establishment of the escrow.

(3) Shall be entitled to the funds in the escrow account upon compliance with the terms of the Escrow Agreement which shall contain the conditions for release of the escrow account to the general contractor.

(b) The building loan agreement shall provide that: (1) The mortgagor shall request monthly from the mortgagee an advance of mortgage proceeds for construction items in the amount of the total value of classes of work acceptably completed plus the value of materials and equipment not incorporated in the work but delivered to, and suitably stored at, the site, less prior advances; (2) The mortgagor shall accept, for each and every advance, 90 percent of the amount of advance approved; (3) The mortgagee shall retain the remaining 10 percent of each approved advance; (4) The mortgagee shall transfer the 10 percent holdback for each advance, minus an amount that is one and one-half times the cost estimated by the Commissioner that is required for the completion of any minor incomplete on-site construction items, to an escrow account when the general contractor completes the construction as determined by the Commissioner and meets the requirements set forth in paragraphs (a)(2)(i), (ii) and (iii); and (a)(2)(i), (ii), (iii) and (iv) of this section for a general contractor who has executed a lump sum form of contract or cost-plus form of contract, respectively.

(5) The 10 percent holdback shall not be construed as an advance from mortgage proceeds by the mortgagee until the mortgagee places the funds in an escrow account in accordance with paragraph (b)(4) of this section; and

(6) The mortgagee and mortgagor agree that, notwithstanding the inclusion in the building loan agreement of the provisions contained in paragraphs (b)(1) through (5) of this section, the mortgagee is not required to make any advance of mortgage proceeds if the mortgagor is in default under the building loan agreement, other than the advance of the 10 percent holdback in accordance with paragraph (b)(4) of this section, and, except as altered by the provisions of this paragraph, the rights and obligations of the mortgagee and mortgagor under the building loan agreement shall not be affected.

(c) An Escrow Agreement shall be established for the purposes set forth in paragraphs (a) and (b) of this section and the depository under such agreement shall be either the mortgagee or a party designated by the mortgagee. The agreement shall contain provisions for the release of the escrow fund which shall include the requirement that the general contractor submit its certificate of actual cost for approval by the Commissioner and that the certificate be approved by the Commissioner before the contractor shall be entitled to the fund. If the mortgagor and general contractor have entered into a lump sum contract, the requirement for the certificate of actual cost shall not be applicable. The Escrow Agreement shall provide that the depository will:

(1) Release the funds upon request of the general contractor and approval of the Commissioner;

(2) Invest the funds in an interest bearing account, if the mortgagor and general contractor have so agreed, which interest shall be paid to the general contractor when the escrowed funds are released to the general contractor:

(3) Release to the general contractor only that portion of the escrowed funds which do not exceed the amount of costs approved by the Commissioner on the "Contractor's Certificate of Actual Cost", or, in the case of a general contractor which has entered into a lump sum contract, an amount, which when added to payments already received, does not exceed the amount of the lump sum contract. In the event the contractor has not completed construction of the project within the time provided in the construction contract, there shall be deducted from the escrow fund an amount which the Commissioner determines equals the liquidated damages as provided in the construction contract.

(4) Disburse any remaining amount in the escrow fund in accordance with the terms of the escrow agreement; and

(d) The mortgagee's request for approval by the Commissioner of an advance for construction items shall contain a provision that such approval by the Commissioner shall constitute approval for mortgage insurance of the 10 percent holdback retained by the mortgagee when the retained funds are placed in an escrow account in accordance with this section. The mortgage insurance on the funds retained by the mortgagee shall be effective on the date the funds are transferred to the escrow account.

(e) For the purposes of this section, "substantial completion" shall mean that the Commissioner has issued a final inspection report and that the Commissioner has determined that the contractor has completed the project in accordance with the terms of the construction contract.

PART 213—COOPERATIVE HOUSING MORTGAGE INSURANCE

3. Subpart A of the Table of Contents to Part 213 is amended to include a new section numbered § 213.34a and designated, Disposition of general contractor's holdback, as follows:

Sec.

* * * * *

213.34a Disposition of general contractor's holdback.

* * * * *

4. The following new section is added and designated as 213.34a:

§ 213.34a Disposition of general contractor's holdback.

In those cases in which a conditional commitment has been issued after _____, and there is no identity of interest between the mortgagor and general contractor, the following provisions shall be applicable:

(a) The construction contract, whether it be lump sum or cost-plus, shall contain provisions whereby the mortgagor and contractor agree that the general contractor:

(1) Shall submit to the mortgagor, on a monthly basis, a requisition for payment equal to the total value of classes of work acceptably completed plus the value of materials and equipment not incorporated in the work but delivered to, and suitably stored at, the site, less prior payments made to the general contractor;

(2) Shall accept, for each and every requisition, 90 percent of the amount approved for payment, and shall agree that the remaining 10 percent shall be retained by the mortgagee to be deposited in an escrow account when the construction of the project has been substantially completed, with the exception of minor incomplete on-site construction items, and the following requirements have been met:

(i) All work under the construction contract, requiring inspection by municipal or other governmental authorities having jurisdiction, has been inspected and approved by such authorities and by the rating or inspection organization, bureau, association or office having jurisdiction; (ii) all required certificates of occupancy or other approvals, with respect to all units of the project, have been issued by State or local governmental authorities having jurisdiction, except that, in the event the mortgagor fails or refuses to file requests for issuance of such certificates, this requirement will be satisfied upon the Commissioner's finding that such certificates or approvals would be forthcoming but for the mortgagor's failure to request their issuance; (iii) permissions to occupy for all units of the project have been issued by the Commissioner; and (iv) in the event a cost-plus form of contract has been used, that the mortgagee has been notified by the HUD field office that the mortgagor has filed the "Contractor's Certification of Actual Cost" with the Commissioner, except that, if the mortgagor fails or refuses to file such a certificate within a reasonable time, the general contractor's direct submission of the certificate of actual cost may be the basis for the HUD field office notification and the establishment of the escrow.

(3) Shall be entitled to the funds in the escrow account upon compliance with the terms of the Escrow Agreement which shall contain the conditions for release of the escrow account to the general contractor.

(b) The building loan agreement shall provide that:

(1) The mortgagor shall request monthly from the mortagee an advance of mortgage proceeds for construction items in the amount of the total value of classes of work acceptably completed plus the value of materials and equipment not incorporated in the work but delivered to, and suitably stored at, the site, less prior advances;

(2) The mortgagor shall accept, for each and every advance, 90 percent of the amount of advance approved;

(3) The mortgagee shall retain the remaining 10 percent of each approved advance;

(4) The mortgagee shall transfer the 10 percent holdback for each advance, minus an amount that is one and one-half times the cost estimated by the Commissioner that is required for the completion of any minor incomplete on-site construction items, to an escrow account when the general contractor completes the construction as determined by the Commissioner and meets the requirements set forth in paragraphs (a)(2)(i), (ii) and (iii); and (a)(2)(i), (ii), (iii) and (iv) of this section for a general contractor who has executed a lump sum form of contract or cost-plus form of contract, respectively.

(5) The 10 percent holdback shall not be construed as an advance from mortgage proceeds by the mortgagee until the mortgagee places the funds in an escrow account in accordance with paragraph (b)(4) of this section; and

(6) The mortgagee and mortgagor agree that notwithstanding the inclusion in the building loan agreement of the provisions contained in paragraphs (b)(1) through (5) of this section, the mortgagee is not required to make any advance of mortgage proceeds if the mortgagor is in default under the building loan agreement, other than the advance of the 10 percent holdback in accordance with paragraph (b)(4) of this section, and, except as altered by the provisions of this paragraph, the rights and obligations of the mortgagee and mortgagor under the building loan agreement shall not be affected.

(c) An Escrow Agreement shall be established for the purposes set forth in paragraphs (a) and (b) of this section and the depository under such agreement shall be either the mortgagee or a party designated by the mortgagee. The agreement shall contain provisions for the release of the escrow fund which shall include the requirement that the general contractor submit its certificate of actual cost for approval by the Commissioner and that the certificate be approved by the Commissioner before the contractor shall be entitled to the fund. If the mortgagor and general contractor have entered into a lump sum contract, the requirement for the certificate of actual cost shall not be applicable. The Escrow Agreement shall provide that the depository will:

(1) Release the funds upon request of the general contractor and approval of the Commissioner;

(2) Invest the funds in an interest bearing account, if the mortgagor and general contractor have so agreed, which interest shall be paid to the general contractor when the escrowed funds are released to the general contractor;

(3) Release to the general contractor only that portion of the escrowed funds which do not exceed the amount of costs approved by the Commissioner on the "Contractor's Certificate of Actual Cost", or, in the case of a general contractor which has entered into a lump sum contract, an amount, which when added to payments already received, does not exceed the amount of the lump sum contract. In the event the contractor has not completed construction of the project within the time provided in the construction contract, there shall be deducted from the escrow fund an amount which the Commissioner determines equals the liquidated damages as provided in the construction contract.

(4) Disburse any remaining amount in the escrow fund in accordance with the terms of the escrow agreement; and

(d) The mortgagee's request for approval by the Commissioner of an advance for construction items shall contain a provision that such approval by the Commissioner shall constitute approval for mortgage insurance of the 10 percent holdback retained by the mortgagee when the retained funds are placed in an escrow account in accordance with this section. The mortgage insurance on the funds retained by the mortgagee shall be effective on the date the funds are transferred to the escrow account.

(e) For the purposes of this section, "substantial completion" shall mean that the Commissioner has issued a final inspection report and that the Commissioner has determined that the contractor has completed the project in accordance with the terms of the construction contract.

PART 221—LOW COST AND MODERATE INCOME MORTGAGE INSURANCE

5. Subpart C of the Table of Contents to Part 221 is amended to include a new section numbered § 221.548a and designated, Disposition of general contractor's holdback, as follows:

Sec.

* * * * *

221.548a Disposition of general contractor's holdback.

* * * * *

6. The following new section is added and designated as § 221.548a:

§ 221.548a Disposition of general contractor's holdback.

In those cases in which a conditional commitment has been issued after _____, and there is no identity of interest between the mortgagor and general contractor, the following provisions shall be applicable:

(a) The construction contract, whether it be lump sum or cost-plus, shall contain provisions whereby the mortgagor and contractor agree that the general contractor:

(1) Shall submit to the mortgagor, on a monthly basis, a requisition for payment equal to the total value of classes of work acceptably completed plus the value of materials and equipment not incorporated in the work but delivered to, and suitably stored at, the site, less prior payments made to the general contractor;

(2) Shall accept, for each and every requisition; 90 percent of the amount approved for payment, and shall agree that the remaining 10 percent shall be retained by the mortgagee to be deposited in an escrow account when the construction of the project has been substantially completed, with the exception of minor incomplete on-site construction items, and the following requirements have been met:

(i) All work under the construction contract, requiring inspection by municipal or other governmental authorities having jurisdiction, has been inspected and approved by such authorities and by the rating or inspection organization, bureau, association or office having jurisdiction; (ii) all required certificates of occupancy or other approvals, with respect to all units of the project, have been issued by State or local governmental authorities having jurisdiction, except that, in the event the mortgagor fails or refuses to file requests for issuance of such certificates, this requirement will be satisfied upon the Commissioner's finding that such certificates or approvals would be forthcoming but for the mortgagor's failure to request their issuance; (iii) permissions to occupy for all units of the project have been issued by the Commissioner; and (iv) in the event a cost-plus form of contract has been used, that the mortgagee has been notified by the HUD field office that the mortgagor has filed the "Contractor's Certificate of Actual Cost" with the Commissioner, except that, if the mortgagor fails or refuses to file such a certificate within a reasonable time, the general contractor's direct submission of the certificate of actual cost may be the basis for the HUD field office notification and the establishment of the escrow.

(3) Shall be entitled to the funds in the escrow account upon compliance with the terms of the Escrow Agreement which shall contain the conditions for release of the escrow account to the general contractor.

(b) The building loan agreement shall provide that:

(1) The mortgagor shall request monthly from the mortgagee an advance of mortgage proceeds for construction items in the amount of the total value of classes of work acceptably completed plus the value of materials and equipment not incorporated in the work but delivered to, and suitably stored at, the site, less prior advances;

(2) The mortgagor shall accept, for each and every advance, 90 percent of the amount of advance approved;

(3) The mortgagee shall retain the remaining 10 percent of each approved advance;

(4) The mortgagee shall transfer the 10 percent holdback for each advance, minus an amount that is one and one-half times the cost estimated by the Commissioner that is required for the completion of any minor incomplete on-site construction items, to an escrow account when the general contractor completes the construction as determined by the Commissioner and meets the requirements set forth in paragraphs (a) (2) (i), (ii) and (iii); and (a) (2) (i), (ii), (iii) and (iv) of this section for a general contractor who has executed a lump sum form of contract or cost-plus form of contract, respectively.

(5) The 10 percent holdback shall not be construed as an advance from mortgage proceeds by the mortgagee until the mortgagee places the funds in an escrow account in accordance with paragraph (b) (4) of this section; and

(6) The mortgagee and mortgagor agree that, notwithstanding the inclusion in the building loan agreement of the provisions contained in paragraphs (b) (1) through (5) of this section the mortgagee is not required to make any advance of mortgage proceeds if the mortgagor is in default under the building loan agreement, other than the advance of the 10 percent holdback in accordance with paragraph (b) (4) of this section, and except as altered by the provisions of this paragraph, the rights and obligations of the mortgagee and mortgagor under the building loan agreement shall not be affected.

(c) An Escrow Agreement shall be established for the purposes set forth in paragraphs (a) and (b) of this section and the depository under such agreement shall be either the mortgagee or a party designated by the mortgagee. The agreement shall contain provisions for the release of the escrow fund which shall include the requirement that the general contractor submit its certificate of actual cost for approval by the Commissioner and that the certificate be approved by the Commissioner before the contractor shall be entitled to the fund. If the mortgagor and general contractor have entered into a lump sum contract, the requirement for the certificate of actual cost shall not be applicable. The Escrow Agreement shall provide that the depository will:

(1) Release the funds upon request of the general contractor and approval of the Commissioner;

(2) Invest the funds in an interest bearing account, if the mortgagor and general contractor have so agreed, which interest shall be paid to the general contractor when the escrowed funds are released to the general contractor;

(3) Release to the general contractor only that portion of the escrowed funds which do not exceed the amount of costs approved by the Commissioner on the "Contractor's Certificate of Actual Cost", or, in the case of a general contractor which has entered into a lump sum contract, an amount, which when added to payments already received, does not exceed the amount of the lump sum contract. In the event the contractor has not completed construction of the project within the time provided in the construction contract, there shall be deducted from the escrow fund an amount which the Commissioner determines equals the liquidated damages as provided in the construction contract.

(4) Disburse any remaining amount in the escrow fund in accordance with the terms of the escrow agreement; and

(d) The mortgagee's request for approval by the Commissioner of an advance for construction items shall contain a provision that such approval by the Commissioner shall constitute approval for mortgage insurance of the 10 percent holdback retained by the mortgagee when the retained funds are placed in an escrow account in accordance with this section. The mortgage insurance on the funds retained by the mortgagee shall be effective on the date the funds are transferred to the escrow account.

(e) For the purposes of this section, "substantial completion" shall mean that the Commissioner has issued a final inspection report and that the Commissioner has determined that the contractor has completed the project in accordance with the terms of the construction contract.

PART 231—HOUSING MORTGAGE INSURANCE FOR THE ELDERLY

7. Subpart A of the Table of Contents to Part 231 is amended to include a new section numbered § 231.10c and designated, Disposition of general contractor's holdback, as follows:

Sec.

* * * * *

231.10c Disposition of general contractor's holdback.

* * * * *

8. The following new section is added and designated as § 231.10c:

§ 231.10c Disposition of general contractor's holdback.

In those cases in which a conditional commitment has been issued after _____, and there is no identity of interest between the mortgagor and general contractor, the following provisions shall be applicable:

(a) The construction contract, whether it be lump sum or cost-plus, shall contain provisions whereby the mortgagor and contractor agree that the general contractor:

(1) Shall submit to the mortgagor, on a monthly basis, a requisition for payment equal to the total value of classes of work acceptably completed plus the value of materials and equipment not incorporated in the work but delivered to, and suitably stored at, the site, less prior payments made to the general contractor;

(2) Shall accept, for each and every requisition, 90 percent of the amount approved for payment, and shall agree that the remaining 10 percent shall be retained by the mortgagee to be deposited

in an escrow account when the construction of the project has been substantially completed, with the exception of minor incomplete on-site construction items, and the following requirements have been met:

(i) All work under the construction contract, requiring inspection by municipal or other governmental authorities having jurisdiction, has been inspected and approved by such authorities and by the rating or inspection organization, bureau, association or office having jurisdiction; (ii) all required certificates of occupancy or other approvals, with respect to all units of the project, have been issued by State or local governmental authorities having jurisdiction, except that, in the event the mortgagor fails or refuses to file requests for issuance of such certificates, this requirement will be satisfied upon the Commissioner's finding that such certificates or approvals would be forthcoming but for the mortgagor's failure to request their issuance; (iii) permissions to occupy for all units of the project have been issued by the Commissioner; and (iv) in the event a cost-plus form of contract has been used, that the mortgagee has been notified by the HUD field office that the mortgagor has filed the "Contractor's Certificate of Actual Cost" with the Commissioner, except that, if the mortgagor fails or refuses to file such a certificate within a reasonable time, the general contractor's direct submission of the certificate of actual cost may be the basis for the HUD field office notification and the establishment of the escrow.

(3) Shall be entitled to the funds in the escrow account upon compliance with the terms of the Escrow Agreement which shall contain the conditions for release of the escrow account to the general contractor.

(b) The building loan agreement shall provide that:

(1) The mortgagor shall request monthly from the mortgagee an advance of mortgage proceeds for construction items in the amount of the total value of classes of work acceptably completed plus the value of materials and equipment not incorporated in the work but delivered to, and suitably stored at, the site, less prior advances;

(2) The mortgagor shall accept, for each and every advance, 90 percent of the amount of advance approved;

(3) The mortgagee shall retain the remaining 10 percent of each approved advance;

(4) The mortgagee shall transfer the 10 percent holdback for each advance, minus an amount that is one and one-half times the cost estimated by the Commissioner that is required for the completion of any minor incomplete on-site construction items, to an escrow account when the general contractor completes the construction as determined by the Commissioner and meets the requirements set forth in paragraphs (a)(2)(i), (ii) and (iii); and (a)(2)(i), (ii), (iii) and (iv) of this section for a general contractor who has executed a lump sum form of contract or cost-plus form of contract, respectively.

(5) The 10 percent holdback shall not be construed as an advance from mortgage proceeds by the mortgagee until the mortgagee places the funds in an escrow account in accordance with paragraph (b)(4) of this section; and

(6) The mortgagee and mortgagor agree that, notwithstanding the inclusion in the building loan agreement of the provisions contained in paragraphs (b)(1) through (5) of this section, the mortgagee is not required to make any advance of mortgage proceeds if the mortgagor is in default under the building loan agreement, other than the advance of the 10 percent holdback in accordance with paragraph (b)(4) of this section, and, except as altered by the provisions of this paragraph, the rights and obligations of the mortgagee and mortgagor under the building loan agreement shall not be affected.

(c) An Escrow Agreement shall be established for the purposes set forth in paragraphs (a) and (b) of this section and the depository under such agreement shall be either the mortgagee or a party designated by the mortgagee. The agreement shall contain provisions for the release of the escrow fund which shall include the requirement that the general contractor submit its certificate of actual cost for approval by the Commissioner and that the certificate be approved by the Commissioner before the Contractor shall be entitled to the fund. If the mortgagor and general contractor have entered into a lump sum contract, the requirement for the certificate of actual cost shall not be applicable. The Escrow Agreement shall provide that the depository will:

(1) Release the funds upon request of the general contractor and approval of the Commissioner;

(2) Invest the funds in an interest bearing account, if the mortgagor and general contractor have so agreed, which interests shall be paid to the general contractor when the escrowed funds are released to the general contractor;

(3) Release to the general contractor only that portion of the escrowed funds which do not exceed the amount of costs approved by the Commissioner on the "Contractor's Certificate of Actual Cost", or, in the case of a general contractor which has entered into a lump sum contract, an amount, which when added to payments already received, does not exceed the amount of the lump sum contract. In the event the contractor has not completed construction of the project within the time provided in the construction contract, there shall be deducted from the escrow fund an amount which the Commissioner determines equals the liquidated damages as provided in the construction contract.

(4) Disburse any remaining amount in the escrow fund in accordance with the terms of the escrow agreements; and

(d) The mortgagee's request for approval by the Commissioner of an advance for construction items shall contain a provision that such approval by the Commissioner shall constitute approval for mortgage insurance of the 10 percent holdback retained by the mortgagee when the retained funds are placed in an escrow account in accordance with this section. The mortgage insurance on the funds retained by the mortgagee shall be effective on the date the funds are transferred to the escrow account.

(e) For the purposes of this section, "substantial completion" shall mean that the Commissioner has issued a final inspection report and that the Commissioner has determined that the contractor has completed the project in accordance with the terms of the construction contract.

(Sec. 7(d), Department of Housing and Urban Development Act; 42 U.S.C. 3535(d)).

Effective date: This amendment takes effect on March 4, 1977.

Issued at Washington, D.C. December 28, 1976.

JOHN T. HOWLEY,
Acting Assistant Secretary for Housing — Federal Housing Commissioner.

[FR Doc.77-213 Filed 1-3-77;8:45 am]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER A—INCOME TAX

[T.D. 7454]

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

Integrated Auxiliary of a Church

By a notice of proposed rule making appearing in the FEDERAL REGISTER for Wednesday, February 11, 1976 (41 FR 6073) amendments to the Income Tax Regulations (26 CFR Part 1) under section 6033 of the Internal Revenue Code of 1954 were proposed in order to provide a definition of the term "integrated auxiliary of a church". After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, certain changes were made, and the proposed amendments of the regulations subject to the changes indicated below, are adopted by this document.

The proposed regulations required that in order to be qualified as an integrated auxiliary, an organization's primary purpose must be to carry out the tenets, functions and principles of faith of the organization and the organization's activities must directly promote religious activity among the members of the church. The requirements of the proposed regulations will not be applied. Instead, under the new rules, an organization affiliated with a church will be considered an integrated auxiliary if the principal activity of the organization is exclusively religious; that is, if it applied for exemption on its own, it would qualify for exemption as a religious organization.

The final regulations also excuse educational organizations below college level that are associated with a church from the filing requirements under section 6033 under the discretionary power granted in that section to the Secretary. However, educational organizations which lose their exempt status are not excused by these regulations, and are required to file tax returns as taxable entities.

On April 27, 1976, a notice was published in the FEDERAL REGISTER (41 FR 17546) which exempted subordinate organizations of a church (other than a private foundation) covered by a group exemption letter issued to a church central or parent organization from filing a Form 990 for taxable year 1975. Now that the regulations defining integrated auxiliaries are finalized, such subordinate organizations will be required to file Form 990 for taxable years beginning after December 31, 1975, unless they are a church, a convention or association of churches, or an integrated auxiliary of a church, or otherwise excepted from such requirement.

ADOPTION OF AMENDMENTS TO THE REGULATIONS

After consideration of all relevant matter as was presented by interested persons regarding the rules proposed, the amendment of the Income Tax Regulations (26 CFR Part 1) is hereby adopted as set forth below.

Paragraph (g) of § 1.6033–2 is amended by revising paragraph (g)(1)(i), deleting the word "or" in paragraph (g)(1)(v), deleting the period and adding in its place a semi-colon and then the word "or" at the end of paragraph (g)(1)(vi), adding paragraph (g)(1)(vii), redesignating paragraph (g)(5) as paragraph (g)(6), and adding new paragraph (g)(5). The added and revised paragraphs to read as follows:

§ 1.6033–2 Returns by exempt organizations; taxable years beginning after December 31, 1969.

* * * * *

(g) *Organizations not required to file annual returns.* (1) * * *

(i) A church, an interchurch organization of local units of a church, a convention or association of churches, or an integrated auxiliary of a church;

* * * * *

(vii) An educational organization (below college level) which is described in section 170(b)(1)(A)(ii), which has a program of a general academic nature, and which is affiliated (within the meaning of paragraph (g)(5)(iii) of this section) with a church or operated by a religious order.

* * * * *

(5)(i) For purposes of this title, the term "integrated auxiliary of a church" means an organization—

(*a*) Which is exempt from taxation as an organization described in section 501(c)(3);

(*b*) Which is affiliated (within the meaning of paragraph (g)(5)(iii) of this section) with a church; and

(*c*) Whose principal activity is exclusively religious.

(ii) An organization's principal activity will not be considered to be exclusively religious if that activity is educational, literary, charitable, or of another nature (other than religious) that would serve as a basis for exemption under section 501(c)(3).

(iii) For purposes of paragraph (g)(5) of this section, the term "affiliated" means either controlled by or associated with a church or with a convention or association of churches. For example, an organization, a majority of whose officers or directors are appointed by a church's governing board or by officials of a church, is controlled by a church within the meaning of this paragraph. An organization is associated with a church or with a convention or association of churches if it shares common religious bonds and convictions with that church or convention or association of churches.

(iv) Organizations which are integrated auxiliaries include a men's or women's organization, a religious school (such as a seminary), a mission society, or a youth group. The types of organizations which are not integrated auxiliaries may be illustrated by the following examples:

Example (1). Hospital A is a nonprofit corporation exempt from Federal income tax as an organization described in section 501(c)(3). Hospital A is affiliated (within the meaning of paragraph (g)(5)(iii) of § 1.6033–2) with a church which is also exempt as an organization described in section 501(c)(3). The hospital provides medical care for the community in which it is located, and the provision of such medical care is its principal activity. Since this activity could serve as the basis for Hospital A's exemption under section 501(c)(3) if it were not affiliated with a church, A is not an integrated auxiliary of a church within the meaning of paragraph (g)(5) of § 1.6033–2.

Example (2). School B, an elementary grade school exempt from Federal income tax as an organization described in section 501(c)(3), is affiliated (within the meaning of paragraph (g)(5)(iii) of § 1.6033–2) with a church which is also exempt from Federal income tax as an organization described in section 501(c)(3). School B has a separate legal identity from that of the church. The school property, including building and grounds, is owned by the church. The school's supervisory and managerial personnel are appointed by church officials. The school's budget is prepared subject to approval by a church official responsible for the overall supervision of the school. The school's program corresponds with the public school program for the same grades and complies with State law requirements for public education. The principal activity of school B is education. Since this activity could serve as the basis for School B's exemption under section 501(c)(3) if it were not affiliated with a church, B is not an integrated auxiliary of a church within the meaning of paragraph (g)(5) of § 1.6033–2. However, since School B is excluded from filing under § 1.6033–2(g)(1)(vii), it is not required to file an annual information return.

Example (3). Orphanage C, exempt from Federal income tax as an organization described in section 501(c)(3), is a nonprofit corporation organized and operated as an orphanage. It is affiliated (within the meaning of paragraph (g)(5)(iii) of § 1.6033–2) with a church which is also exempt as an organization described in section 501(c)(3). The orphanage is dedicated to the service of the entire community in which it is located. The principal activity of the orphanage is to provide children with housing, medical care, guidance, and similar services and facilities on a non-sectarian basis. Since this activity could serve as the basis for Orphanage C's exemption under section 501(c)(3) if it were not affiliated with a church, Orphanage C is not an integrated auxiliary of a church within the meaning of paragraph (g)(5) of § 1.6033–2.

Example (4). Organization D, exempt from Federal income tax as an organization described in section 501(c)(3) of the Code, is a trust operating an old age home. It is affiliated (within the meaning of paragraph (g)(5)(iii) of § 1.6033–2) with a church which is also exempt from income tax as an organization described in section 501(c)(3). The home provides services exclusively to the elderly members of the church's denomination. The principal activity of the home is to provide the residents with housing, limited nursing care, and similar services and facilities. Since this activity could serve as the basis for Organization D's exemption under section 501(c)(3) if it were not affiliated with a church, D is not an integrated auxiliary of a church within the meaning of paragraph (g)(5) of § 1.6033–2.

Example (5). University E is a nonprofit corporation exempt from Federal income tax as an organization described in section 501(c)(3) of the Code. It is affiliated (within the meaning of paragraph (g)(5)(iii) of section 1.6033–2) with a church which is also exempt from income tax as an organization described in section 501(c)(3). The university provides a program of general academic studies on the undergraduate level and graduate education in the arts, humanities, and sciences. Although it offers courses in religion, it does not provide religious training in the sense that a seminary offers such training. The principal activity of the university is to provide college and graduate level education of a general academic nature. Since this activity could serve as the basis for University E's exemption under section 501(c)(3) if it were not affiliated with a church, E is not an integrated auxiliary of a church within the meaning of paragraph (g)(5) of this section.

In addition, because E is a college level institution, paragraph (g)(1)(vii) of this section does not apply and E is required to file a return under section 6033.

Example (6). Orphanage F performs functions similar to those of Orphanage C described in example (3). However, Orphanage F does not have a legal identity separate from that of the church. Thus Orphanage F is not itself exempt from tax as an organization described in section 501(c)(3), and is not an integrated auxiliary of a church. The exception from filing a return under section 6033 accorded to the church of which Orphanage F is a part also applies to Orphanage F itself. Accordingly, Orphanage F is not required to file a return under section 6033.

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(This Treasury decision is 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.

Approved: December 27, 1976.

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

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Title 29—Labor

SUBTITLE A—OFFICE OF THE SECRETARY OF LABOR

PART 15—ADMINISTRATIVE CLAIMS UNDER THE FEDERAL TORT CLAIMS ACT AND RELATED STATUTES

Procedures for Filing, Processing and Adjudication

The Federal Tort Claims Act generally makes the Government liable for property damage and personal injuries caused by the negligent or wrongful act or omission of any government employee while performing official duties. Federal agency heads, including the Secretary of Labor, are authorized by that Act to award, compromise, or settle claims not in excess of $25,000. The Secretary of Labor is also granted discretionary authority under section 416(b) of the Comprehensive Employment and Training Act of 1973 to settle claims in amounts up to $500 for personal injury or property damage which arise out of the operation of the Job Corps but are not cognizable under the Federal Tort Claims Act. In addition, the Military Personnel and Civilian Employees' Claims Act authorizes the settlement of claims made by employees for damage to or the loss of personal property incident to Government service; the maximum recovery allowable on any claim is $15,000.

The Secretary of Labor has delegated the authority and responsibility for awarding, compromising or settling such claims as may be filed with the Department of Labor to the Solicitor of Labor. Included within the delegation is the authority for issuing regulations and establishing procedures for the processing and adjudication of claims. The procedures governing the filing, processing and adjudication of claims under the Federal Tort Claims Act and designating the Deputy Solicitor as Claims Officer are currently set forth in section 2.5 of Title 29, Code of Federal Regulations, as supplemented by Chapter 5–600, Section 2 of the Department of Labor Manual of Administration.

The Department of Labor is reissuing as a new Part 15 the regulations which establish procedures for the filing, processing and adjudication of claims filed under the aforementioned statutes to reflect decentralization within the Office of the Solicitor for handling various claims against the Department under the Federal Tort Claims Act and related statutes. This function was previously handled entirely by the Deputy Solicitor of Labor. The Regional Solicitors and Associate Regional Solicitors listed in section 15.4 (b) of this part are being authorized to award, compromise or settle claims filed with the Department except that claims which exceed $2,500 or which involve a new precedent or novel point of law or question of policy are expressly reserved to the Deputy Solicitor. Claims filed under section 416(b) of the Comprehensive Employment and Training Act of 1973 will be processed exclusively by the appropriate Regional Solicitor or Associate Regional Solicitor. The regulations set forth in section 2.5 of this title are superseded and are therefore revoked.

Because this new Part 15 is merely a recodification of existing procedures and consists of rules of agency organization, procedure and practice the rulemaking procedure prescribed in 5 U.S.C. 553 is not required. Further, since the provisions of this part will directly benefit persons making claims against the Department of Labor, I find that good cause exists for making these provisions effective immediately as to all claims hereafter filed.

Accordingly Parts 2 and 15 of Title 29 are revised as follows: 1. Section 2.5 of Part 2, Title 29 is rescinded. 2. The new Part 15 reads as follows:

Subpart A—Claims Against Government Under Federal Tort Claims Act

Subpart B—Claims Under the Military Personnel and Civilian Employees' Claims Act of 1964

Subpart C—Claims Arising Out of Operation of Job Corps Centers

AUTHORITY: 28 U.S.C. 2672; 28 CFR 14.11; 31 U.S.C. 241; 29 U.S.C. 926(b), and Secretary's Order 24–76.

Subpart A—Claims Against Government Under Federal Tort Claims Act

§ 15.1 Scope and Purpose.

(a) The purpose of this Subpart is to set forth regulations relating to claims asserted under the Federal Tort Claims Act, as amended, accruing on or after January 18, 1967, and filed after the effective date of these regulations, for money damages against the United States for injury to or loss of property or personal injury or death caused by the negligent or wrongful act or omission of an officer or employee of the Department of Labor while acting within the scope of his office or employment. It reflects delegations of authority which have been published in the FEDERAL REGISTER and replaces Section 2.5 of Part 2 of this Title, "General Regulations," relating to "Claims under the Federal Tort Claims Act for loss or damage to property or for personal injury or death," which is hereby revoked.

(b) This subpart is issued subject to and consistent with applicable regulations on administrative claims under the Federal Tort Claims Act issued by the Attorney General (31 FR 16616; 28 CFR Part 14).

§ 15.2 Definitions.

(a) "Department" means the Department of Labor, which consists of the Office of the Secretary and the several organizational units.

(b) "Organizational unit" means the jurisdictional area of each Assistant Secretary, each office head reporting directly to the Secretary, and each Regional Administrator.

(c) "Act" means the Federal Tort Claims Act, as amended (28 U.S.C. 1346 (b), 28 U.S.C. 2671 et seq.).

§ 15.3 Filing of claims.

(a) A claim for injury to or loss of property may be presented by the owner of the property, his duly authorized agent, or his legal representative.

(b) A claim for personal injury may be presented by the injured person, his duly authorized agent, or his legal representative.

(c) A claim for death may be presented by the executor or administrator of the decedent's estate, or by any other person legally entitled to assert such a claim in accordance with applicable State law.

(d) A claim for loss wholly compensated by an insurer and the rights of a subrogee may be presented by the insurer. A claim for loss partially compensated by an insurer with the rights of a subrogee may be presented by the insurer or the insured individually, as their respective interests appear, or jointly. Whenever an insurer presents a claim asserting the rights of a subrogee, he shall present with his claim appropriate evidence that he has the rights of a subrogee.

(e) A claim presented by an agent or legal representative shall be presented in the name of the claimant, be signed by the agent or representative, show the title or legal capacity of the person signing, and be accompanied by evidence of his authority to present a claim on behalf of the claimant as agent, executor, administrator, parent, guardian, or legal representative.

§ 15.4 Where to file.

(a) For the purposes of this Subpart, a claim shall be deemed to have been presented when the Department receives, at a place designated in paragraph (b) of this section, a properly executed "Claim for Damages or Inquiry", on Standard Form 95, or other written notification of an incident accompanied by a claim for money damages in a sum certain for injury to or loss of property or personal injury or death by reason of the incident.

(b) A claimant shall mail or deliver his claim for money damages for injury to or loss of property or personal injury or death caused by the negligent or wrongful act or omission of any employee of the Department while acting within the

scope of his office or employment hereunder to the office of employment of the departmental employee or employees whose negligent or wrongful act or omission is alleged to have caused the alleged loss or injury. Where such office of employment is the Department's national office in Washington, D.C., or is not reasonably known and not reasonably ascertainable, claimant shall file his claim with the

Office of the Solicitor of Labor, U.S. Department of Labor, 200 Constitution Avenue, N.W., Suite N2716, Washington, D.C. 20210.

In all other cases, the claimant shall address his claim to the regional or branch office of the Office of the Solicitor having jurisdiction over the location of the office of employment. The addresses and areas of jurisdiction for each such regional and branch office are as follows:

Regional Solicitor, U.S. Department of Labor, John F. Kennedy Federal Building, Government Center—Room 1803, Boston, MA 02203.

(For claims arising in Maine, Massachusetts, New Hampshire, Vermont, Rhode Island, and Connecticut.)

Regional Solicitor, U.S. Department of Labor, 1515 Broadway, Room 3555, New York, NY 10036.

(For claims arising in New Jersey, New York, Puerto Rico, and the Virgin Islands.)

Regional Solicitor, U.S. Department of Labor, 14480 Gateway Building, 3535 Market Street, Philadelphia, PA 19104.

(For claims arising in Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, and West Virginia.)

Regional Solicitor, U.S. Department of Labor, 1371 Peachtree Street, N.E., Room 339, Atlanta, GA 30309.

(For claims arising in Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee.)

Regional Solicitor, U.S. Department of Labor, Federal Office Building, 230 South Dearborn Street, Eighth Floor, Chicago, IL 60604.

(For claims arising in Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin.)

Regional Solicitor, U.S. Department of Labor, 555 Griffin Square Building, Suite 707, Griffin & Young Streets, Dallas, TX 75202.

(For claims arising in Arkansas, Louisiana, New Mexico, Oklahoma, and Texas.)

Regional Solicitor, U.S. Department of Labor, 2106 Federal Office Building, 911 Walnut Street, Kansas City, MO 64106.

(For claims arising in Iowa, Kansas, Missouri, and Nebraska.)

Associate Regional Solicitor, U.S. Department of Labor, Federal Office Building, Room 16444, 1961 Stout Street, Denver, CO 80202.

(For claims arising in Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming.)

Regional Solicitor, U.S. Department of Labor, P.O. Box 36017 Federal Building, 450 Golden Gate Avenue, San Francisco, CA 94102.

(For claims arising in Arizona, California, Guam, Hawaii, and Nevada.)

Associate Regional Solicitor, U.S. Department of Labor, 7009 Federal Office Building, 900 First Avenue, Seattle, WA 98101.

(For claims arising in Alaska, Idaho, Oregon, Washington.)

§ 15.5 Evidence or Information Required.

(a) *Personal Injury.* In support of a claim for personal injury, including pain and suffering, the claimant is required to submit the following evidence or information:

(1) A written report by the attending physician or dentist setting forth the nature and extent of the injury, nature and extent of treatment, any degree of temporary or permanent impairment, the prognosis period of hospitalization, if any, and any diminished earning capacity. In addition, the claimant may be required to submit to a physical or mental examination by a physician employed or designated by the Department or another federal agency. A copy of the report of the examining physician shall be made available to the claimant upon the claimant's written request: *Provided*, That he has, upon request, furnished the report referred to in the first sentence of this subparagraph and has made, or agrees to make available to the Department any other physician's report previously or thereafter made of the physical or mental condition which is the subject matter of the claim.

(2) Itemized bills for medical, dental and hospital expenses incurred, or itemized receipts of payment for such expenses.

(3) If the prognosis reveals the necessity for future treatment, a statement of expected expenses for such treatment.

(4) If a claim is made for loss of time from employment, a written statement from his employer showing actual time lost from employment, whether he is a full or part-time employee, and wages or salary actually lost.

(5) If a claim is made for loss of income and the claimant is self-employed, documentary evidence showing the amount of earnings lost. For example, income tax returns for several years prior to the injury in question and the year in which the injury occurred may be used to indicate or measure lost income; a statement of how much it did or would cost the claimant to hire someone else to do the same work he was doing at the time of injury might also be used in measuring lost income.

(6) Any other evidence or information which may have a bearing on either the responsibility of the United States for the personal injury or the damages claimed.

(b) *Death.* In support of a claim based on death, the claimant may be required to submit the following evidence or information:

(1) An authenticated death certificate or other competent evidence showing cause of death, date of death, and age of the decedent.

(2) Decedent's employment or occupation at the time of death, including his monthly or yearly salary or earnings (if any), and the duration of his last employment or occupation.

(3) Full name, address, birth date, kinship and marital status of the decedent's survivors, including identification of those survivors who were dependent for support upon the decedent at the time of his death.

(4) Degree of support afforded by the decedent to each survivor dependent upon him for support at the time of his death.

(5) Decedent's general physical and mental condition before death.

(6) Itemized bills for medical and burial expenses incurred by reason of the incident causing death, or itemized receipts of payment for such expenses.

(7) If damages for pain and suffering prior to death are claimed, a physician's detailed statement specifying the injuries suffered, duration of pain and suffering, any drugs administered for pain, and the decedent's physical condition in the interval between injury and death.

(8) Any other evidence or information which may have a bearing on either the responsibility of the United States for the death or damages claimed.

(c) *Property Damages.* In support of a claim for injury to or loss of property, real or personal, the claimant may be required to submit the following evidence or information:

(1) Proof of ownership.

(2) A detailed statement of the amount claimed with respect to each item of property.

(3) An itemized receipt of payment for necessary repairs or itemized written estimates of the cost of such repairs.

(4) A statement listing date of purchase, purchase price, and salvage value where repair is not economical.

(5) Any other evidence or information which may have a bearing on either the responsibility of the United States for the injury to or loss of property or the damages claimed.

§ 15.6 Action on claims.

(a) *Claims Investigation.* When a claim has been filed with the Department, the head of the organizational unit involved, or his designee, shall designate an employee in that unit who shall act as the Claims Investigatory Officer for the claim and who shall:

(1) Investigate as completely as is practicable the nature and circumstances of the occurrence causing the loss or damage to the claimant's property.

(2) Ascertain the extent of loss or damage to the claimant's property.

(3) Assemble the necessary forms with required data contained therein.

(4) Prepare a brief statement setting forth the facts relative to the claim, a finding whether the claim satisfies the requirements of this Subpart, and a recommendation as to the amount to be paid in settlement of the claim.

(5) Submit such forms, statements, and all necessary supporting papers to the head of the organizational unit having jurisdiction over the employee involved, who shall then transmit the entire file to the appropriate Office of the Solicitor of Labor, as set forth in § 15.4 (b) above.

(b) *Authority to Consider, Ascertain, Adjust, Determine, Compromise and Settle Claims.* The Deputy Solicitor shall have the power to consider, ascertain, adjust, determine, compromise and settle claims pursuant to the Federal Tort Claims Act which exceed $2,500 in amount or which involve a new precedent

or a new point of law, or a question of policy. Regional Solicitors and the Associate Regional Solicitors listed in § 15.4 (b) above are authorized to consider, ascertain, adjust, determine, compromise and settle, claims arising in their respective jurisdictions pursuant to the Federal Tort Claims Act which do not exceed $2,500 in amount and which do not involve a new precedent or new point of law or a question of policy.

§ 15.7 Payment of Awards.

Any award, compromise or settlement in the amount of $2,500 or less made pursuant to this section shall be paid by the Secretary of Labor out of appropriations available to the Department of Labor. Payment of an award, compromise or settlement in an amount in excess of $2,500 made pursuant to this section shall be made in accordance with 28 CFR 14.10.

§ 15.8 Referral to Department of Justice.

An award, compromise or settlement of a claim under § 2672, Title 28, United States Code, and this Subpart, in excess of $25,000 may be effected only with the prior written approval of the Attorney General or his designee. For the purpose of this Subpart, a principal claim and any derivative or subrogated claim shall be treated as a single claim.

§ 15.9 Final Denial of Claim.

Final denial of an administrative claim under this Subpart shall be in writing, and notification of denial shall be sent to the claimant, his attorney or legal representative by certified or registered mail. The notification of final denial shall include a statement of the reasons for the denial and shall include a statement that, if the claimant is dissatisfied with the Department's action, he may file suit in an appropriate U.S. District Court not later than 6 months after the date of mailing of the notification.

§ 15.10 Action on Approved Claim.

(a) Payment of a claim approved under this Subpart is contingent upon claimant's execution of (1) a claim for "Damage or Injury", Standard Form 95; (2) a claims settlement agreement; and (3) a "Voucher for Payment", Standard Form 1145, as appropriate. When a claimant is represented by an attorney, the voucher for payment shall designate both the claimant and his attorney as payees, and the check shall be delivered to the attorney whose address shall appear on the voucher.

(b) Acceptance by the claimant, his agent or legal representative of an award, compromise, or settlement made under § 2672 or 2677 of Title 28, United States Code, is final and conclusive on the claimant, his agent or legal representative, and any other person on whose behalf or for whose benefit the claim has been presented and constitutes a complete release of any claim against the United States and against any officer or employee of the Government whose act or omission gave rise to the claim by reason of the same subject matter.

Subpart B—Claims Under the Military Personnel and Civilian Employees' Claims Act of 1964

§ 15.11 Scope and Purpose.

(a) This Subpart applies to all claims filed by or on behalf of employees of the Department of Labor (DOL) for loss of or damage to personal property after the effective date of these regulations, incident to their service with DOL under the Military Personnel and Civilian Employees' Claims Act of 1964, (hereinafter referred to as the Act.) A claim must be substantiated and the possession of the property determined to be reasonable, useful or proper. The maximum amount that can be paid for any claim under the Act is $15,000 and property may be replaced in kind at the option of the Government.

(b) DOL is not an insurer and does not underwrite all personal property losses that an employee may sustain. Employees are encouraged to carry private insurance to the maximum extent practicable to avoid large losses which may not be recoverable from DOL. The procedures set forth in this section are designed to enable the claimant to obtain the proper amount of compensation for the loss or damage. Failure of the claimant to comply with these procedures may reduce or preclude payment of the claim under this Subpart.

§ 15.12 Filing of Claims.

(a) *Who May File.* (1) A claim may be made pursuant to this Subpart by an employee or in the employee's name by the employee's spouse or authorized agent, or legal representative. If the employee is deceased, the claim may be filed in the following order of preference, by the employee's spouse, children, parent, brother or sister or the authorized agent or legal representative of such other person or persons.

(2) A claim may not be made hereunder by or for the benefit of a subrogee, assignee, conditional vendor or other third party.

(b) *Where to File.* A claim hereunder must be presented in writing. If the claimant's place of employment is at the National Office of an organizational unit of the Department, the claim should be filed with the Office of the Solicitor of Labor, U.S. Department of Labor, Suite N2716, 200 Constitution Avenue, N.W., Washington, D.C. 20210. In all other cases the claimant shall address the claim to the regional or branch office of the Solicitor of Labor servicing the organizational unit. The address of such offices are set forth in § 15.4(b) above.

(c) *Evidence Required.* Any claim filed hereunder must be accompanied by the following: (1) A written statement, signed by the claimant or his authorized agent, setting forth the circumstances under which the damage or loss occurred. This statement shall also include:

(i) A description of the type, design, model number or other identification of the property.

(ii) The date of purchase or acquisition, from whom purchased or acquired, and the original cost of the property.

(iii) The location of the property when the loss or damage occurred.

(iv) The purpose of and authority for travel, if the loss or damage occurred incident to transportation or to the use of a motor vehicle.

(v) Any and all available information as to the party responsible for the loss or damage, if such party is someone other than the claimant and all information as to insurance contracts whether held by the claimant or by the party responsible.

(2) Copies of all available and appropriate documents such as bills of sale, estimates of repairs, travel orders and other as the need is demonstrated. In the case of an automobile, the claimant must file two estimates of repair or a certified paid bill showing the damage incurred, the cost of all parts, labor and other items necessary to the repair of the vehicle, or a statement from an authorized dealer or repair garage showing that the cost of such repairs exceeds the value of the vehicle.

(3) A copy of the power of attorney or other authorization if the claim is filed by someone other than the employee.

(d) *Time Limitations.* A claim under this part may be allowed only if: (1) Except as provided in paragraph (d)(2) of this section, it is filed in writing within 2 years after accrual. For the purpose of this part, a claim accrues at the time of the accident or incident causing the loss or damage, or at such time as the loss or damage should have been discovered by the claimant by the exercise of due diligence.

(2) It cannot be filed within the time limits of paragraph (d)(1) of this section, because it accrues in time of war or in time of armed conflict in which any armed force of the United States is engaged or if such a war or armed conflict intervenes within 2 years after it accrues, and if good cause is shown, and if it is filed not later than 2 years after the cause ceases to exist, or 2 years after the war or armed conflict is terminated, whichever is earlier.

§ 15.13 Allowable Claims.

(a) A claim may be allowed only if: (1) The damage or loss was not caused wholly or partly by the negligent or wrongful act of the claimant, his agent, the members of his family, or his private employee (the standard to be applied is that of reasonable care under the circumstances); and

(2) The possession of the property lost or damaged and the quantity possessed is determined to have been reasonable, useful or proper under the circumstances; and

(3) The claim is substantiated by proper and convincing evidence.

(b) Claims which are otherwise allowable under this part shall not be disallowed solely because the property was not in the possession of the claimant at the time of the damage or loss, or solely because the claimant was not the legal owner of the property for which the claim is made. For example, borrowed property may be the subject of a claim.

(c) Subject to the conditions in paragraph (a) of this section and the other provisions of this Subpart, any claim for damage to, or loss of, personal property incident to service with DOL may be considered and allowed. The following are examples of the principal types of claims which may be allowed, but these examples are not exclusive and other types of claims may be allowed, unless hereinafter excluded:

(1) *Property or damage in quarters or other authorized places.* Claims may be allowable for damage to, or loss of, property arising from fire, flood, hurricane, other natural disaster, theft, or other unusual occurrence, while such property is located at:

(i) Quarters within the 50 States or the District of Columbia that were assigned to the claimant or otherwise provided in kind by the United States; or

(ii) Quarters outside the 50 States and the District of Columbia that were occupied by the claimant, whether or not they were assigned or otherwise provided in kind by the United States, except when the claimant is a civilian employee who is a local inhabitant; or

(iii) Any warehouse, office, working area or other place (except quarters) authorized or apparently authorized for the reception or storage of property.

(2) *Transportation or travel losses.* Claims may be allowed for damage to, or loss of, property incident to transportation or storage pursuant to order or in connection with travel under orders, including property in the custody of a carrier, an agent or agency of the Government, or the claimant.

(3) *Mobile homes.* Claims may be allowed for damage to, or loss of, mobile homes and their contents under the provisions of paragraph (c)(2) of this section. Claims for structural damage to mobile homes, other than that caused by collision, and damage to contents of mobile homes resulting from such structural damage, must contain conclusive evidence that the damage was not caused by structural deficiency of the mobile home and that it was not overloaded. Claims for damage to, or loss of, tires mounted on mobile homes will not be allowed, except in cases of collision, theft or vandalism.

(4) *Enemy action or public service.* Claims may be allowed for damages to, or loss of, property as a direct consequence of:

(i) Enemy action or threat thereof, or combat, guerilla, brigandage, or other belligerent activity, or unjust confiscation by a foreign power or its nationals.

(ii) Action by the claimant to quiet a civil disturbance or to alleviate a public disaster.

(iii) Efforts by the claimant to save human life or Government property.

(5) *Property used for the benefit of the Government.* Claims may be allowed for damage to, or loss of, property when used for the benefit of the Government at the request of, or with the knowledge and consent of superior authority.

(6) *Clothing and accessories.* Claims may be allowed for damage to, or loss of clothing or accessories customarily worn on the person, such as eyeglasses, hearing aids, or dentures.

§ 15.14 Restrictions on Certain Claims.

Claims of the type described in this section are only allowable subject to the restrictions noted:

(a) *Money Or Currency.* Claims may be allowed for loss of money or currency only when lost incident to fire, flood, hurricane, other natural disaster, or by theft from quarters (as limited by section 15.13(c)(1) above). In instances of theft from quarters, it must be conclusively shown that the quarters were locked at the time of the theft. Reimbursement for loss of money or currency is limited to an amount which is determined to have been reasonable for the claimant to have had in his possession at the time of the loss.

(b) *Government Property.* Claims may only be allowed for property owned by the United States for which the claimant is financially responsible to any agency of the Government other than DOL.

(c) *Estimate Fees.* Claims may include fees paid to obtain estimates of repairs only when it is clear that an estimate could not have been obtained without paying a fee. In that case, the fee may be allowed only in an amount determined to be reasonable in relation to the value of the property or the cost of the repairs.

(d) *Automobiles and Other Motor Vehicles.* Claims may only be allowed for damage to, or loss of, automobiles and other motor vehicles if:

(1) Such motor vehicles were required to be used for official Government business (official Government business, as used here, does not include travel, or parking incident thereto between quarters and office, or use of vehicles for the convenience of the owner. However, it does include travel, and parking incident thereto, between quarters and assigned place of duty specifically authorized by the employee's supervisor as being more advantageous to the Government,); or

(2) Shipment of such motor vehicles was being furnished or provided by the Government, subject to the provisions of § 15.16, below.

§ 15.15 Unallowable Claims.

Claims are not allowable for the following:

(a) *Unassigned Quarters in United States.* Property loss or damage in quarters occupied by the claimant within the 50 States or the District of Columbia that were not assigned to him or otherwise provided in kind by the United States.

(b) *Business Property.* Property used for business or profit.

(c) *Unserviceable Property.* Wornout or unserviceable property.

(d) *Illegal Possession.* Property acquired, possessed or transferred in violation of the law or in violation of applicable regulations or directives.

(e) *Articles of Extraordinary Value.* Valuable articles, such as cameras, watches, jewelry, furs or other articles of extraordinary value, when shipped with household goods or as unaccompanied baggage (shipment includes storage). This prohibition does not apply to articles in the personal custody of the claimant or articles properly checked: *Provided,* That reasonable protection or security measures have been taken by claimant.

(f) *Minimum Amount.* Loss or damage amounting to less than $10.

§ 15.16 Claims Involving Carriers or Insurers.

In the event the property which is the subject of the claim was lost or damaged while in the possession of a commercial carrier or was insured, the following procedures will apply:

(a) Whenever property is damaged, lost or destroyed while being shipped pursuant to authorized travel orders, the owner must file a written claim for reimbursement with the last commercial carrier known or believed to have handled the goods, or the carrier known to be in possession of the property when the damage or loss occurred, according to the terms of its bill of lading or contract, before submitting a claim against the Government under this Subpart.

(b) Whenever property is damaged, lost, or destroyed incident to the claimant's service and is insured in whole or in part, the claimant must make demand in writing against the insurer for reimbursement under the terms and conditions of the insurance coverage, prior to the filing of the claim against the Government.

(c) Failure to make a demand on a carrier or insurer or to make all reasonable efforts to protect and prosecute rights available against a carrier or insurer and to collect the amount recoverable from the carrier or insurer may result in reducing the amount recoverable from the Government by the maximum amount which would have been recoverable from the carrier or insurer had the claim been timely or diligently prosecuted. However, no deduction will be made where the circumstances of the claimant's service preclude reasonable filing of such a claim or diligent prosecution, or the evidence indicates a demand was impracticable or would have been unavailing.

(d) Following the submission of the claim against the carrier or insurer, the claimant may immediately submit his claim against the Government in accordance with the provisions of this Subpart, without waiting until either final approv-

al or denial of his claim is made by the carrier or insurer.

(1) Upon submitting his claim, he will certify in his claim that he has or has not gained any recovery from a carrier or insurer, and enclose all correspondence pertinent thereto.

(2) If final action has not been taken by the carrier or insurer on his claim, he will immediately notify them to address all correspondence in regard to his claim to him in care of the appropriate Office of the Solicitor of Labor.

(3) The claimant shall advise the appropriate Office of the Solicitor of any action taken by the carrier or insurer on his claim and, upon request, shall furnish all correspondence, documents, and other evidence pertinent to the matter.

(e) The claimant shall assign to the United States, to the extent of any payment on his claim accepted by him, all his rights, title and interest in any claim he may have against any carrier, insurer, or other party arising out of the incident on which the claim against the United States is based. After payment of his claim by the United States, the claimant will, upon receipt of any payment from a carrier or insurer, pay the proceeds to the United States to the extent of the payment received by him from the United States.

(f) Where a claimant recovers for the loss from the carrier or insurer before his claim under this Subpart is settled, the amount or recovery shall be applied to his claim as follows:

(1) When the amount recovered from a carrier, insurer, or other third party is greater than or equal to the claimant's total loss as determined under this part, no compensation is allowable under this part.

(2) When the amount recovered is less than such total loss, the allowable amount is determined by deducting the recovery from the amount of such total loss.

(3) For the purposes of this paragraph (f) of this section the claimant's total loss is to be determined without regard to the $15,000 maximum set forth above. However if the resulting amount, after making this deduction exceeds $15,000, the claimant shall be allowed only $15,000.

§ 15.17 Claims Procedures.

The Deputy Solicitor, the Regional Solicitors and those Associate Regional Solicitors who are listed in § 15.4(b) above, are authorized to consider, ascertain, adjust, determine, compromise and settle claims filed under this Act in accordance with the limitations set forth in § 15.6 (b) above. Unless otherwise provided, the general procedural rules for the processing and settling of administrative claims under the Federal Tort Claims Act, as set forth in Subpart A above, shall be followed.

§ 15.18 Computation of Award and Finality of Settlement.

(a) The amount allowable for damage to or loss of any item of property may not exceed the cost of the item (either the price paid in cash or property, or the value at the time of acquisition if not acquired by purchase or exchange); and there will be no allowance for replacement cost or for appreciation in the value of the property. Subject to these limitations, the amount allowable is either:

(1) The depreciated value, immediately prior to the loss or damage of property lost or damaged beyond economical repair, less any salvage value; or

(2) The reasonable cost of repairs, when property is economically repairable, provided that the cost of repairs does not exceed the amount allowable under paragraph (a)(1) of this section.

(b) Depreciation in value is determined by considering the type of article involved, its cost, its condition when damaged or lost, and the time elapsed between the date of acquisition and the date of damage or loss.

(c) Replacement of lost or damaged property may be made in kind wherever appropriate.

(d) Notwithstanding any other provisions of law, settlement of claims under the Act are final and conclusive as to personal damage claims of Government employees.

§ 15.19 Attorneys Fees.

No more than 10 per centum of the amount paid in settlement of each individual claim submitted and settled under this Subpart shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with that claim.

Subpart C—Claims Arising Out of Operation of Job Corps Centers

§ 15.20 Scope and Purpose.

(a) The purpose of this Subpart is to set forth regulations relating to the claims for damage to persons or property arising out of the operation of Job Corps Centers under the Comprehensive Employment and Training Act of 1973 (CETA) which the Secretary of Labor finds to be a proper charge against the United States but which are not cognizable under the Federal Tort Claims Act.

(b) This Subpart further amplifies the regulatory provisions set forth in 29 CFR 97a.85 regarding such claims.

§ 15.21 Allowable Claims.

(a) A claim for damage to persons or property arising out of the tortious act or omission of a Job Corps enrollee may be considered under § 416(b) of CETA (29 U.S.C. 926(b)) if the enrollee involved was not within the geographical limits of his hometown when the incident giving rise to the claim occurred, and such incident occurred on the center to which the enrollee involved was assigned, or within 100 miles of it, or while he was on authorized travel to or from the center.

(b) A claim for damage to person or property hereunder may not be cognizable under the Federal Tort Claims Act (28 U.S.C. 2677).

(c) A claim for damage to person or property may be adjusted and settled hereunder in an amount not exceeding $500.

§ 15.22 Claims Procedures.

The Regional Solicitors and those Associate Regional Solicitors who are listed in § 15.4(b) above are authorized to consider, ascertain, adjust, determine, compromise and settle claims filed under this Act in accordance with the limitations set forth in § 15.6(b) above. Unless otherwise provided, the general procedural rules for the processing and settling of administrative claims under the Federal Tort Claims Act, as set forth in Subpart A above, shall be followed.

Signed at Washington, D.C., this 22nd day of December, 1976.

WILLIAM J. KILBERG,
Solicitor of Labor.

[FR Doc.77-6 Filed 1-3-77;8:45 am]

PART 99—PROGRAMS UNDER TITLE VI OF THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

Emergency Jobs Programs Extension Act; Implementing Regulations; Correction

In FEDERAL REGISTER Document No. 76-36383, published on December 10, 1976 at 41 FR 54065-54078, the following correction is made:

On p. 54073, everything starting at § 99.35, *Linkages with other employment and training programs; training and supportive services* up until and including the fifth line of § 99.38 which reads "designated. A program agent therefore," is transferred from p. 54073. The transferred language is inserted on p. 54075, in the first column, between the 25th and 26th lines of the column, that is, immediately after the paragraph which reads:

(j) RAs and prime sponsors shall carefully review all programs to insure compliance with all maintenance of effort requirements.

Signed at Washington, D.C., this 22nd day of December, 1976.

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

[FR Doc.77-5 Filed 1-3-77;8:45 am]

Title 32—National Defense

CHAPTER I—OFFICE OF THE SECRETARY OF DEFENSE

PART 256—AIR INSTALLATIONS COMPATIBLE USE ZONES

Under authority of the National Security Act of 1947 as amended, 61 Stat. 495 and pursuant to 5 U.S.C. 552 a notice of proposed rule making on Department of Defense policy on Air Installations Compatible Use Zones was published at 41 FR 36030 August 26, 1976. Public comment was invited during the period ending September 30, 1976.

Two commentors questioned the use of Ldn 65, 70, 75 and 80 contours, one suggesting the addition of Ldn 60. The Ldn 65 and 75 contours were selected for plotting as they will most nearly approximate the previously used CNR Zone 2 and 3

contours. The Ldn 70 and 80 contours have been added since data to permit their plotting is usually obtainable with little additional effort when data to plot Ldn 65 and 75 is being obtained and since knowledge of the location of these contours should provide information of value to the planner. No Department of Defense studies have indicated that the Ldn 65 contour significantly affect areas surrounding air installations. Thus to plot lower contours could have the adverse affect of possibly indicating a problem where none exists.

Another comment received suggested the immediate adoption of "C" weighted noise levels for the description of intermittent impulse noises. The notice of proposed rule making has stated that use of "C" weighting was being considered and, since it appears that "C" weighting most closely approximates the response of the human ear to such noises, it is adopted in § 256.10(h).

Several comments regarding the extent of local involvement in the preparation of Air Installations Compatible Use Zone studies were received. Among these were:

(a) That federal acquisition of real estate interests be subject to local authorization and public hearings

(b) That no real estate interests be acquired until local officials have exhausted all possibilities of compatible use zoning.

(c) That funding of local, regional and state planning agencies be provided.

(d) That all parts of Air Installations Compatible Use Zone plans be made public.

Acquisition of real estate interests by the Department of Defense must be authorized by the Congress in all except minor acquisitions. The requirements of OMB Circular A–95, the National Environmental Policy Act, and the Air Installations Compatible Use Zone policy all are intended to assure (1) maximum feasible participation by local authorities (2) that complete information is available to such activities and (3) that their opinions and comments are fully considered. However, authorization by local Governments as a prerequisite to Federal action is considered inappropriate since the authorizing function should properly remain with the Congress.

The requirement that all recourse to local government action be exhausted prior to acquisition outside the clear zone is intended to assure that local officials be given every opportunity to enact compatible zoning. Indeed this is the preferred means of achieving compatible use. The comment may have been occasioned by a misprint in the 5th and 6th line of proposed § 256.4(b)(2)(ii)(B) which referred to "compatible use control" when it should have read "compatible use zoning."

The Department of Defense has no funds authorized for the purpose of assisting local governments in AICUZ planning efforts. However, such funds may be available in programs administered by other departments.

It is intended that all parts of the Air Installations Compatible Use Zone plans be made public. Indeed as stated above, except in very minor instances, the Department of Defense cannot acquire interest in land without the authorization of Congress, preparation of environmental impact analyses, and the coordination process of OMB Circular A–95.

It was also suggested that more emphasis be given to the reduction of unnecessary flying activities. It is the position of the Department of Defense that only necessary flying is taking place or is anticipated. The Air Installations Compatible Use Zone policy is designed to assure that necessary flying activities can continue.

A commenter suggested that "Reasonable planning areas and land use guidelines" § 256.4(b)(iii) was imprecise in that "reasonable" planning areas could be construed to include entire takeoff and descent areas. The comment is correct. The intent was that "reasonable" modify "Guidelines" not "planning areas" and the rule has been changed to reflect this.

A very interesting comment suggested that Environmental Impact Statements and Economic Studies be performed to determine the impact of an Air Installations Compatible Use Zone study, presumably prior to releasing the study. The suggestion is that the very existence of an Air Installations Compatible Use Zone study can have an economic and environmental impact on an area. It is as much to alleviate this exact problem as for any other reason that the Air Installations Compatible Use Zone policy requires close cooperation with local officials throughout its development. This will assure that any economic effects are minimized or optimized. Compatible zoning, for instance, can often increase the value of land when commercial or residential uses are found to be desirable. With respect to the Environmental Impact Statement process, a statement was filed prior to adoption of the original Air Installations Compatible Use Zone policy and it is the opinion of the Department of Defense that the overall effect of the program, as well as the effect of individual studies will be such as to enhance the quality of the environment. This, too, was the opinion of most commenters responding to the draft Environmental Impact Statement. Therefore, while it is considered correct to prepare environmental impact analysis and economic assessments on actions taken as a result of an Air Installations Compatible Use study, the requirement for their preparation prior to making the study would be inappropriate and in many ways redundant to the study itself.

One commenter suggested that actual noise surveys should be mandatory, not done only "if necessary". The reason that noise surveys are not a mandatory requirement of this policy is that computer programs have been developed that provide good accuracy and which must often be relied upon as in a case where it is planned to assign an aircraft to an area in the future but where noise surveys cannot be made because the aircraft is not yet assigned. Prudence would require that such predictions be checked when feasible and it is intended that such checking be accomplished.

In addition to the above changes, some minor typographical and spelling errors have been corrected and a reference to the Assistant Secretary of Defense for Installations and Logistics in § 256.5(h) has been corrected to read the "Deputy Assistant Secretary of Defense for Installations and Housing".

In consideration of the foregoing the following Part 256 of Title 32 of the Code of Federal Regulations is hereby adopted.

Part 256 now reads as follows:

Sec.

AUTHORITY: The provisions of Part 256 issued under the National Security Act of 1947, as amended, 61 Stat. 495.

§ 256.1 Purpose.

This Part: (a) sets forth Department of Defense policy on achieving compatible use of public and private lands in the vicinity of military airfields; (b) defines (1) required restrictions on the uses and heights of natural and man-made objects in the vicinity of air installations to provide for safety of flight and to assure that people and facilities are not concentrated in areas susceptible to aircraft accidents; and (2) desirable restrictions on land use to assure its compatibility with the characteristics, including noise, of air installations operations; (c) describes the procedures by which Air Installations Compatible Use Zones (AICUZ) may be defined; and (d) provides policy on the extent of Government interest in real property within these zones which may be retained or acquired to protect the operational capability of active military airfields (subject in each case to the availability of required authorizations and appropriations).

§ 256.2 Applicability.

This Part applies to air installations of the Military Departments located within the United States, its territories, trusts, and possessions.

§ 256.3 Criteria.

(a) *General.* The Air Installations Compatible Use Zone for each military air installation shall consist of (1) land areas upon which certain uses may obstruct the airspace or otherwise be hazardous to aircraft operations, and (2) land areas which are exposed to the

health, safety or welfare hazards of aircraft operations.

(b) *Height of Obstructions.* The land area and height standards defined in AFM 86-8,[2] NavFac P-272 and P-80,[2] and TM 5-803-4 [2] will be used for purposes of height restriction criteria.

(c) *Accident Potential.* (1) *General.* (i) Areas immediately beyond the ends of runways and along primary flight paths are subject to more aircraft accidents than other areas. For this reason, these areas should remain undeveloped, or if developed should be only sparsely developed in order to limit, as much as possible, the adverse effects of a possible aircraft accident.

(ii) DoD fixed wing runways are separated into two types for the purpose of defining accident potential areas. Class A runways are those restricted to light aircraft (See § 256.6) and which do not have the potential for development for heavy or high performance aircraft use or for which no foreseeable requirement for such use exists. Typically these runways have less than 10% of their operations involving Class B aircraft (§ 256.6) and are less than 8000 feet long. Class B runways are all other fixed wing runways.

(iii) The following descriptions of Accident Potential Zones are guidelines only. Their strict application would result in increasing the safety of the general public but would not provide complete protection against the effects of aircraft accidents. Such a degree of protection is probably impossible to achieve. Local situations may differ significantly from the assumptions and data upon which these guidelines are based and require individual study. Where it is desirable to restrict the density of development of an area, it is not usually possible to state that one density is safe and another is not. Safety is a relative term and the objective should be the realization of the greatest degree of safety that can be reasonably attained.

(2) *Accident potential and clear zones (See § 256.7).* (i) The area immediately beyond the end of a runway is the "Clear Zone", an area which possesses a high potential for accidents, and has traditionally been acquired by the Government in fee and kept clear of obstructions to flight.

(ii) Accident Potential Zone I (APZ I) is the area beyond the clear zone which possesses a significant potential for accidents.

(iii) Accident Potential Zone II (APZ II) is an area beyond APZ I having a measurable potential for accidents.

(iv) Modifications to APZs I and II will be considered if:

(A) The runway is infrequently used.

(B) The prevailing wind conditions are such that a large percentage (i.e., over 80 percent) of the operations are in one direction.

(C) Most aircraft do not overfly the APZs as defined herein during normal flight operations (modifications may be made to alter these zones and adjust them to conform to the line of flight).

(D) Local accident history indicates consideration of different areas.

(E) Other unusual conditions exist.

(v) The takeoff safety zone for VFR rotary-wing facilities will be used for the clear zone; the remainder of the approach-departure zone will be used as APZ I.

(vi) Land use compatibility with clear zones and APZs is shown in § 256.8.

(d) *Noise.* (1) *General.* Noise exposure is described in various ways. In 1964, the Department of Defense began using the Composite Noise Rating (CNR) system to describe aircraft noise. Several years ago the Noise Exposure Forecast (NEF) system began to replace CNR. In August 1974, the Environmental Protection Agency notified all Federal agencies of intent to implement the Day-Night Average Sound Level (Ldn) noise descriptor, and this was subsequently adopted by the DoD. This Ldn system will be used for air installations. Where AICUZ studies have been published using the CNR of NEF systems or where studies have progressed to the point that a change in the descriptor system is impractical or uneconomical, such studies may be published and continued in use. However, in such cases, data necessary for conversion to Ldn should be collected and studies should be revised as soon as time and budgetary considerations permit. However, if State or local laws require some other noise descriptor, it may be used in lieu of Ldn.

(2) *Noise Zones.* (i) As a minimum, contours for Ldn 65, 70, 75 and 80 shall be plotted on maps as part of AICUZ studies.

(ii) See § 256.10 for a further discussion of Ldn use and conversion to Ldn from previously used systems.

§ 256.4 Policy.

(a) *General.* As a first priority step, all reasonable, economical, and practical measures will be taken to reduce and/or control the generation of noise from flying and flying related activities. Typical measures normally include siting of engine test and runup facilities in remote areas if practical, provision of sound suppression equipment where necessary, and may include additional measures such as adjustment of traffic patterns to avoid built-up areas where such can be accomplished with safety and without significant impairment of operational effectiveness. After all reasonable noise source control measures have been taken, there will usually remain significant land areas wherein the total noise exposure is such as to be incompatible with certain uses.

(b) *Compatible Use Land.* (1) *General.* (i) DoD policy is to work toward achieving compatibility between air installations and neighboring civilian communities by means of a compatible land use planning and control process conducted by the local community.

(ii) Land use compatibility guidelines will be specified for each Clear Zone, Accident Potential Zone, Noise Zone and combination of these as appropriate.

(iii) The method of control and regulation of land usage within each zone will vary according to local conditions. In all instances the primary objective will be to identify planning areas and reasonable land use guidelines which will be recommended to appropriate agencies who are in control of the planning functions for the affected areas.

(2) *Property Rights Acquisition.* (i) *General.* While noise generated by aircraft at military air installations should be an integral element of land use compatibility efforts, the acquisition of property rights on the basis of noise by the Department of Defense may not be in the long term best interests of the United States. Therefore, while the complete requirement for individual installations should be defined prior to any programming actions, acquisition of interests should be programmed in accordance with the following priorities.

(ii) *Priorities.* (*A*) The first priority is the acquisition in fee and/or appropriate restrictive easements of lands within the clear zones whenever practicable.

(*B*) Outside the clear zone, program for the acquisition of interest, first in Accident Potential Zones and secondly in high noise areas only when all possibilities of achieving compatible use zoning, or similar protection, have been exhausted and the operational integrity of the air installation is manifestly threatened. If programming actions are considered necessary, complete records of all discussions, negotiations, testimony, etc., with or before all local officials, boards, etc., must be maintained. This will ensure that documentation is available to indicate that all reasonable and prudent efforts were made to preclude incompatible land use through cooperation with local governmental officials and that all recourse to such action has been exhausted. Such records shall accompany programming actions and/or apportionment requests for items programmed prior to the date of this Part. In addition, a complete economic analysis and assessment of the future of the installation must be included.

(*1*) Costs of establishing and maintaining compatible use zones must be weighed against other available options, such as changing the installation's mission and relocating the flying activities, closing the installation, or such other courses of action as may be available. In performing analyses of this type, exceptional care must be exercised to assure that a decision to change or relocate a mission is fully justified and that all aspects of the situation have been thoroughly considered.

(*2*) When, as a result of such analysis, it is determined that relocation or abandonment of a mission will be required, then no new construction shall be undertaken in support of such activities except as is absolutely necessary to maintain safety and operational readiness pending accomplishment of the changes required.

(iii) *Guidelines.* This Part shall not be used as sole justification for either

[2] Filed as part of original. Copies available in the Office of the Assistant Secretary of Defense (Installations and Logistics)—ID, Washington, D.C. 20301.

the acquisition or the retention of owned interests beyond the minimum required to protect the Government.

(A) Necessary rights to land within the defined compatible use area may be obtained by purchase, exchange, or donation, in accordance with all applicable laws and regulations.

(B) If fee title is currently held or subsequently acquired in an area where compatible uses could be developed and no requirement for a fee interest in the land exists except to prevent incompatible use, disposal actions shall normally be instituted. Only those rights and interests necessary to establish and maintain compatible uses shall be retained. Where proceeds from disposal would be inconsequential, consideration may be given to retaining title.

(C) If the cost of acquiring a required interest approaches closely the cost of fee title, consideration shall be given to whether acquisition of fee title would be to the advantage of the Government.

(c) *Rights and interests which may be obtained.* When it is determined to be necessary for the Federal Government to acquire interests in land, a careful assessment of the type of interest to be acquired is mandatory. § 256.9 contains a listing of possible interests which should be examined for applicability.

(d) *Environmental impact statements.* (1) Any actions taken with respect to safety of flight, accident hazard, or noise which involve acquisition of interests in land must be examined to determine the necessity of preparing an environmental impact statement in accordance with DoD Directive 6050.1, "Environmental Considerations in DoD Actions," March 19, 1974 (32 CFR 214).

(2) All such environmental impact statements must be forwarded to appropriate Federal and local agencies for review in accordance with DoD Directive 6050.1 (32 CFR 214).

(3) Coordination with local agencies will be in accordance with OMB Circular A–95.

§ 256.5 The air installation compatible use program.

(a) The Secretaries of the Military Departments will develop, implement and maintain a program to investigate and study all air installations in necessary order of priority to develop an Air Installation Compatible Use Zone (AICUZ) program for each air installation consistent with § 256.4. AICUZ studies which contain an analysis of land use compatibility problems and potential solutions shall be developed and updated as necessary. As a minimum, each Study shall include the following:

(1) Determination by detailed study of flight operations, actual noise and safety surveys if necessary, and best available projections of future flying activities, desirable restrictions on land use due to noise characteristics and safety of flight;

(2) Identification of present incompatible land uses;

(3) Identification of land that if inappropriately developed would be incompatible;

(4) Indication of types of desirable development for various land tracts;

(5) Land value estimates for the zones in question.

(6) Review of the airfield master plans to ensure that existing and future facilities siting is consistent with the policies in this Part.

(7) Full consideration of joint use of air installations by activities of separate Military Departments whenever such use will result in maintaining operational capabilities while reducing noise, real estate and construction requirements.

(8) Recommendations for work with local zoning boards, necessary minimum programs of acquisition, relocations, or such other actions as are indicated by the results of the Study.

(b) *Procedures.* In developing AICUZ Studies the Secretaries of Military Departments shall:

(1) Follow the review and comment procedures established under OMB Circular A–95;

(2) Ensure that appropriate environmental factors are considered; and

(3) Ensure that other local, State or Federal agencies engaged in land use planning or land regulation for a particular area have an opportunity to review and comment upon any proposed plan or significant modification thereof.

(c) *Coordination with State and Local Governments.* Secretaries of the Military Departments shall develop procedures for coordinating AICUZ Studies with the land use planning and regulatory agencies in the area. Developing compatible land use plans may require working with local governments, local planning commissions, special purpose districts, regional planning agencies, state agencies, state legislatures, as well as the other Federal agencies. Technical assistance to local, regional, and state agencies to assist them in developing their land use planning and regulatory processes, to explain an AICUZ Study and its implications, and generally to work toward compatible planning and development in the vicinity of military airfields, should be provided.

(d) *Property rights acquisition.* The AICUZ Study shall serve as the basis for new land acquisitions, property disposal, and other proposed changes in Military Departments real property holdings in the vicinity of military airfields where applicable.

(e) *Required approvals.* Based on the results of the AICUZ Studies, each Military Department will prepare recommendations for individual installations AICUZ programs for approval as follows:

(1) The Secretaries of the Military Departments or their designated representatives will review and approve the AICUZ Studies establishing the individual air installation AICUZ program.

(2) When relocation or abandonment of a mission or an installation is apparently required, the Secretaries of the Military Departments will submit the proposed plan for the installation, with appropriate recommendations, to the Secretary of Defense for approval.

(3) A time-phased fiscal year plan for implementation of the AICUZ program in priority order, consistent with budgetary considerations, will be developed for approval by the Secretary of the Military Departments, or their designated representatives. These plans will serve as the basis for all AICUZ actions at the individual installations.

(f) *Coincident actions.* The Secretaries of the Military Departments will also take action to assure in accordance with § 256.4 (a) and (b) that:

(1) As the first priority action in developing an AICUZ program, full attention is given to safety and noise problems.

(2) In all planning, acquisition and siting of noise generating items, such as engine test stands, full advantage is taken of available alleviating measures, such as remote sites or sound suppression equipment.

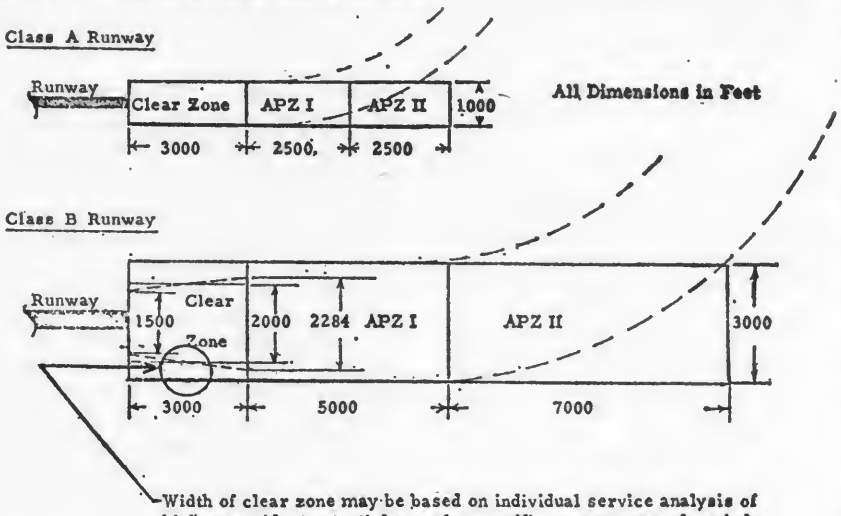
(3) The noise exposure of on-installation facilities and personnel are considered together with that off the installation.

(4) There is development or continuation with renewed emphasis, of programs to inform local governments, citizens groups, and the general public of the requirements of flying activities, the reasons therefore, the efforts which may have been made or may be taken to reduce noise exposure, and similar matters which will promote and develop a public awareness of the complexities of air installation operations, the problems associated therewith, and the willingness of the Department of Defense to take all measures possible to alleviate undesirable external effects.

(g) Responsibilities for the acquisition, management and disposal of real property are defined in DOD Directive 4165.6, "Real Property; Acquisition, Management and Disposal," September 15, 1955 (20 FR 7113).

(h) The Deputy Assistant Secretary of Defense (Installations and Housing) will examine the program developed pursuant to this Part, and from time to time review the progress thereunder to assure conformance with policy.

§ 256.7 Accident potential zone guidelines.



Width of clear zone may be based on individual service analysis of highest accident potential area for specific runway use and varied based on acquisition constraints. 3000 foot wide clear zone is desirable for new construction.

§ 256.8 Land use compatibility guidelines for accident potential.

Zones and footnotes—land use category

	Compatibility [1]		
	Clear zone	APZ I	APZ II
Residential:			
Single family	No	No	Yes.[2]
2 to 4 family	No	No	No.
Multifamily dwellings	No	No	No.
Group quarters	No	No	No.
Residential hotels	No	No	No.
Mobile home parks or courts.	No	No	No.
Other residential	No	No	No.
Industrial manufacturing: [3]			
Food and kindred products	No	No	Yes.
Textile mill products	No	No	Yes.
Apparel	No	No	No.
Lumber and wood products	No	Yes	Yes.
Furniture and fixtures	No	Yes	Yes.
Paper and allied products	No	Yes	Yes.
Printing, publishing	No	Yes	Yes.
Chemicals and allied products.	No	No	No.
Petroleum refining and related industries.	No	No	No.
Rubber and miscellaneous plastic goods.	No	No	No.
Stone, clay, and glass products.	No	Yes	Yes.
Primary metal industries	No	Yes	Yes.
Fabricated metal products	No	Yes	Yes.
Professional, scientific and controlling instruments.	No	No	No.
Miscellaneous manufacturing.	No	Yes	Yes.
Transportation, communications and utilities: [4]			
Railroad, rapid rail transit (ongrade).	Yes	Yes [4]	Yes.
Highway and street ROW	Yes	Yes	Yes.
Auto parking	No	Yes	Yes.
Communication	Yes	Yes	Yes.
Utilities	Yes	Yes [4]	Yes.
Other transportation, communications and utilities.	Yes	Yes	Yes.
Commercial/retail trade:			
Wholesale trade	No	Yes	Yes.
Building materials—retail	No	Yes	Yes.
General merchandise—retail.	No	No	Yes.
Food—retail	No	No	Yes.
Automotive, marine, aviation—retail.	No	Yes	Yes.
Apparel and accessories—retail.	No	No	Yes.
Furniture, homefurnishing—retail.	No	No	Yes.
Eating and drinking places	No	No	No.
Other retail trade	No	No	Yes.
Personal and business services: [5]			
Finance, insurance and real estate.	No	No	Yes.
Personal services	No	No	Yes.
Business services	No	No	Yes.
Repair services	No	Yes	Yes.
Professional services	No	No	Yes.
Contract construction services.	No	Yes	Yes.
Indoor recreation services	No	No	Yes.
Other servicesg	No	No	Yes.
Public and quasi-public services:			
Government service	No	No	Yes.[8]
Educational services	No	No	No.
Cultural activities	No	No	No.
Medical and other health services	No	No	No.
Cemeteries	No	Yes [6]	Yes.[6]
Nonprofit organization including churches.	No	No	No.
Other public and quasi-public services.	No	No	Yes.
Outdoor recreation:			
Playground's neighboring parks.	No	No	Yes.
Community and regional parks.	No	Yes [7]	Yes.[7]
Nature exhibits	No	Yes	Yes.
Spectator sports including arenas.	No	No	No.
Golf course,[9] riding stables [6]	No	Yes	Yes.
Water based recreational areas.	No	Yes	Yes.
Resort and group camps	No	No	No.
Entertainment assembly	No	No	No.
Other outdoor recreation	No	Yes [7]	Yes.
Resource production and extraction and open land:			
Agriculture [10]	Yes	Yes	Yes.
Livestock farming, animal breeding.[11]	No	Yes	Yes.
Forestry activities [12]	No [13]	Yes	Yes.
Fishing activities and related services.[14]	No [10]	Yes [14]	Yes.
Mining activites	No	Yes	Yes.
Permanent open space	Yes	Yes	Yes.
Water areas [14]	Yes	Yes	Yes.

See footnotes at end of article.

[1] A "Yes" or "No" designation for compatible land use is to be used only for gross comparison. Within each, uses exist where further definition may be needed as to whether it is clear or normally acceptable/unacceptable owing to variations in densities of people and structuressi

[2] Suggested maximum density 1-2 DU/AC, possibly increased under a planned unit development where maximum lot covered less than 20 percent.

acovercors to be considered: Labor intensity, structural

[3] Fage, explosive characteristics, air pollution.

[4] No passenger terminals and no major above ground transmission lines in APZ I.

[5] Low intensity office uses only. Meeting places, auditoriums, etc., not recommended.

[6] Excludes chapels.

[7] Facilities must be low intensity.

[8] Clubhouse not recommended.

[9] Concentrated rings with large classes not recommended.

[10] Includes livestock grazing but excludes feedlots and intensive animal husbandry.

[11] Includes feedlots and intensive animal husbandry.

[12] No structures (except airfield lighting), buildings or above ground utility/communication lines should be located in the clear zone. For further runway safety clearance limitations pertaining to the clear zone see AFM 86-6, TM 5-803-4 and NAVFAC P-80.3

[13] Lumber and timber products removed due to establishment, expansion or maintenance of clear zones will be disposed of in accordance with DOD Instruction 4170.7, "Natural Resources—Forest Management," June 21, 1965 (32 CFR 233) and DOD Instruction 7310.1, "Accounting and Reporting for Property Disposal and Proceeds from Sale of Disposable Personal Property and Lumber or Timber Products," July 10, 1970.1

[14] Includes hunting and fishing.

[15] Controlled hunting and fishing may be permitted for the purpose of wildlife control.

§ 256.9 Real estate interests to be considered for clear zones and accident potential zone.

(a) The right to make low and frequent flights over said land and to generate noises associated with:

(1) aircraft in flight, whether or not while directly over said land,

(2) aircraft and aircraft engines operating on the ground at said base, and,

(3) aircraft engine test/stand/cell operations at said base.

(b) The right to regulate or prohibit the release into the air of any substance which would impair the visibility or otherwise interfere with the operations of aircraft, such as, but not limited to, steam, dust and smoke.

(c) The right to regulate or prohibit light emissions, either direct or indirect (reflective), which might interfere with pilot vision.

(d) The right to prohibit electrical emissions which would interfere with aircraft and aircraft communications systems or aircraft navigational equipment.

(e) The right to prohibit any use of the land which would unnecessarily attract birds or waterfowl, such as, but not limited to, operation or sanitary landfills, maintenance of feeding stations or the growing of certain types of vegetation attractive to birds or waterfowl.

(f) The right to prohibit and remove any buildings or other non-frangible structures.

(g) The right to top, cut to ground level, and to remove trees, shrubs, brush or other forms of obstruction which the installation commander determines might interfere with the operation of aircraft, including emergency landings.

(h) The right of ingress and egress upon, over and across said land for the purpose of exercising the rights set forth herein.

(i) The right to post signs on said land indicating the nature and extent of the Government's control over said land.

(j) The right to prohibit land uses other than the following:

(1) Agriculture.

(2) Livestock grazing.

(3) Permanent open space.

(4) Existing water areas.

(5) rights of way for fenced two lane highways, without sidewalks or bicycle trails and single track railroads.

(6) communications and utilities rights of way, provided all facilities are at or below grade.

(k) The right to prohibit entry of persons onto the land except in connection with activities authorized under (a), (b), (c) and (f) of this section.

(l) The right to disapprove land uses not in accordance with § 256.8.

(m) The right to control the height of structures to insure that they do not become a hazard to flight.

(n) The right to install airfield lighting and navigational aids.

§ 256.10 Air installations compatible use zone noise descriptors.

(a) Composite Noise Rating (CNR) and Noise Exposure Forecast (NEF) values as previously required by Sections III., IV., and V. of DoD Instruction 4165.57, "Air Installations Compatible Use Zones," July 30, 1973 [1] will no longer be used.

(b) Where CNR 100 (or the quietest boundary of CNR Zone 2 if otherwise computed) or NEF 30 would previously have been used, data shall be collected sufficient to permit computation of Ldn 65 noise contours and these noise contours shall be plotted on maps accompanying AICUZ studies.

(c) Where CNR 115 (or the boundary of CNR Zone 3 if otherwise computed) or NEF 40 would previously have been used, data shall be collected sufficient to permit computation of Ldn 75 noise contours and these noise contours shall be plotted on maps accompanying AICUZ studies.

(d) Where previous studies have used CNR or NEF, for matters of policy, noise planning and decisionmaking, areas quieter than Ldn 65 shall be considered approximately equivalent to the previously used CNR Zone 1 and to areas quieter than NEF 30. The area between Ldn 65 and Ldn 75 shall be considered approximately equivalent to the previously used CNR Zone 2 and to the area between NEF 30 and NEF 40. The area of higher noise than Ldn 75 shall be considered approximately equivalent to the previously used CNR Zone 3 and to noise higher than NEF 40. The procedures shall remain in effect only until sufficient data to compute Ldn values can be obtained.

(e) When computing helicopter noise levels using data collected from meters, a correction of +7db shall be added to meter readings obtained under conditions where blade slap was present until and unless meters are developed which more accurately reflect true conditions.

(f) Noise contours less than Ldn 65 or more than Ldn 80 need not be plotted for AICUZ studies.

(g) Since CNR noise levels are not normally directly convertible to Ldn values without introducing significant error, care should be exercised to assure that personnel do not revise previous studies by erroneously relabeling CNR contours to the approximately equivalent Ldn values.

(h) Where intermittent impulse noises are such as are associated with bombing and gunnery ranges are of importance such noises will be measured using standard "C" weighting of the various frequencies to insure a description most representative of actual human response.

§ 256.11 Effective Date and Implementation.

This Part is effective immediately. Two copies of implementing regulations shall be forwarded to the Assistant Secretary of Defense (Installations and Logistics) within 90 days after publication of final rules.

MAURICE W. ROCHE,
Director, Correspondence and Directives, OASD (Comptroller).

DECEMBER 27, 1976.

[FR Doc.77-132 Filed 1-3-77;8:45 am]

Title 43—Public Lands: Interior

CHAPTER II—BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR

[Circular No. 2415]

PART 4110—GRAZING ADMINISTRATION (INSIDE GRAZING DISTRICTS) (THE FEDERAL RANGE CODE FOR GRAZING DISTRICTS)

PART 4120—GRAZING ADMINISTRATION (OUTSIDE GRAZING DISTRICTS AND EXCLUSIVE OF ALASKA); GENERAL

Records and Administrative Procedures; Grazing Fees

As directed by the "Federal Land Policy and Management Act of 1976" (90 Stat, 2743, 43 USC 1701), notice is hereby given that grazing fees for domestic livestock grazing on public lands administered by the Bureau of Land Management for the fee year starting March 1, 1977, will be held at the 1976 levels as published in the January 2, 1976 FEDERAL REGISTER (41 FR 13). Public lands subject to this notice include all lands administered by the Bureau except the McGregor Military Reservation in New Mexico and the Fort Mead Military Reservation in South Dakota where fees for grazing use are established through competitive bidding for the forage resource under the Material Sales Act.

The Federal Land Policy and Management Act amends Sec. 3 of the Taylor Grazing Act by deleting the two-part grazing fee consisting of a range use and a range-improvement fee. The Act also directs that 50 percent of the grazing fee receipts for grazing domestic livestock on the public lands (other than ceded Indian lands) administered under the Taylor Grazing Act be credited to a separate account in the United States Treasury for the range betterment program. Even though section 401(b)(1) of the Act provides that grazing receipts from the O & C lands are subject to the same percentage distribution as receipts from lands administered under the Taylor Grazing Act, section 701(b) of the 1976 Act negates that provision keeping the distribution of O & C land grazing receipts under the Act of August 28, 1937 (43 U.S.C. 1181(d)). Section 4115.2-1(k)(1)(i) and (iv) of 43 CFR is amended to reflect these provisions.

The postponement of a grazing fee increase for 1977 requires an adjustment in the annual increment schedule to attain fair market value of range forage at the beginning of the 1980 fee year. This rulemaking amends § 4115.2-1(k)(1)(ii) to provide for three equal annual increments beginning March 1, 1978, to attain that value on March 1, 1980. In the past, the fees have been adjusted to maintain comparability between public and private grazing charges. The adjustment establishes the rate of increase or decrease of the fees based on private land lease rates for similar types of rangeland.

The Federal Land Policy and Management Act of 1976 requires that the grazing fee for the grazing fee year beginning on March 1, 1977, be the same as that for the grazing fee year that began on March 1, 1976. Since the grazing fee for the grazing year 1977 has been set by statute, publication of proposed rulemaking and delay of effective date for 30 days are unnecessary. These actions are in accordance with the provisions of 5 U.S.C. 553(b)(1)(B) and 553(d)(2). Therefore, this rulemaking is published as a final rulemaking and shall become effective January 4, 1977.

The Department of the Interior 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.

To carry out the action as described herein, 43 CFR 4115.2-1(k)(1) and 4125.1-1(m) are amended as follows:

1. Section 4115.2-1(k)(1) is amended by revising subparagraphs (i), (ii) and (iv) to read as follows:

§ 4115.2-1 License and permit procedures, requirements and conditions.

* * * * *

(k) *Fees, payments and refunds.*—(1) *Fees.*

(i) Fees will be charged for the grazing of all livestock on public lands at a rate per animal unit month, except that no fee will be charged for a free-use license. Fees for any fee year will be published as a notice in the FEDERAL REGISTER.

(ii) Fees will be established by the Secretary in equal annual increments effective with the fee year beginning March 1, 1978, to attain fair market value of range forage beginning March 1 of the 1980 fee year. Fair market value is that value established by the Western Livestock Grazing Survey of 1966 or as determined by any study which may be conducted to update the fee based. Annual adjustments will also be made for any of the 1978-80 fee years and thereafter to reflect changes in the current market value as determined by an adequate index(es).

(iv) Fifty percent of the grazing fees collected for grazing domestic livestock on public lands (other than ceded Indian

lands) under the Taylor Grazing Act shall be deposited in a separate account in the United States Treasury for the range betterment program.

3. Section 4125.1–1(m)(1) is amended by adding paragraph (iii) to read as follows:

§ 4125.1–1 Leasing procedures; requirements and conditions.

* * * * *

(m) *Fees for grazing leases and crossing permits—(1) Lease rates.* * * *

(iii) Fifty percent of the grazing fees collected for grazing domestic livestock on public lands (other than ceded Indian lands) under the Taylor Grazing Act shall be deposited in a separate account in the United States Treasury for the range betterment program.

* * * * *

JACK O. HORTON,
Assistant Secretary of the Interior.

DECEMBER 29, 1976.

[FR Doc.76–38483 Filed 12–29–76;3:22 pm]

SUBCHAPTER B—LAND RESOURCE MANAGEMENT (2000)

PART 2650—ALASKA NATIVE SELECTIONS

Waiver of Regulations

Statement of consideration. The eligibility of certain villages is now the subject of judicial review proceedings. Group applications respecting land selected by any such village will have relevance only in the event of a final determination adverse to its eligibility. In the meantime, consideration of group applications respecting such lands would be premature and would result in unnecessary expense both to the Native entities involved and to the government. Accordingly, it is desirable to extend the deadlines for filing specified in Subpart 2653 until the issue of village eligibility has become final.

It is therefore ordered, as authorized by the terms of 43 CFR 2650.0–8, That the time to file, amend, or supplement any application authorized or required by 43 CFR 2653 concerning eligibility or land selections by a group applicant seeking lands encompassed in the selections filed by a village whose eligibility for land benefits under the Alaska Native Claims Settlement Act is the subject of judicial proceedings pending on the date of this order, is extended to and including the thirtieth day following a final resolution of the eligibility of such village. No resolution shall be deemed final until the time for seeking review or reconsideration has expired.

Dated: December 29, 1976.

KENT FRIZZELL,
Acting Secretary of the Interior.

[FR Doc.76–38489 Filed 12–30–76;10:18 am]

Title 45—Public Welfare

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

PART 250—ADMINISTRATION OF MEDICAL ASSISTANCE PROGRAMS

Rescission of Correction Notice

The Correction Notice intended to make technical changes in the regulations of July 1, 1976 related reimbursement for skilled nursing and intermediate care facility services under Title XIX, Social Security Act (41 FR 53994, December 10, 1976) is hereby rescinded.

Dated: December 23, 1976.

BRYAN B. MITCHELL,
Acting Deputy Assistant Secretary for Management Planning and Technology.

[FR Doc.77–215 Filed 1–3–77;8:45 am]

proposed rules

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

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

[7 CFR Part 272]

[Amdt. No. 102]

FOOD STAMP PROGRAM

Proposed Rulemaking

Pursuant to the authority contained in the Food Stamp Act of 1964, as amended (78 Stat. 703, as amended; 7 U.S.C. 2011–2026), notice is hereby given that the Food and Nutrition Service, Department of Agriculture, proposes to amend Part 272 of its regulations governing the operation of the Food Stamp Program, 7 CFR 272. The proposed amendment is for the purpose of allowing the Food and Nutrition Service (FNS) to immediately withdraw the authorization of a participating firm which FNS finds no longer helps to further the purposes of the program, subject to the right to request administrative review. The regulations currently call for FNS to require a firm to submit a new application for authorization whenever FNS has reason to believe that the firm no longer qualifies for authorization, and then make the determination on whether to deny reauthorization. The Department intends to delete the provision requiring a new application since that step in the process is unnecessary.

Interested persons may submit written comments, suggestions, or objections regarding the proposed amendment to Nancy Snyder, Director, Food Stamp Division, Food and Nutrition Service, U.S. Department of Agriculture, Washington, D.C. 20250. In order to be sure of consideration, all submissions must be received not later than February 3, 1977.

All comments, suggestions, or objections received by this date will be considered before the final regulations are issued. Comments, suggestions, or objections will be open to public inspection pursuant to 7 CFR 1.27(b) at the Office of the Director during regular business hours (8:30 am to 5:00 pm) at 500 12th Street, S.W., Washington, D.C., Room 650.

It is proposed to amend § 272.1 by deleting paragraph (g), relettering paragraph (h) as paragraph (g), and adding a new paragraph (h). The new paragraph (h) would read as follows:

PART 272—PARTICIPATION OF RETAIL FOOD STORES, WHOLESALE FOOD CONCERNS, MEAL SERVICES AND BANKS

§ 272.1 Approval of retail food stores, wholesale food concerns, and meal services.

* * * * *

(h) FNS shall periodically review the nature and scope of participating firms' business. If FNS receives new or additional information about a firm involving any of the criteria set forth in paragraphs (b), (c), and (d) of this section, FNS shall make a determination as to whether the firm's continued participation serves to further the purposes of the program. FNS shall withdraw approval to participate if a determination is made that the firm does not qualify for continued participation. Any withdrawal of authorization shall be subject to administrative review under the provisions of § 272.8.

* * * * *

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

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

Dated: December 23, 1976.

RICHARD L. FELTNER,
Assistant Secretary.

[FR Doc.77-103 Filed 1-3-77;8:45 am]

Agricultural Stabilization and Conservation Service

[7 CFR Part 730]

1977 RICE CROP SET-ASIDE DETERMINATION PROGRAM

Section 101 (g) (5) (A) of the Agricultural Act of 1949, as amended, provides that the Secretary may require a set-aside of cropland for a crop of rice if he estimates (without taking into consideration the effect of a set-aside), that the carryover of rice for the marketing year beginning in the calendar year immediately following the calendar year in which such crop will be grown will exceed 15 per centum of the total supply of rice for the marketing year beginning in the calendar year in which such crop will be grown.

A notice that the Secretary was preparing to make a preliminary determination was published in the FEDERAL REGISTER November 26, 1976 (41 FR 52060, 52061) in accordance with the provisions of 5 U.S.C. 553. Data, views and recommendations were submitted pursuant to such notice and consideration given thereto to the extent permitted by law.

Fifty-one responses were received. Seventeen favored a return to the old program of acreage allotments and marketing quotas, 3 requested no government programs, and, of those commenting with regard to setaside, 18 were in favor of no set-aside while 13 were in favor of set-aside. After consideration of all responses along with other information available to the Department, the Secretary has preliminarily determined that a set-aside of cropland shall not be in effect for the 1977 crop of rice.

(Sec. 101, 63 Sta 1051, as amended (U.S.C. 1441)).

Under a market oriented approach to farm programs without fear of loss of allotment farmers are totally free to plant other crops in greater market demand than rice. The acreage available for the production of rice is three to four times the allotment. Therefore, it is believed a required set-aside program would be ineffective and also interfere with a market oriented program.

Notice is hereby given that the Secretary has preliminarily determined that a set-aside of cropland shall not be in effect for the 1977 crop of rice. As prescribed by the Act, a final determination will be made not later than April 1, 1977.

Effective Date: This preliminary determination is effective December 29, 1976. Date of filing with the Director, Office of the Federal Register.

The Secretary 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.

Signed at Washington, D.C. on December 28, 1976.

RICHARD E. BELL,
Acting Secretary.

[FR Doc.76-38477 Filed 12-29-76;9:32 am]

FEDERAL RESERVE SYSTEM

[12 CFR Part 226]

[Reg. Z; Docket No. R–0072]

TRUTH IN LENDING

Discounts for Payment in Cash

Pursuant to the authority contained in the Truth in Lending Act (15 USC 1604), the Board of Governors proposes to amend Part 226 (Regulation Z) to implement changes and clarifications made by Public Law 94–222 which was signed into law on February 27, 1976. One of the purposes of the law was to clarify the fact that section 167 of the Truth in Lending Act (15 USC 1666f) was intended by Congress to exempt discounts of up to five per cent for payment in cash instead of by credit card from disclosure as finance charges but was not intended to provide a similar exemption from disclosure for surcharges of up to five per cent on the use of credit cards. Public Law 94–222 not only provided that surcharges do not qualify for the section 167 exemption from disclosure but also prohibited the imposition of surcharges on the use of credit cards for three years. The clarifying statutory amendments also provided that any discount qualifying under section 167 shall not be considered a charge for credit

under State usury, disclosure, and other credit laws.

The proposed amendments to Regulation Z to implement the discount-surcharge provisions of Public Law 94–222 add three new definitions to § 226.2, amend paragraphs (1)(iii) and (4) of § 226.4(i) and add a new paragraph (5) to § 226.4(i). The definitions added are those of "discount," "surcharge," and "regular price." When read in conjunction with these definitions, § 226.4(i) provides that only discounts and not surcharges qualify for the exemption contained in section 167.

The definition of "discount" read together with that of "regular price" is intended to clarify that the price differential resulting from a pricing system in which the merchant tags or posts both a credit card price and a cash price is a discount and qualifies for nondisclosure under section 167. Under these definitions, the following examples of pricing situations would involve "discounts" that would not have to be disclosed if offered in accordance with the requirements of § 226.4(i):

1. Merchant posts or tags goods with a single price which is charged for credit purchases and offers up to a 5 percent discount off this price to cash purchasers.

2. Merchant posts or tags goods with both a credit price and a cash price which is up to 5 percent lower than the credit price.

3. Merchant does not tag or post prices, but offers cash purchasers a price which is up to 5 percent lower than that offered to credit purchasers.

Any pricing system in which the only price tagged or posted is a cash price which is not available to someone purchasing with a credit card would involve a "surcharge" and would, therefore, be illegal until February 27, 1979.

The proposed amendment to paragraph (1)(iii) of § 226.4(i) would prevent consumers from being misled by a low advertised price when there is an additional charge for credit card purchases. Advertisements promoting goods or services for which a discount for cash is offered would not have to state any price, but if the lower cash price were disclosed, the credit price would also have to be disclosed.

The proposed revision of paragraph (4) of § 226.4(i) makes it clear that it is against the law for merchants to impose surcharges on the use of credit cards until February 27, 1979, even if the amount of the surcharge is disclosed as a finance charge.

The proposed paragraph (5) of § 226.4(i) implements the provision of Public Law 94–222 which states that a discount for payment in cash instead of by credit card which qualifies for the exemption under section 167 shall not be considered a charge for credit for purposes of State laws on usary, credit cost disclosure, and permissible credit charges. This provision was necessary because the fact that such discounts are not considered finance charges for purposes of Truth in Lending has no effect on their treatment under State law. This provision assures that the offering of a discount for cash in accordance with § 226.4(i) will not inadvertently place the merchant or the card issuer in violation of State law.

This notice is published pursuant to section 553(b) of Title 5, United States Code, and § 262.2(a) of the Rules of Procedure of the Board of Governors of the Federal Reserve System (12 CFR 262.2(a)).

Interested persons are invited to submit relevant data, views, or arguments concerning this proposal. Any such material should be submitted in writing to the Secretary, the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to any Federal Reserve Bank for transmittal to the Board, to be received at the Board not later than February 4, 1977. Such material will be made available for inspection and copying upon request, except as provided in 12 CFR 261.6(a) of the Board's rules regarding availability of information. Pursuant to the authority granted in 15 U.S.C. 1604, the Board proposes to amend Regulation Z 12 CFR Part 226 as follows:

1. To implement section 3(a) of Public Law 94–222, § 226.2 is amended by adding new paragraphs (tt), (uu) and (vv) as set forth below:

§ 226.2 Definitions and rules of construction.

* * * * *

(tt) The term "regular price" means the tag or posted price charged for property or a service if a single price is tagged or posted. If two prices for the property or service are tagged or posted, one price which is charged for cash purchases and one which is charged for credit card purchases, or if no price for the property or service is tagged or posted, the "regular price" is the price charged for credit card purchases of the property or service.

(uu) The term "discount," as used in § 226.4(i), means a reduction made from the "regular price," as defined in § 226.2(tt).

(vv) The term "surcharge," as used in § 226.4(i), means an additional charge added to the "regular price," as defined in § 226.2(tt), to arrive at the selling price of property or services for credit card purchases.

§ 226.4 [Amended]

2. To implement sections 3(a) and 3(c) of Pub. L. 94–222, § 226.4(i) is amended as follows:

(a) paragraph (1)(iii) is amended by adding at the end thereof a new sentence as follows:

* * * If a price other than the regular price, as defined in § 226.2(tt), is disclosed in an advertisement, telephone contact, or other corespondence promoting goods or services for which a discount for cash is offered, the regular price shall also be disclosed.

(b) paragraph (4) is revised as follows:

(4) No creditor in any sales transaction may impose a surcharge on a cardholder who elects to use a credit card in lieu of payment by cash, check, or similar means. This paragraph shall cease to be effective on February 27, 1979.

(c) new paragraph (5) is added as follows:

(5) Notwithstanding any other provisions of this Part, any discount for cash which, pursuant to paragraph (1), is not a finance charge for purposes of this Part shall not be considered a finance charge or other charge for credit under the laws of any State relating to:

(i) usury; or

(ii) disclosure of information in connection with credit extensions; or

(iii) the types, amounts, or rates of charges, or the element or elements of charges permissible in connection with the extension or use of credit.

By order of the Board of Governors, December 27, 1976.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.77–187 Filed 1–3–77;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 240]

[Release No. 34–13106; File No. S7–669]

RECORDKEEPING AND PRESERVATION REQUIREMENTS

Proposed Amendments

The Securities and Exchange Commission today announced proposed amendments of § 240.17a–3 and § 240.17a–4 in order to establish suitable recordkeeping requirements for municipal securities brokers and municipal securities dealers while eliminating the need to comply with more than one set of recordkeeping rules.

After discussions with the Municipal Securities Rulemaking Board and upon review of amendments to the Board's proposed Rules G–8 through G–10 on recordkeeping filed with the Commission on December 23, 1976,[1] the Commission

[1] On November 12, 1976 the Commission and the Board met to discuss several issues with respect to recordkeeping and preservation requirements for municipal securities brokers and municipal securities dealers. The conclusions reached at this meeting were published in a Commission press release which stated that:

"As a result of discussions, the Commission and the Municipal Securities Rulemaking Board today reached an understanding respecting the recordkeeping requirements of municipal securities brokers and municipal securities dealers which will eliminate the need to comply with more than one set of recordkeeping rules. Subject to public comment, securities firms will have the option of complying either with the Board's or the Commission's recordkeeping rules and banks will be subject to the Board's rules.

"Accordingly, the Commission announced today that it will cancel the hearings scheduled for November 22, 1976, regarding the rules submitted by the Municipal Securities Rulemaking Board relevant to recordkeeping.

"Both the Commission and the Municipal Securities Rulemaking Board will promptly issue revisions to their respective rules to reflect this understanding. It is anticipated that the application of the Commission's and the

Board's recordkeeping rules, as modified, will be monitored during a one-year period."

has determined that it may be appropriate to effect certain changes in §§ 240.17a–3 and 240.17a–4, and accordingly, these sections are proposed to be amended as set forth below.

PROPOSED AMENDMENT OF §§ 240.17a–3 AND 240.17a–4

For those brokers and dealers which effect transactions solely in municipal securities or solely in municipal securities and securities which are defined as "exempted securities" under section 3(a)(12) of the Securities Exchange Act of 1934 as amended, compliance with the Board's proposed rules will be deemed to be compliance in full with §§ 240.17a–3 and 240.17a–4. The Commission notes that, with respect to certain financial records of such firms, proposed Rule G–8 of the Board incorporates by reference financial records required by § 240.17a–3.

For brokers and dealers engaged in a general securities business, compliance with Board Rules G–8 and G–9 will be deemed to be compliance with §§ 240.17a–3 and 240.17a–4, only to the extent of such firm's municipal securities' business. Alternatively, such brokers and dealers would have the option under the Board's rules of fulfilling the requirements of Rules G–8 and G–9 through compliance with §§ 240.17a–3 and 240.17a–4.

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

1. Text of Proposed Amended § 240.17a–3.

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

* * * * *

(e) For purposes of transactions in municipal securities by municipal securities brokers and municipal securities dealers, compliance with Rule G–8 of the Municipal Securities Rulemaking Board will be deemed to be compliance with this section.

2. Text of Proposed Amended § 240.17a–4.

§ 240.17a–4 Records to be preserved by certain exchange members, brokers and dealers.

* * * * *

(h) For purposes of transactions in municipal securities by municipal securities brokers and municipal securities dealers, compliance with Rule G–9 of the Municipal Securities Rulemaking Board will be deemed to be compliance with this section.

WITHDRAWAL OF PREVIOUSLY PROPOSED AMENDMENTS TO §§ 240.17a–3, 240.17a–4 AND 240.17a–11

In Securities Exchange Act Release No. 12931 (October 27, 1976) (41 FR 48379, November 3, 1976; "Release No. 12931"), the Commission proposed amendments to §§ 240.17a–3, 240.17a–4 and 240.17a–11 which would render these standards applicable to municipal securities dealers which are banks or separately identifiable departments or divisions of banks. The Commission also proposed certain amendments which were deemed to be necessary as a result of the unique nature of the municipal securities industry. The Commission has reviewed the amendments filed by the Board and on the basis of its review would deem the rules as amended to be acceptable for the purposes outlined above in satisfaction of the requirements of §§ 240.17a–3 and 240.17a–4, and, accordingly, the amendments to §§ 240.17a–3, 240.17a–4 and 240.17a–11 which were published for comment in Release No. 12931 are withdrawn.

ADEQUACY OF CERTAIN LEDGERS AND STOCK RECORDS

The Commission wishes to affirm the position taken in Release No. 12931 on certain issues. As to the manner of records which would constitute adequate ledgers and stock records in compliance with paragraphs (a)(3) and (a)(5) of § 240.17a–3, the Commission noted that it previously had not objected to the use of a "unit" accounting system by a dealer effecting transactions solely on a payment vs. delivery basis who neither holds customer funds nor carries margin accounts.[3] With respect to stock records, the Commission noted that the form and content of the records were not specifically prescribed, and that in certain instances the use of supplementary records as well as the basic record would be permissible. The Commission also stated that a separate record would not necessarily be required for each maturity within an issue of a municipal security, provided that the record which is maintained for each issue contains adequate information to indicate the positions and locations of the specific maturities contained therein.[4]

ANNOUNCEMENT OF MONITORING PROGRAM

In order to ensure the application of an appropriate and effective recordkeeping structure for all municipal securities brokers and municipal securities dealers, the Commission and the Board will initiate a one year surveillance program to monitor and evaluate the suitability of compliance with proposed amended §§ 240.17a–3 and 240.17a–4 as well as proposed Board Rules G–8 and G–9.

Neither the Commission nor the Board will require brokers and dealers to file a formal written notice of their decision to comply with either the Board's or the Commission's recordkeeping rules. However, satisfactory compliance with either set of rules as hereinbefore described will be subject to review by the Commission, the Board, and self-regulatory organizations charged with enforcement of Commission and Board rules. Written notice may be required at a future point in time.

STATUTORY BASIS

Proposed amended §§ 240.17a–3 and 240.17a–4 would be adopted pursuant to section 17(a)(1) of the Securities Exchange Act of 1934, as amended by the Securities Acts Amendments of 1975 [15 U.S.C. 78a *et seq.*, as amended by Pub. L. No. 94–29 (June 4, 1975)].

REQUEST FOR COMMENTS

The Commission is proposing to amend §§ 240.17a–3 and 240.17a–4 in coordination with proposed Board Rules G–8 and G–9 so as to establish an effective recordkeeping and preservation structure for entities effecting transactions in municipal securities without requiring compliance with more than one set of recordkeeping rules.

In order to give adequate consideration to the proposed rule format with a view to establishing the most appropriate and non-duplicative recordkeeping and preservation structure for the distinct entities comprising the municipal securities industry, the Commission is requesting comments with respect to the appropriateness of proposed §§ 240.17a–3(e) and 240.17a–4(h), the suitability of the amendments to proposed Board Rules G–8 and G–9 and the effectiveness of the interaction of these recordkeeping structures.

The Commission is also requesting comments with respect to the following specific issues:

(1) The appropriateness of omitting municipal securities dealers which are banks or separately identifiable departments or divisions of banks from the purview of §§ 240.17a–3 and 240.17a–4;

(2) The appropriateness of permitting brokers and dealers which effect transactions solely in municipal securities the option of electing the recordkeeping structure to which they will be subject; and

(3) The desirability of permitting brokers and dealers which conduct a general securities business as well as a municipal securities business the option of electing the recordkeeping structure to which their municipal securities transactions will be subject.

Interested persons should submit written comments in triplicate on or before January 31, 1977. All such communications should be directed to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Comments should refer to File No. S7–669 and will be available for public inspection.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

DECEMBER 23, 1976.

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[3] Securities Exchange Act Release No. 12931, October 27, 1976, at 6.

[4] *Id.*, at 7, 8.

[17 CFR Parts 240, 249]

[Release No. 34–13100; File No. S7–667]

FOCUS REPORTING SYSTEM

Proposed Amendments of Financial and Operational Combined Uniform Single Report

The Securities and Exchange Commission today announced proposed amend-

ments to the FOCUS Report, a financial and operational combined uniform single report under the Securities Exchange Act of 1934. The Commission also announced the proposed amendment of §§ 240.17a–4, 240.17a–5, 240.17a–10, 240.17a–11, 240.17a–13, 240.17a–18, 240.17a–19, 240.17a–20 and 240.15c3–3, and Form X–17A–5 (§ 249.617) and the proposed revocation of Form X–17A–10 (§ 249.618) and Form X–17A–20 (§ 249.636). The amendments described herein are primarily of a minor, technical nature and are designed to facilitate the application of a streamlined system of financial and operational reporting, and to achieve a further reduction in the quantity and frequency of reports which must be filed by brokers and dealers.

INTRODUCTION

In May 1974 the Commission announced the membership of the Report Coordinating Group ("Group"), a federal advisory committee established to advise the Commission on the consolidation and reduction of reporting requirements and to assist the Commission in the development of a key regulatory report.[1] At its first meeting on June 3, 1974 the Group determined to give the highest priority to developing recommendations regarding a uniform financial and operational report.[2]

On August 9, 1974 the Commission issued guidelines for a uniform financial and operational report. In accordance with these guidelines the Group reviewed the reports, forms and similar material required of brokers and dealers by the Commission, the self-regulatory organizations and others. The Group, with the the banking community, and the legal and accounting professions, developed a FOCUS Report Discussion Paper which dedicated assistance of a staff workgroup comprised of members of the self-regulatory community, brokerage firms, was distributed on October 15, 1974, and submitted its final report on this subject on June 16, 1975.[3]

The Commission, after considering the recommendations of the Report Coordinating Group and the comments thereon, believed that the adoption of a reporting system based upon and including the FOCUS Report, with some modifications to the program recommended, would provide an opportunity for uniform industry-wide regulation and would substantially reduce the reporting burdens on the securities industry without compromising the interests of the public and the regulators. In an effort to achieve that goal, the Commission released the FOCUS Report for public comment on October 16, 1975.[4]

As a result of the implementation of amended § 240.15c3–1 on January 1, 1976, the existing financial and operational reports and the surveillance systems of the Commission and the self-regulatory organizations were destined to become obsolete as of that date. In order to avoid an amendment to existing forms which would be followed by a restructuring of a substantial portion of the reporting system, the Commission expedited its consideration of the FOCUS Report and related rule changes and announced the adoption of the uniform reporting system on December 17, 1975, to become effective January 1, 1976.[5]

In the adopting release, the Commission noted that that "* * * while the reporting system is efficient in theory, and the form satisfactory in substance, certain modifications may subsequently be necessary in order to achieve a smoother practical application."[6] The Commission expressed the view that those areas which may require additional refinement would become apparent after several months' experience with the FOCUS reporting structure, and stated its intention to periodically review the FOCUS Report "* * * in order to continue modifying and updating the financial and operational reporting systems to keep pace with the changing securities industry."[7] The comments which have been submitted indicate that the FOCUS Report has achieved the dual goals of uniformity and simplification and requires only minor adjustments in certain areas.

PROPOSED AMENDMENT OF § 240.17a–4

Paragraph (b)(8) is proposed to be amended to clarify that the schedules required to be retained need only be in support of the information reported as of the annual audit date.

Paragraph (b)(9) is proposed to be added so as to require the retention for three years of the records describing a broker's or dealer's procedures for obtaining possession or control of customers' fully paid and excess margin securities in accordance with the requirements of § 240.15c3–3.

PROPOSED AMENDMENT OF § 240.17a–5 AND RELATED FORM X–17A–5 (§ 249.617)[8]

(A) *Filing of monthly and quarterly reports.* Subparagraph (a)(2) is proposed to be amended in order to clarify that subparagraphs (a)(2)(i) and (a)(2)(ii) apply to brokers and dealers which clear any transactions, whether such transactions are customer or non-customer. Similarly, subparagraph (a)(2)(iii) as proposed to be amended would apply only to those brokers and dealers which neither clear transactions (customer or non-customer) nor carry customer accounts.

Subparagraph (a)(3) is proposed to be amended to provide that all monthly and quarterly reports received pursuant to paragraph (a) are deemed to be confidential. Each of the plans which have been filed by the self-regulatory organizations pursuant to subparagraph (a)(4) and which were approved by the Commission in conjunction with the adoption of the FOCUS reporting system[9] provides that all reports collected thereunder will be granted confidential treatment, therefore the primary effect of this proposed amendment is to clarify that similar treatment will be afford to SECO brokers and dealers which file reports pursuant to paragraph (a) directly with the Commission.

(B) *Termination of membership interest.* A new subparagraph (6) is proposed to be added to paragraph (b) to indicate the means by which a broker or dealer which is terminating a membership interest in a self-regulatory organi-

[1] The Report Coordinating Group was established in accordance with the provisions of the Federal Advisory Committee Act, 5 U.S.C. Appendix 1.

[2] The Group also concentrated its efforts on the development of uniform registration and record retention forms. Uniform registration forms for brokers and dealers were adopted by the Commission on May 16, 1975 (Securities Exchange Act Release No. 11424).

Subsequent to the submission of the Report Coordinating Group's First Annual Report, a Trading Forms Task Force deliberated for several months and recommended the elimination or consolidation of the 104 trading forms described in the First Annual Report. The Task Force proposed simplified and consolidated forms as a replacement. The affected exchanges have agreed almost uniformly to implement the proposed simplified trading forms as soon as supplies of current forms are exhausted, and not later than December 31, 1976.

An Assessment Forms Task Force working during the same period has made additional proposals for the further simplification of assessment procedures. The Group resolutions in favor of simplification and automation of assessment procedures have been transmitted to the Securities Investor Protection Corporation and the National Market Advisory Board. For background and prior status of these two projects, see First Annual Report of the Report Coordinating Group, June 16, 1975, and Second Annual Report of the Report Coordinating Group, April 26, 1976.

[3] Comments suggesting further simplification and changes in the items of the FOCUS Report were considered in the drafting of the FOCUS Report Revised Discussion Paper released on December 16, 1974 (Securities Exchange Act. Release No. 11140, December 16, 1974). The FOCUS Report Revised Discussion Paper set forth a three-part reporting format of financial and operational data to be completed by certain firms at specified intervals.

Subsequent to the release of the FOCUS Report Revised Discussion Paper, the Group held additional public meetings to further simplify the FOCUS Report and at the same time improve its effectiveness as a surveillance tool for the Commission and the self-regulators. The Group released its final recommendation for a FOCUS Report in its First Annual Report on June 16, 1975 (Securities Exchange Act Release No. 11499, June 16, 1975; 40 FR 27989, July 2, 1975).

[4] Securities Exchange Act Release No. 11748, October 16, 1975; 40 FR 51060, November 3, 1975.

[5] Securities Exchange Act Release No. 11935, December 17, 1975; 40 FR 59706, December 30, 1975.

[6] Id., at 6.

[7] Id.

[8] A work group comprised of representatives from the various self-regulatory organizations is currently studying Parts I, II, and IIA of Form X–17A–5 and expects to recommend further revisions early in 1977. These proposed revisions, as well as further clarifications and interpretations of the proposed amendments to Form X–17A–5 (§ 249.617) which are discussed at pp. 19–21 infra, will be published for comment in a separate release.

[9] Securities Exchange Act Release No. 11935 (December 17, 1975) at 158.

zation other than its designated examining authority may request relief from the filing requirements specified in paragraph (b). The information which must be included in such request is specified in proposed subparagraphs (b)(6)(i), (ii), (iii) and (iv). It should be noted that the proposed exemption provided for in this subparagraph is in addition to the Commission's existing general exemptive authority in subparagraph (1)(3).

Subparagraph (b)(1) as proposed to be amended would permit those brokers and dealers which regularly file a report on Part IIA in accordance with paragraph (a) to file a report on Part IIA in satisfaction of the requirements of paragraph (b).

(C) *Customer statements.* Paragraph (c) is proposed to be amended to require that audited statements be furnished within 105 days after the date of such statements and unaudited statements furnished within 45 days after the date of such statements. This amendment would provide a fixed, determinable date as of which the statements must be furnished.

(D) *Nature and form of reports.* Paragraph (e) is proposed to be amended to revise and update the procedures which the auditor must utilize in comparing amounts reported on Form SIPC-7 and amounts reported on the annual report of financial statements.

In addition, a statement requiring disclosure as to a broker's or dealer's proprietary interest is proposed to be added to subparagraph (e)(2).

(E) *Qualifications, designation and replacement of accountants.* Paragraph (f) is proposed to be amended to require those brokers and dealers which are exempted from the certification requirements of § 240.17a-5 to nevertheless notify the Commission, by December 10 of each year, of the date as of which the unaudited report will be prepared. In addition, newly-registered brokers and dealers would be required to file the notice pursuant to subparagraph (f)(2) within 30 days after the effective date of registration. These proposed amendments would revise the designation of accountant file so as to provide the Commission and the self-regulatory organizations with a comprehensive schedule of proposed auditors and report dates for each year.

(F) *Audit objectives.* Subparagraph (g)(1)(iv) as proposed to be amended would require the independent public accountant to review, as part of the annual audit, those procedures described by the broker or dealer in section 240.15c3-3(d)(4) with respect to the possession or control of fully paid and excess margin securities. This review would ensure the adequacy of the procedures upon which the broker or dealer bases its quarterly representation in Form X-17A-5 (§ 249.617).[10]

(G) *Filing Period with Respect to Part I of Form X-17A-5 (§ 249.617).* The time period specified in § 240.17a-5(a)(2)(i) for the filing of a report in Part I of Form X-17A-5 (§ 249.617) is ten business days after the end of each month. Under the provisions of the New York Stock Exchange ("NYSE") plan filed pursuant to § 240.17a-5(a)(4) and approved by the Commission on December 17, 1975 brokers and dealers for which the NYSE is the designated examining authority have been permitted temporarily to file a report on Part I within seventeen business days. This longer filing period was deemed to be necessary, at least for an initial phase-in period, because it appeared that the substantial size and complexity of business of the NYSE firms would result in a more difficult transition to a new reporting system.

Brokers and dealers have been subject to the new reporting system for a full year, and several firms, as well as the NYSE itself, have indicated that based on experience to date, compliance with a filing period shorter than the current seventeen business days may not be possible for a significant number of large firms.

Part I is intended to be utilized primarily as an early warning and surveillance report of key financial and operational data. In order to accomplish this purpose effectively, the report must be received as quickly as possible after the close of each month. While there may be a number of registrants who will require a period longer than the specified ten business days within which to file, such extensions should be granted on an individual basis pursuant to the Commission's authority under § 240.17a-5(1)(3). Accordingly, the Commission has determined that, commencing with the report filed on Part I for the month of April, 1977, all brokers and dealers, other than those specifically granted extensions of time pursuant to § 240.17a-5(1)(3), shall file such report within ten business days after the end of the month.

Brokers and dealers wishing to request an extension are urged to submit written requests to the Commission promptly and, in any event, no later than January 31, 1977. The extension of the time period for filing of Part I by NYSE members heretofore approved is extended to reports due to be filed for periods ending up to and including March 31, 1977.

(H) Proposed Amendment of Form X-17A-5 (§ 249.617).[11] Form X-17A-5 (§ 249.617) would be amended, beginning with the report filed as of the calendar quarter ending March 31, 1977, to incorporate certain data now obtained from reports filed on Form X-17A-10 (§ 249.618) and Form X-17A-20 (§ 249.636). This consolidation eliminates the need for the latter forms and substantially decreases the reporting requirements of brokers and dealers by abolishing an annual report on Form X-17A-10 (§ 249.618) and four quarterly reports on Form X-17A-20 (§ 249.636). The present Statement of Income (Loss) contained in Form X-17A-5 (§ 249.617) would be modified to include certain items now required by § 240.17a-10. Three supplementary schedules would be added to Form X-17A-5 (§ 249.617) and would be filed by certain brokers and dealers for the calendar quarter ending December 31 of each year.

PROPOSED AMENDMENT OF § 240.17a-10 AND RELATED FORM X-17A-10 (§ 249.618)

Paragraph (a) as proposed to be amended would replace the present paragraph (a). The proposed paragraph (a) defines the new filing requirements of § 240.17a-10. Form X-17A-10 (§ 249.618), the Commission's main source of economic data information, would be eliminated and the data contained therein would be obtained from the existing balance sheet from Form X-17A-5 (§ 249.617), a modified Statement of Income (Loss) from Form X-17A-5 (§ 249.617) and three supplementary schedules thereto: schedule of Firm Identification Information, a schedule of consolidated Revenue Information, and a schedule of Additional Revenue Information to be filed on an annual basis only by firms with $10 million or more in gross revenues. The proposed amendments would be consistent with the FOCUS concept of a layered approach to reporting:

1. Firms exempt from the filing requirements of § 240.17a-5(a) would, on an annual basis, file the Facing Page, Statement of Income (Loss), and balance sheet from Part IIA of Form X-17A-5 (§ 249.617) and the supplementary schedules of Firm Identification Information and consolidated Revenue Information (Schedules I II).

2. All firms subject to the filing requirements of § 240.17a-5(a) would, on an annual basis, file the Form X-17A-5 (§ 249.617) supplementary Schedule I and Schedule II with their submission of Form X-17A-5 (§ 249.617) for the calendar quarter ending December 31 of each year.

3. All firms subject to the filing requirements of § 240.17a-5(a) which have gross revenues for the calendar year of $10 million dollars or more would file, on an annual basis, the proposed supplementary Schedules I and II and the Schedule III of Addi-

[10] This review is one aspect of a proposed revised system for ensuring brokers' and dealers' compliance with the requirement to maintain physical possession or control of fully paid and excess margin securities in accordance with the provisions of § 240.15c3-3. The other components of this system are the maintenance by the broker or dealer of a detailed description of the procedures used to obtain possession or control; a quarterly representation on Part II of Form X-17A-5 stating that the procedures have been tested and are functioning in a manner adequate to fulfill the requirements of § 240.15c3-3; a quarterly report, on Part II of Form X-17A-5, of the market valuation and number of items which are not in the registrant's possession or control as of the report date, for which the required action was not taken within the time frames specified in § 240.15c3-3; and a report, as of the audit date, of the market valuation and number of items for which, under the provisions of § 240.15c3-3, instructions to reduce to possession or control should have been issued and were not.

[11] The text of proposed amended Form X-17A-5 (§ 249.617) and the text of the proposed supplementary schedules are attached hereto as Appendix A. Copies of such forms are available for public inspection.

tional Revenue Information with their submission of Form X–17A–5 (§ 249.617) for the calendar quarter ending December 31 of each year.

PROPOSED AMENDMENT OF § 240.17a–11

Paragraph (a), as proposed to be amended, would require a broker or dealer whose total outstanding principal amounts of satisfactory subordination agreements exceeds the maximum allowable for a period in excess of 90 days, in accordance with the provisions of section 240.15c3–1(d), to give telegraphic notice as set forth in paragraph (f) and, within 24 hours thereafter, file a report on Part II or Part IIA of Form X–17A–5. (§ 249.617).

A new subparagraph (4) is proposed to be added to paragraph (b), requiring those brokers and dealers subject to various provisions of § 240.15c3–1 to give notice of certain events as specified in such provisions.

PROPOSED AMENDMENT OF § 240.17a–13

Paragraph (b)(5) as proposed to be amended would eliminate the provision which states that the quarterly security examination, count and verification required to be made pursuant to § 240.17a–13 need not be carried out by the broker or dealer for the calendar quarter during which the audit date occurs. The security examination, count and verification performed in the course of the audit may not meet the comprehensive standards required by § 240.17a–13 and therefore should not be utilized as an alternative means of complying with that section.

PROPOSED AMENDMENT OF § 240.17a–18

Paragraph (a) as proposed to be amended would expand the coverage of § 240.17a–18 from national securities exchanges and registered national securities associations to include registered clearing agencies and the Municipal Securities Rulemaking Board to the extent that the latter entity promulgates forms applicable to registered brokers and dealers. The scope of § 240.17a–18 is proposed to be expanded in recognition of the changing nature of the industry and the oversight responsibilities mandated to the Commission by the 1975 Amendments.

Paragraph (a) is also proposed to be amended to require those entities seeking emergency adoption of a proposed new form to request Commission approval.

Paragraph (c) as proposed would completely replace the present paragraph (c). The proposed paragraph (c) delineates the Commission's authority to approve or disapprove proposed forms and the procedures by which such approval or disapproval would be accomplished.

PROPOSED AMENDMENT OF § 240.17a–19

A new paragraph (a) is proposed which would require a national securities exchange or a registered national securities association which is the designated examining authority for a broker or dealer to give 24 hour telegraphic notice to the Commission's principal office, the Commission's Regional Office for the region in which the member has its principal office, and the Securities Investor Protection Corporation in each instance where a resignation by such broker or dealer from the designated examining authority is contemplated.

The present text of § 240.17a–19 is proposed to become new paragraph (b) and to be amended to require the filing of Form X–17A–19 within 5 business days of the occurrence of the change in membership interest rather than "promptly" as is currently required. In addition, paragraph (b) is proposed to be amended to require the filing of Form X–17A–19 with the Regional Office of the Commission for the region in which the member has its principal office. Finally, it is proposed that every national securities exchange and registered national securities association, upon learning of a change in membership interest, be required to advise such member of the member's responsibilities under § 240.17a–5(b) to report certain information to the Commission.

These proposed amendments are designed to eliminate ambiguities with respect to the timing of Form X–17A–19 filings and to allow the Commission to respond more promptly and effectively to problems which may arise.

PROPOSED AMENDMENT OF § 240.17a–20 AND REVOCATION OF RELATED FORM X–17A–20 (§ 249.636)

Paragraph (a)(1) as proposed would replace paragraphs (a)(1) and (2) of § 240.17a–20. Proposed paragraph (a)(1) provides that a broker or dealer submit revenue and expense information on Form X–17A–5, thereby eliminating the need for a report of revenue and expense information on Form X–17A–20. In addition, certain technical modifications are proposed for present paragraphs (a)(3) and (e) which would substitute cross references from § 249.636 (Form X–17A–20) to § 249.617 (Form X–17A–5). Finally, paragraphs (a)(3) and (a)(4) would be renumbered to become paragraphs (a)(2) and (a)(3) respectively and paragraph (c) would become paragraph (b).

As proposed, the present paragraph (b) would be eliminated because of the comprehensive and substantially similar requirements in § 240.17a–5(b) and § 240.17a–19 as proposed to be amended. The proposed revocation of Form X–17A–20 (§ 249.636) would be effective for the calendar quarter ending March 31, 1977.

PROPOSED AMENDMENT OF § 240.15c3–3

Paragraph (d) as proposed to be amended would incorporate a new subparagraph (4) to require those brokers and dealers subject to the provisions of § 240.15c3–3 with respect to physical possession or control of fully paid and excess margin securities to maintain a current and detailed description of the procedures which it utilizes to obtain such possession or control. These records would be available to the Commission or the designated examining authority upon request, and the adequacy of the procedures described therein would be reviewed by the independent public accountant as part of the annual audit.[11]

(In the text of the following sections, "►◄" indicate new material)

PROPOSED AMENDMENT § 240.17a–4

§ 240.17a–4 Records to be preserved by certain exchange members, brokers and dealers.

* * * * *

(b) * * *

(8) Records which contain the following information in support of amounts included in the report prepared ►as of the audit date◄ on Form X–17A–5 (§ 249.617 of this chapter) Part II or Part IIA and in the annual financial statements required by § 240.17a–5:(i)–(xv) * * *

►(9) The records required to be made pursuant to § 240.15c3–3(d)(4).◄

PROPOSED AMENDED § 240.17a–5

§ 240.17a–5 Reports to be made by certain brokers and dealers.

(a) * * *

(2) * * *

(a)(i) Every broker or dealer subject to this paragraph (a) who clears ►transactions◄ or carries customer accounts shall file Part I of Form X–17A–5 (§ 249.617) of this chapter) within 10 business days after the end of each month. (ii) Every broker or dealer subject to this paragraph (a) who clears ►transactions◄ or carries customer accounts shall file Part II of Form X–17A–5 (§ 249.617 of this chapter) within 17 business days after the end of the calendar quarter and within 17 business days after the date selected for the annual audit of financial statements where said date is other than a calendar quarter. Certain of such brokers or dealers shall file Part IIA in lieu thereof if the nature of their business is limited as described in the instructions to Part II of Form X–17A–5 (§ 249.617 of this chapter).

(iii) Every broker or dealer who does not clear ►transactions◄ nor carry customer accounts shall file Part IIA of Form X–17A–5 (§ 249.617 of this chapter) within 17 business days after the end of each calendar quarter and within 17 business days after the date selected for the annual audit of financial statements where said date is other than the end of the calendar quarter.

* * * * *

(3) The reports provided for in this paragraph (a) shall be considered filed when received at the Commission's principal office in Washington, D.C. and the regional office of the Commission for the region in which the broker or dealer has its principal place of business. ►All reports filed pursuant to this paragraph (a) shall be deemed to be confidential.◄

* * * * *

[11] For a synopsis of the other aspects of the proposed reporting structure for determining a broker's or dealer's compliance with the possession or control requirements of § 240.15c3–3, see note supra and accompanying text.

(b) *Report Filed Upon Termination of Membership Interest.* (1) If a broker or dealer holding any membership interest in a national securities exchange ceases to be a member in good standing of such exchange, such broker or dealer shall, within two business days after such event, file with the Commission, Part II ►or Part IIA◄ of Form X–17A–5 (§ 249.617 of this chapter) ►as determined by the standards set forth in subparagraphs (a)(2) (ii) and (iii) of this section◄ as of the date of such event. The report shall be filed at the Commission's principal office in Washington, D.C., and with the regional office of the Commission for the region in which the broker or dealer has its principal place of business: *Provided, however,* That such report need not be made or filed if the Commission, upon written request or upon its own motion exempts such broker or dealer, either unconditionally or on specified terms and conditions, from such requirement: *Provided, further,* That the Commission may, upon request of the broker or dealer, grant extensions of time for filing the report specified herein for good cause shown.

►(6) Any broker or dealer who is required to file a report pursuant to this paragraph (b) by virtue of terminating its membership interest in a self-regulatory organization other than the examining authority designated pursuant to Section 17(d) of the Act may seek an exemption from the requirement to file such report by submitting a written request to the Commission no later than 5 business days prior to the date of termination of the membership interest. Such request shall contain the following information:

(i) An indication as to whether the broker or dealer is in violation of the applicable requirements specified in § 240.15c3–1 or § 240.15c3–3;

(ii) An indication as to whether the broker or dealer is experiencing any significant financial, operational or record-keeping problems;

(iii) An affirmation that the broker or dealer is in compliance with applicable rules of the Commission and each self-regulatory organization of which the broker or dealer is a member, setting forth in detail the circumstances surrounding any violations of such rules.

(iv) A detailed description of the reasons for the requested exemption.◄

(c) * * *

(2) *Audited statements to be furnished.* The following statements shall be furnished as required by subparagraph (c)(1) ►within 105 days after the date of the audited report required by paragraph (d):◄

* * * * *

(3) *Unaudited statements to be furnished.* The statements shall contain the information specified in subparagraphs (c)(2) (i) and (ii). Said unaudited statements shall be as of the date 6 months from the date of the audited statements required to be furnished pursuant to subparagraphs (c) (1) and (2). ►Said unaudited statements shall be furnished not later than 45 days after the date of the statements.◄

* * * * *

(e) * * *

(1)(i) An audit shall be conducted by ►a public accountant who shall be in fact independent as defined in paragraph (f)(3) herein,◄ and he shall give an opinion covering the statements filed pursuant to paragraph (d): *Provided, however,* That the financial statements filed pursuant to paragraph (d) need not be audited if, since the date of the previous financial statements or report filed pursuant to § 240.15b1–2 or this section: (A) the securities business of such broker or dealer has been limited to acting as broker (agent) for ►an◄ issuer in soliciting subscriptions for securities of such issuer, said broker has promptly transmitted to such issuer all funds and promptly delivered to the subscriber all securities received in connection therewith, and said broker has not otherwise held funds or securities for or owed money or securities to customers; or (B) its securities business has been limited to buying and selling evidences of indebtedness secured by mortgage, deed or trust, or other lien upon real estate or leasehold interests, and said broker or dealer has not carried any margin account, credit balance, or security for any securities customer.

(2) Attached to the report shall be an oath or affirmation that, to the best knowledge and belief of the person making such oath or affirmation, (i) the financial statements and schedules are true and correct and ►(ii) neither the broker or dealer, nor any partner, officer, or director, as the case may be, has any proprietary interest in any account classified solely as that of a customer.◄ The oath or affirmation shall be made before a person duly authorized to administer such oaths or affirmations. If the broker or dealer is a sole proprietorship, the oath or affirmation shall be made by the proprietor; if a partnership, by a general partner; or if a corporation, by a duly authorized officer.

* * * * *

(4) The broker or dealer shall file with the report a supplemental report which shall be covered by an opinion of the independent public accountant on the status of the membership of the broker or dealer in the Securities Investor Protection Corporation ("SIPC") if, pursuant to subparagraph (e)(1), a report of the broker or dealer is required to be covered by an opinion of a certified public accountant or a public accountant who is in fact independent. The supplemental report shall cover the SIPC annual general assessment reconciliation or exclusion from membership forms not previously reported on under this subparagraph (4) which were required to be filed on or prior to the date of the report required by paragraph (d) of this section. The supplemental report, ►an original of which shall be submitted to the regional office of the Commission for the region in which the broker or dealer has its principal place of business, the Commission's principal office in Washington, and the principal office of the designated examining authority for such broker or dealer,◄ shall be bound separately, be dated and be signed manually, and shall include the following:

(i) * * *

(ii) * * *

(iii) * * *

(*A*) * * *

►(*B*)◄ For all or any portion of a fiscal year ending in 1976 and each fiscal year thereafter, comparison of amounts reflected in ►the annual report required by paragraph (d)◄ of this section, with amounts reported in the Annual General Assessment Reconciliation (Form SIPC–7);

►(C)◄ Comparison of adjustments reported in Form SIPC–7 with supporting schedules and working papers supporting adjustments;

►(D)◄ Proof of arithmetical accuracy of the calculations reflected in Form SIPC–7 and in the schedules and working papers supporting adjustments; and

►(E)◄ Comparison of the amount of any overpayment applied with the Form SIPC–7 on which it was computed; or,

►(F)◄ If exclusion from membership is claimed, ►the accountant shall review the annual report required by paragraph (d) of this section for all or any portion of a fiscal year ending in 1976 and each fiscal year thereafter◄ to ascertain that the Certification of Exclusion from Membership (Form SIPC–3) was consistent with the income reported.

(f) *Qualification, Designation and Replacement of Accountant.*

* * * * *

(2) *Designation of accountant.*

►(i)◄ Every broker or dealer which is required by paragraph (d) of this section to file an annual report of financial statements shall file no later than December 10 of each year a statement with the Commission's principal office in Washington, D.C., the regional office of the Commission for the region in which its principal place of business is located and the principal office of the designated examining authority for such broker or dealer. Such statement shall indicate the existence of an agreement dated no later than December first, with an independent public accountant covering a contractual commitment to conduct the broker's or dealer's annual audit during the following calendar year.

►(ii)◄ The agreement may be of a continuing nature, providing for successive yearly audits, in which case no further filing is required. If the agreement is for a single audit, or if the continuing agreement previously filed has been terminated or amended, a new statement must be filed by the required date.

►(iii)◄ The statement shall be headed "Notice pursuant to Rule 17a–5(f)(2)" and shall contain the following information:

(A) name, address, telephone number and registration number of the broker or dealer;

(B) name, address and telephone number of the accounting firm;

(C) the audit date of the broker or dealer for the year covered by the agreement.

►(iv) Any broker or dealer which is exempted from the requirement to file an annual audited report of financial statements shall nevertheless file the notice specified herein indicating the date as of which the unaudited report will be prepared.

(v) Notwithstanding the date of filing specified in subparagraph (f)(2)(i), every broker or dealer shall file the notice provided for in subparagraph (f)(2) within 30 days following the effective date of registration as a broker or dealer.◄

* * * * *

(g) * * *
(i) * * *

(iv) in obtaining and maintaining physical possession or control of all fully paid and excess margin securities of customers as required by § 240.15c3–3. ►Such review shall include a determination as to the adequacy of the procedures described in the records required to be maintained pursuant to § 240.15c3–3(d)(4).◄

* * * * *

(3) A material inadequacy in the accounting system, internal accounting controls, procedures for safeguarding securities, and practices and procedures referred to in ►subparagraph (g)(1)◄ which is expected to be reported under these audit objectives includes any condition which has contributed substantially to or, if appropriate corrective action is not taken, could reasonably be expected to (i) inhibit a broker or dealer from promptly completing securities transactions or promptly discharging his responsibilities to customers, other brokers and dealers or creditors; (ii) result in material financial loss; (iii) result in material misstatements in the broker's or dealer's financial statements; or (iv) result in violations of the Commission's recordkeeping or financial responsibility rules to an extent that could reasonably be expected to result in the conditions described in parts (i), (ii), or (iii) of this subparagraph (3).

* * * * *

PROPOSED AMENDED §240.17a–10

§ 240.17a–10 Report of revenue and expenses.

(a)(1) Every broker or dealer ►exempted from the filing requirements of paragraph (a) of § 240.17a–5 shall, not later than 17 business days after the close of each calendar year (commencing with calendar year 1977), file the Facing Page, a Statement of Income (Loss) and balance sheet from Part IIA of Form X–17A–5 (§ 249.617 of this chapter) and Schedules I and II of Form X–17A–5 (§ 249.617 of this chapter)◄ for such calendar year.

►(2) Every broker or dealer subject to the filing requirements of paragraph (a) of § 240.17a–5, other than brokers or dealers described in paragraph (c) of this section, shall submit Schedules I and II of Form X–17A–5 (§ 249.617 of this chapter) with its Form X–17A–5 (§ 249.617 of this chapter) for the calendar quarter ending December 31 of each year.

(3) Every broker or dealer subject to the filing requirements of paragraph (a) of § 240.17a–5 which has gross revenue related to the securities business which equals or exceeds $10 million for the calendar year shall, not later than 17 business days after the close of each calendar year (commencing with calendar year 1976), submit Schedule I, II and III of Form X–17A–5 (§ 249.617 of this chapter) with its submission of Form X–17A–5 (§ 249.617 of this chapter) for the calendar quarter ending December 31 of each year.◄

(b) The provisions of paragraph (a) of this section shall not apply to a member of a national securities exchange or a registered national securities association which maintains records containing the information required by ►Form X–17A–5 (§ 249.617 of this chapter)◄ as to each of its members, and which transmits to the Commission a copy of the record as to each such member pursuant to a plan, the procedures and provisions of which have been submitted to and declared effective by the Commission. Any such plan filed by a national securities exchange or a registered national securities association may provide that when a member is also a member of one or more national securities exchanges, or of one or more national securities exchanges and a registered national securities association, the information required to be submitted with respect to any such member may be transmitted by only one specified national securities exchange or registered national securities association. For the purpose of this section, a plan filed with the Commission by a national securities exchange or a registered national securities association shall not become effective unless the Commission, having due regard for the public interest, for the protection of investors, and for the fulfillment of the Commission's functions under the provisions of the Act, declares the plan to be effective. Further, the Commission, in declaring any such plan effective, may impose such terms and conditions relating to the provisions of the plan and the period of its effectiveness as may be deemed necessary or appropriate in the public interest, for the protection of investors, or to carry out the Commission's duties under the Act.

* * * * *

(d) In the event any broker or dealer finds that it cannot file ►the annual report required by paragraph (a) of this section within the time specified◄ without undue hardship, it may file with the Commission's principal office in Washington, D.C., ►prior to the date upon which the report is due,◄ an application for an extension of time to a specified date which shall not be later than ►60◄ days after the close of the calendar year for which the report is to be made. The application shall state the reasons for the requested extension and shall contain an agreement to file the report on or before the specified date.

PROPOSED AMENDED § 240.17a–11

§ 240.17a–11 Supplemental current financial and operational reports to be made by certain exchange members, brokers and dealers.

(a) Every member, broker or dealer subject to § 240.15c3–1, whose net capital at any time is less than the minimum required by any capital rule to which such person is subject ►and every member, broker or dealer subject to § 240.15c3–1 whose total outstanding principal amounts of satisfactory subordination agreements exceeds the maximum allowable for a period in excess of 90 days in accordance with the provisions of § 240.15c3–1(d),◄ shall:

(1) Give telegraphic notice as set forth in paragraph (f) of this section that such person's net capital is less than is required by any such capital rule, identifying the applicable net capital rule or rules ►or that such person's total outstanding principal amounts of satisfactory subordination agreements exceeds the maximum allowable in accordance with the provisions of § 250.15c3–1(d).◄ The notice shall be given on the same day that such person's capital becomes less than required by any of the aforesaid rules to which such person is subject ►or, with respect to the total outstanding principal amounts of satisfactory subordination agreements, on the first day upon which such amount has exceeded the maximum allowable for a period in excess of 90 days.◄

(2) Within 24 hours thereafter file Part II ►or Part IIA◄ of Form X–17A–5 (§ 249.617 of this chapter) ►as determined in accordance with the standards set forth in §§ 240.17a–5(a)(2)(ii) and (a)(2)(iii),◄ and such supplementary information as may be required.

(b)(1) If a computation made by a broker or dealer pursuant to the requirements of § 240.15c3–1(c) shows, at any point during the month, that his aggregate indebtedness is in excess of 1,200 per centum of his net capital, or that his total net capital is less than 120 per centum of the minimum net capital required of him, such person shall file a report on Part II ►or Part IIA◄ of Form X–17A–5 (§ 249.617 of this chapter) ►as determined in accordance with the standards set forth in sections 240.17a–5 (a)(2)(ii) and (a)(2)(iii),◄ within 15 calendar days after the end of each month thereafter until 3 successive months shall have elapsed during which his aggregate indebtedness does not exceed 1,200 per centum of his net capital, and his total net capital does not fall below 120 per centum of the minimum net capital required of him.

(2) If a computation made by a member, broker or dealer to § 240.15c3–1(f) shows, at any point during the month, that his net capital is less than 6 percent of aggregate debit items computed in accordance with § 240.15c3–3 Exhibit A: Formula for the Determination of Reserve Requirements, or that his total net capital is less than 120 per centum of the minimum net capital required of him, such broker or dealer shall file a report on Part II ►or Part IIA◄ of

Form X-17A-5 (§ 249.617 of this chapter) ►as determined in accordance with the standards set forth in §§ 240.17a-5(a)(2)(ii) and (a)(2)(iii),◄ within 15 calendar days after the end of each month thereafter until three successive months shall have elapsed during which his net capital is not less than six percent of aggregate debit items computed in accordance with § 240.15c3-3 Exhibit A, and his total net capital does not fall below 120 per centum of the minimum net capital required of him.

(3) * * *

►(4) If a member, broker or dealer subject to the requirements of § 240.15c3-1(c)(2)(x)(F)(3), § 240.15c3-1(c)(2)(x)(B)(1) or § 240.15c3-1d(c)(2) fails to comply with the financial responsibility standards set forth in any of the above provisions, such member, broker or dealer shall immediately give notice of such event as specified in such provision.◄

* * * * *

PROPOSED AMENDED § 240.17a-13

§ 240.17a-13 Quarterly security counts to be made by certain exchange members, brokers and dealers.

* * * * *

(b) * * *

(5) Record on the books and records of the member, broker, or dealer all unresolved differences setting forth the security involved and date of comparison in a security count difference account no later than 7 business days after the date of each required quarterly security examination, count, and verification in accordance with the requirements provided in paragraph (c) of this section. *Provided,* however, That no examination, count, verification, and comparison for the purpose of this section shall be within 2 months of or more than 4 months following a prior examination, count, verification, and comparison made hereunder.

* * * * *

PROPOSED AMENDED § 240.17a-18

§ 240.17a-18 Forms required by national securities exchanges, registered national securities associations, registered clearing agencies and the Municipal Securities Rulemaking Board of their members to be filed with the Commission.

(a) Every national securities exchange, registered national securities association, ►registered clearing agency and the Municipal Securities Rulemaking Board◄ shall file with the Commission three copies of each new form, report or questionnaire or substantial modification or amendment to any existing form, report or questionnaire which it requires or proposes to require of its members or of any class of members, whether on a one-time, regular, or for-cause basis, not less than 5 weeks (or such shorter period as the Commission may authorize) prior to requiring its members or any class of members to file such new or amended form, report or questionnaire; *provided, however,* That under emergency circumstances such form, report or questionnaire or substantial modification or amendment need not be filed as hereinabove required, but in such case the exchange, association, ►clearing agency or the Board◄ shall file three copies of such form, report or questionnaire or substantial modification or amendment giving the Commission as much notice as circumstances permit, together with a written statement of the reasons why the filing of the form, report or questionnaire or substantial modification or amendment in accordance with the procedures described above was impractical and requesting permission to adopt the forms within a shorter period of time than required hereinabove. ►The Municipal Securities Rulemaking Board shall be subject to the requirements of this section only with respect to forms proposed to be applicable to registered brokers and dealers.◄

* * * * *

►(c)(1) The Commission shall approve any forms if it finds that said forms are consistent with the requirements of the Securities Exchange Act of 1934 and the rules and regulations thereunder applicable to such exchange, association, clearing agency or Board. The Commission shall disapprove the forms if it does not make such a finding.

(2) In the case of proposed forms submitted pursuant to the 5 week (or such shorter period as the Commission may authorize) requirement of paragraph (a) of this section, a Commission disapproval shall be transmitted within thirty days after receipt of the proposed new form or receipt of a substantial modification or amendment to any existing form, or such longer period as the Commission may deem to be necessary. The proposing entity may agree to extend this period for an additional thirty days.

(3) If the Commission does not act within the time periods set forth in paragraph (c)(2) of this section, said proposed forms shall be deemed to be approved.

(4) An exchange, association, clearing agency or Board requesting emergency approval of a proposed form pursuant to paragraph (a) of this section must receive Commission approval before requiring its member to submit said proposed form.◄

PROPOSED AMENDED § 240.17a-19

§ 240.17a-19 Form X-17A-19 Report by national securities exchanges and registered national securities associations of changes in the membership status of any of their members.

►(a) Within 24 hours of the occurrence of the initiation of the membership of any person, or the suspension or termination of the membership of any member for which it is the designated examining authority, (unless a notice of such event previously has been filed) or upon learning that one or more of such events will occur, every national securities exchange and every registered national securities association shall give telegraphic notice of events required to be reported pursuant to Section 240.17a-19 to the Commission at its principal office in Washington, D.C., the Regional Office of the Commission for the region in which the member has its principal place of business, and the Securities Investor Protection Corporation.◄

►(b)◄ Every national securities exchange and every registered national securities association shall file with the Commission ►at its principal office in Washington, D.C., the Regional Office of the Commission for the region in which the member has its principal place of business,◄ and the Securities Investor Protection Corporation such information as is required by § 249.635 of this chapter on Form X-17A-19 ►within 5 business days◄ of the occurrence of the initiation of the membership of any person, or the suspension or termination of the membership of any member (unless a notice of such event previously has been filed) or promptly upon learning that one or more of such events will occur. Nothing in this section shall be deemed to relieve a national securities exchange of its responsibilities under ►§ 240.17a-5(b)(5)◄ except that to the extent a national securities exchange promptly files a report on Form X-17A-19 including therewith, inter alia, information sufficient to satisfy the requirements of ►§ 240.17a-5(b)(5),◄ it shall not be required to file a report pursuant to § 240.17a-5(b). ►Upon the occurrence of the events described in this paragraph, every national securities exchange and every registered national securities association shall notify in writing such member of its responsibilities under § 240.17a-5(b).◄

PROPOSED AMENDED § 240.17a-20

§ 240.17a-20 Monitoring effect of competitive commission rates.

►(a)(1) Every broker or dealer subject to the filing requirements of paragraph (a) of § 240.17a-5 shall file, not later than 17 business days after the close of each calendar quarter, a report of its revenues and expenses and related financial and other information for each calendar quarter on Form X-17A-5 (§ 249.617 of this chapter.)◄

►(2)◄ The provisions of paragraphs (a)(1) of this section shall not apply to a member of a national securities exchange or a registered national securities association if said exchange or association maintains records containing the information required by § 249.617 of this chapter on Form X-17A-5 as to such member, and transmits to the Commission a copy of the records as to such member pursuant to a plan, the procedures and provisions of which have been submitted to and declared effective by the Commission. Any such plan filed by a national securities exchange or a registered national securities association may provide that when a member is also a member of one or more national securities exchanges, or of one or more national securities exchanges and a registered national securities association, the information required to be submitted

with respect to any such member may be submitted by only one designated national securities exchange or registered national securities association.

For the purpose of this section, a plan filed with the Commission by a national securities exchange or a registered national securities association shall not become effective unless the Commission, having due regard for the fulfillment of the Commission's functions under the provisions of the Act, declares the plan to be effective. Further, the Commission, in declaring any such plan effective may impose such terms and conditions relating to the provisions of the plan and the period of its effectiveness as may be deemed necessary or appropriate in the public interest, for the protection of investors, or to carry out the Commission's duties under he Act.

►(3)◄ Individual reports filed pursuant to paragraph (a) of this section are to be considered nonpublic information, except in cases where the Commission determines that it is in the public interest to direct otherwise.

►(b)◄ On written request of any national securities exchange, registered national securities association, broker or dealer, or on its own motion, the Commission may grant an extension of time or an exemption from any of the requirements of § 240.17a–20 or § 249.617 (Form X–17A–5) of this chapter either unconditionally or on specified terms and conditions.

PROPOSED AMENDED § 240.15c3–3

§ 240.15c3–3 Customer protection—reserves and custody of securities.

* * * * *

►(4) A broker or dealer which is subject to the requirements of section 240.15c3–3 with respect to physical possession or control of fully paid and excess margin securities shall prepare and maintain a current and detailed description of the procedures which it utilizes to comply with the possession or control requirements set forth in this section. The records required herein shall be made available upon request to the Commission and to the designated examining authority for such broker or dealer.◄

* * * * *

PROPOSED AMENDED § 249.617

§ 249.617 Form X–17A–5, Information required of certain brokers and dealers pursuant to § 17 of the Securities Exchange Act of 1934 and § 240.17a–5, § 240.17a–10, § 240.17a–11 and § 240.17a–20 of this chapter.

►Appropriate parts of this form◄ shall be used by every broker or dealer required to file reports under § 240.17a–5 (a), (b), and (d), ►§ 240.17a–10(a), § 240.17a–11, and § 240.17a–20(a)◄ of this chapter.

PROPOSED AMENDED § 249.618

§ 249.618 Form X–17A–10, annual report of revenue and expenses to be filed by brokers and dealers pursuant to Section 17 of the Act and § 240.17a–10 of this chapter.

[Revoked]

PROPOSED AMENDED § 249.636

§ 249.636 Form X–17A–20 Monitoring effect of competitive commission rates—revenue and expense information.

[Revoked]

STATUTORY BASIS

The proposed amendments to §§ 240.17a–4, 240.17a–5, 240.17a–10, 240.17a–11, 240.17a–13, 240.17a–18, 240.17a–19, 240.17a–20, 240.15c3–3 and 249.617, and the proposed revocation of § 249.618 and § 249.636 described herein would be adopted pursuant to §§ 15, 17(a), 17(e) and 23 of the Securities Exchange Act of 1934 (15 U.S.C. §§ 78q, 78o, 78w).

REQUEST FOR COMMENTS

The Commission encourages comments on the entire FOCUS reporting system, as well as on the amendments proposed herein. The Commission is particularly interested in receiving comments from members of the public with respect to the following:

(1) The advantages of consolidating the information previously required to be reported on Form X–17A–10 (§ 249.618) and Form X–17A–20 (§ 249.636) into the normal quarterly filings of Form X–17A–5 (§ 249.617).

(2) Whether brokers and dealers which are registered but which have not effected any transactions during the fiscal year should be exempted from the requirement to file a certified annual report of financial statements.

(3) Whether an exemption from the requirement to file a certified annual report of financial statements should be granted to certain brokers and dealers, the business of which is limited as follows:

(a) The registrant handles no customer funds or securities other than customers' checks which are made payable to the order of the custodian, distributor, or issuer, and not to the registrant;

(b) The custodian, distributor, or issuer confirms directly to the customer;

(c) The custodian, distributor, or issuer arranges directly with the customer either to hold the security in custody or mail it directly to the customer;

(d) The customer remits certificates directly to the custodian, distributor, or issuer for liquidation; and

(e) The registrant files with its uncertified annual report a notarized affirmation stating the exact nature of its business and attesting to the accuracy of the information contained in the annual report.

Interested persons should submit their comments in writing in triplicate on or before February 28, 1977. All such communications should be directed to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Comments should refer to File No. S7–667 and will be available for public inspection.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

DECEMBER 22, 1976.

APPENDIX A

FOCUS REPORT
PART II

BROKER OR DEALER

For the period (MMDDYY) from _____ to _____
Number of months included in this statement _____

REVENUE AND EXPENSES
(X-17A-5, X-17A-10, X-17A-20)

Revenue:

1. Commissions:
   a. Commissions on transactions in listed equity securities executed on an exchange . . . . . $_____
   b. Commissions on transactions in exchange listed equity securities executed over-the-counter . . . . . _____
   c. Commissions on listed option transactions . . . . . _____
   d. All other securities commissions . . . . . _____
   e. Total securities commissions . . . . . _____
2. Gains or losses on firm securities trading accounts
   a. From market making in over-the-counter equity securities . _____
      i. Includes gain (loss) OTC market-making in exchange-listed equity securities . .
   b. From trading in debt securities . . . . . _____
   c. From market making in options on a national securities exchange . . . . . _____
   d. From all other trading . . . . . _____
   e. Total gain (loss) . . . . . _____
3. Gains or losses on firm securities investment accounts
   a. Includes realized gains (losses) . . . . . _____
   b. Includes unrealized gains (losses) . . . . . _____
   c. Total realized and unrealized gains (losses) . . . . . _____
4. Profit or (loss) from underwriting and selling groups
   a. Includes underwriting income from corporate equity securities . . . . . _____
5. Margin interest . . . . . _____
6. Revenue from sale of investment company shares . . . . . _____
7. Fees for account supervision, investment advisory and administrative services . . . . . _____
8. Revenue from research services . . . . . _____
9. Commodities revenue . . . . . _____
10. Other revenue related to securities business . . . . . _____
11. Other revenue . . . . . _____
12. Total revenue . . . . . $_____

Expenses:

13. Registered representatives' compensation . . . . . $_____
14. Clerical and administrative employees expenses . . . . . _____
15. Salaries and other employment costs for general partners, and voting stockholder officers . . . . . _____
    a. Interest credited to General and Limited Partners capital accounts . . . . . _____
16. Floor brokerage paid to certain brokers (see definition). . . . . _____
17. Commissions and clearance paid to all other brokers (see definition) . . . . . _____

FOCUS REPORT
PART II
Revenue and Expenses

18. Clearance paid to non-brokers (see definition) . . . . . _____
19. Communications . . . . . _____
20. Occupancy and equipment costs . . . . . _____
21. Promotional costs . . . . . _____
22. Interest expense . . . . . _____
    a. Includes interest on accounts subject to subordination agreements . . . . . _____
23. Losses in error account and bad debts . . . . . _____
24. Data processing costs (including service bureau service charges . . . . . _____
25. Non-recurring charges . . . . . _____
26. Regulatory fees and expenses . . . . . _____
    a. Includes transaction fees payable on over-the-counter sales of listed securities 1/
27. Other expenses . . . . . _____
28. Total expenses . . . . . $_____

Net Income:

29. Unconsolidated net income (loss before Federal income taxes and items below (Item 12 less Item 28) . . . . . _____
30. Provision for Federal income taxes (for parent only) . . . . . _____
31. Equity in earnings (losses) of unconsolidated subsidiaries not included above . . . . . _____
    a. After Federal income taxes of . . . . . _____
32. Extraordinary gains (losses) . . . . . _____
    a. After Federal income taxes of . . . . . _____
33. Cumulative effect of changes in accounting principles . . . . . _____
34. Consolidated net income (loss) after Federal income taxes and extraordinary items . . . . . $_____

Monthly Income:

35. Unconsolidated net income (current month only) before provision for Federal income taxes and extraordinary items . . . . . $_____

1/ Aggregate dollar amount of OTC sales of listed securities in period is $_____. Item 26a, transaction fees are 1/300 of 1 percent of the aggregate amount, if this amount is more than $3 million annually.

PART II—REVENUE AND EXPENSES

1a, 1b, 1c, 1d, 1e—Report commissions earned on all agency equity and debt transactions including non-inventory principal transactions. Commissions earned on introduced accounts carried by other brokers and on omnibus accounts carried for other brokers should be reported net. Commissions earned on listed option transactions executed on a national securities exchange are to be reported at Item 1c.

2—Report realized and unrealized gain (loss) on securities held for sale in the ordinary course of business and not identified as held for investment. Dividends and interest income on securities in trading accounts shall be treated as an adjustment to gain (loss). Amounts reported shall not be reduced by any allocation of Federal income taxes.

Gain (loss) from market-making activities in exchange listed securities is to be reported in Item 2a in the blank provided, and does not include gain (loss) from specialist activities on a national securities exchange.

3a, 3b, 3c—Report, as separate items, realized and unrealized gain (loss) on securities identified as held for investment. Dividends and interest income shall be treated as adjustments to gain or loss. Amounts reported shall not be adjusted by any allocation of Federal income taxes.

4—Report the gross profit (loss) from management of or participation in underwriting syndicates and selling groups. Gross profit (loss) shall be determined as the difference between the proceeds of securities sold and their purchase price adjusted for discounts, commissions and allowances received from or given to other brokers. Any direct expense which can be associated with specific underwriting may also be considered as a cost in determining gross profit (loss). In determining gross profit (loss), any unrealized loss on securities unsold at the time the underwriting account was closed shall be considered as a deduction from the proceeds of securities sold.

Employee compensation and employment costs of persons working in an "underwriting department" and other related expenses of such department shall be treated as indirect expenses and not deducted in determining gross profit (loss).

In Item 4a, report the profit (loss) from management of or participation in underwriting syndicates and selling groups where the security underwritten is a corporate equity security. ("Equity security" shall mean any stock or similar security, or any security convertible, with or without consideration, into such a security, or carrying any warrant or right to subscribe to or purchase such a security.)

5—Report total interest income earned on customers' securities and commodities accounts.

6—Include income from sale of open-end investment company shares as retailer and as an underwriter including sales of periodic payment plans of the installment type and face amount certificates. Exclude income from sale and underwriting of shares of closed-end investment companies.

7—Report fees for services to individual and corporate customer. The amount to be included as administrative services, however, shall be limited to fees charged to investment companies and periodic payment plans other than for investment advisory services.

8—Report revenues received from research services provided to customers for which a fee is levied.

9—Report income from commissions, fees, and principal trading in commodities. The term "commodities" includes future commodity contracts and spot (cash) commodity contracts.

10—Other revenue related to the securities business includes among other things service charges; proxy solicitation fees; subscription fees for periodic publications; fees received from private placements of securities not registered under the Securities Act of 1933; and fees for puts, calls and other option transactions not effected on a national securities exchange.

13—Report total compensation to registered representatives. Compensation and costs to be reported for such persons shall include amounts determined by salary, commission or other basis.

14—Report all salaries, commissions, bonuses, profit sharing contributions, payroll taxes and benefits paid to or incurred for all employees except registered representatives, general partners, and voting stockholder officers.

15—Report the total salaries and employee benefits for voting stockholder officers and general partners (as agreed to in the partnership agreement). Report separately in Item 15a interest credited to general and limited partners capital accounts; include this amount in Item 15.

16—Report floor brokerage paid to specialists and two-dollar floor brokers.

17—Report commissions (including floor brokerage) and clearance paid to all brokers other than specialists and two-dollar floor brokers. Include all commissions paid to other brokers on transactions in omnibus accounts.

18—Report clearance fees paid to clearing corporations, associations, and dispositions.

19—Include the cost of telephones and leased wires; postage, stationery; office supplies and forms.

20—Report the cost of rent, heat, light and maintenance; depreciation and amortization; all other equipment rental and general insurance except those included in Item 21 and Item 22.

21—Report general advertising and promotional expenses. Include payments to all media to promote the respondent and its services to the general public. Additionally, report expenditures to make the public aware of various investment vehicles and plans which do not specifically address an individual firm, fund, or enterprise.

22—Include interest paid to banks and on customers' accounts; on all other unsubordinated and subordinated borrowings.

22a—Report total interest paid on subordinated liabilities. Subordinated liabilities include: accounts of partners subject to equity or subordination agreement; subordinated loans and accounts; and secured demand notes.

26—Report all fees paid to regulatory bodies in order to conduct a securities business. Examples of such fees are payments for registration of registered representatives, SECO fees, NASD dues, and exchange membership dues. Additionally, report all direct expenditures to meet reporting requirements imposed by regulatory bodies such as legal and audit fees for annual audit required by Rule 17a-5 (17 C.F.R. 240.17a-5) of the Securities and Exchange Act of 1934 and service bureau charges required to complete various surveys which are not part of the respondent's management report system. Exclude SIPC assessment from this Item. SIPC assessments are to be included in Item 26, "Other expenses." Fees paid exchanges on commission revenues are to be excluded from this Item. Fees paid exchanges on commissions shall be reported in Item 26, "Other expenses."

26a—Report total transaction fees payable to the S.E.C. under Sec. 31 of the Securities and Exchange Act of 1934 for over-the-counter sales of listed securities during the reporting period. Transaction fees on OTC sales of listed securities became effective on January 1, 1976. The Commission has exempted some OTC sales of listed securities from Sec. 31 fees, and S.E.C. Rule 31-1 should be consulted (17 CFR § 240.31-1, 41 FR 30588 (July 26, 1976)). Sec. 31 transaction fees are to be paid to the Commission on an annual basis only on or before March 15 of each calendar year, for sales occurring in the previous calendar year. Actual payment of such fees to the Commission by individual brokers and dealers shall be made in cash, certified check, or bank money order payable to the Securities and Exchange Commission, omitting the name or title of any official of the Commission.

27—Report all expenses not included in Items 11 through 25.

31—The amount reported shall be stated net of any applicable tax provisions.

32—State in a note the nature and amount of any material gains or losses and disclose the tax applicable to each.

33—State in a note any material items and disclose the tax applicable to each.

FOCUS REPORT
PART IIA

BROKER OR DEALER

For the period (MMDDYY) from _____ to _____
Number of months included in this statement _____

REVENUE AND EXPENSES
(X-17A-5, X-17A-10, X-17A-20)

Revenue:

1. Commissions:
   a. Commissions on transactions in exchange listed equity securities . . . . . _____
   b. Commissions on listed option transactions . . . . . _____
   c. All other securities commissions . . . . . _____
   d. Total securities commissions . . . . . _____
2. Gains or losses on firm securities trading accounts
   a. From market making in options on a national securities exchange . . . . . _____
   b. From all other trading . . . . . _____
   c. Total gain (loss) . . . . . _____
3. Gains or losses on firm securities investment accounts . . . . . _____
4. Profit (loss) from underwriting and selling groups . . . . . _____
5. Revenue from sale of investment company shares . . . . . _____
6. Commodities revenue . . . . . _____
7. Fees for account supervision, investment advisory and administrative services . . . . . _____
8. Other revenue . . . . . _____
9. Total revenue . . . . . $_____

Expenses:

10. Salaries and other employment costs for general partners and voting stockholder officers . . . . . $_____
11. Other employee compensation and benefits . . . . . _____
12. Commissions paid to other broker-dealers . . . . . _____
13. Interest expense . . . . . _____
    a. Includes interest on accounts subject to subordination agreements . . . . . _____
14. Regulatory fees and expenses . . . . . _____
    a. Includes transaction fees payable on over-the-counter sales of listed securities . . . . . _____ 1/
15. Other expenses . . . . . _____
16. Total expenses . . . . . $_____

Net Income:

17. Unconsolidated net income (loss) before Federal income taxes and items below (Item 9 less Item 16) . . . . . _____
18. Provision for Federal income taxes (for parent only) . . . . . _____
19. Equity in earnings (losses) of unconsolidated subsidiaries not included above . . . . . _____
    a. After Federal income taxes of . . . . . _____

FOCUS REPORT
PART IIA
Revenue and Expenses

20. Extraordinary gains (losses) . . . . . _____
    a. After Federal income taxes of . . . . . _____
21. Cumulative effect of changes in accounting principles . . . . . _____
22. Consolidated net income (loss) after Federal income taxes and extraordinary items . . . . . $_____

Monthly Income:
23. Unconsolidated net income (current month only) before provision for Federal income taxes and extraordinary items . . . . . $_____

1/ Aggregate dollar amount of OTC sales of listed securities in period is $_____. Item 14a transaction fees are 1/300 of 1 percent of the aggregate amount, if this amount is more than $3 million annually.

PART IIA—REVENUE AND EXPENSES

1a, 1b, 1c, 1d—Report commissions earned on all agency equity and debt transactions including non-inventory principal transactions. Commissions earned on introduced accounts carried by other brokers and on omnibus accounts carried for other brokers should be reported net. Commissions earned on listed option transactions executed on a national securities exchange are to be reported as Item 1b.

2—Report realized and unrealized gain (loss) on securities held for sale in the ordinary course of business and not identified as held for investment. Dividends and interest income on securities in trading accounts shall be treated as an adjustment to gain (loss). Amounts reported shall not be reduced by any allocation of Federal income taxes.

3—Report gain (loss) on securities identified as held for investment. Dividends and interest income shall be treated as adjustments to gain or loss. Amounts reported shall not be adjusted by any allocation of Federal income taxes.

4—Report on the gross profit (loss) from management of or participation in underwriting syndicates and selling groups. Gross profit (loss) shall be determined as the difference between the proceeds of securities sold and their purchase price adjusted for discounts, commissions and allowances received from or given to other brokers. Any direct expense which can be associated with specific underwriting may also be considered as a cost in determinng gross profit (loss). In determining gross profit (loss), any unrealized loss on securities unsold at the time the underwriting account was closed shall be considered as a deduction from the proceeds of securities sold.

Employee compensation and employment costs of persons working in an "underwriting department" and other related expenses of such department shall be treated as indicated expenses and not deducted in determining gross porfit (loss).

Include the profit (loss) from management of or participation in underwriting syndicates and selling groups where the security underwritten is a corporate equity security. ("Equity security" shall mean any stock or similar security, or any security convertible, with or without consideration, into such a security, or carrying any warrant or right to subscribe to or purchase such a security.)

5—Include income from sale of open-end investment company shares as retailer and as an underwriter including sales of periodic payment plans of the installment type and face amount certificates. Exclude income from sale and underwriting of shares of closed-end investment companies.

6—Report income from commissions, fees, and principal trading in commodities. The term "commodities" includes future commodity contracts and spot (cash) commodity contracts.

7—Report fees for services to individual and corporate customers. The amount to be included as administrative services, however, shall be limited to fees charged to investment companies and periodic payment plans other than for investment advisory services.

8—Report revenue received from sources related and unrelated to the securities business which are not included in Items 1 through 7.

10—Report the total salaries and employee benefits for voting stockholder officers and general partners (as agreed to in the partnership agreement).

11—Report all salaries, commissions, bonuses, profit sharing contributions, payroll taxes and benefits paid to or incurred for all employees except general partners, and voting stockholder officers.

12—Report all commissions paid to other brokers or dealers for transactions executed on or off a national securities exchange. Include payouts to other broker-dealers on commodity transactions. Fees paid exchanges on commissions are to be excluded from this Item and reported in Item 15, "Other expenses."

13—Include interest paid to banks and on customer accounts; on all other subordinated and unsubordinated borrowings.

13a—Report total interest paid on subordinated liabilities. Subordinated liabilities include: accounts of partners subject to equity or subordination agreement; subordinated loans and accounts; and secured demand notes.

14—Report all fees paid to regulatory bodies in order to conduct a securities business. Examples of such fees are payments for registration of registered representatives, SECO fees, NASD fees, and exchange membership dues. Additionally, report all direct expenditures to meet reporting requirements imposed by regulatory bodies such as legal and audit fees for annual audit required by Rule 17a-5 (17 C.F.R. 240.17a-5) of the Securities and Exchange Act of 1934 and service bureau charges required to complete various surveys which are not part of the respondent's management report system. Exclude SIPC assessment from this Item. SIPC assessments are to be included in Item 15, "Other expenses." Fees paid exchanges on commission revenue are to be excluded from this Item. Fees paid exchanges on commissions shall be reported at Item 15, "Other expenses."

14a—Report total transaction fees payable to the S.E.C. under Sec. 31 of the Securities

and Exchange Act of 1934 for over-the-counter sales of listed securities during the reporting period. Transaction fees on OTC sales of listed securities became effective on January 1, 1976. The Commission has exempted some OTC sales of listed securities from Sec. 31 fees, and S.E.C. Rule 31–1 should be consulted (17 C.F.R. § 240.31–1, 41 Fed. Reg. 30588 (July 26, 1976)). Sec. 31 transaction fees are to be paid to the Commission on an annual basis only, on or before March 15 of each calendar year, for sales occurring in the previous calendar year. Actual payment of such fees to the Commission by individual brokers and dealers shall be made in cash, certified check, or bank money order payable to the Securities and Exchange Commission, omitting the name or title of any official of the Commission.

15—Report all expenses not included in Items 10 through 14.

19—The amount reported shall be stated net of any applicable tax provisions.

20—State in a note the nature and amount of any material gains or losses and disclose the tax applicable to each.

21—State in a note any material items and disclose the tax applicable to each.

SECURITIES AND EXCHANGE COMMISSION,
WASHINGTON, D.C.

FORM X–17A–5 SCHEDULES

GENERAL INSTRUCTIONS

NOTE TO RESPONDENTS.—Schedules I, II and III of Form X–17A–5 are calendar year unconsolidated reports to be filed by the registrant, as applicable, as a supplement to the regular fourth quarter Form X–17A–5.

Brokers or dealers which are exempt from the filing requirements of paragraph (a) of Section 240.17a–5 are to submit, no later than 17 business days after the commencement of the calendar year an annual report consisting of the Facing Page, balance sheet, and Revenue and Expense Statement from Part IIA of Form X–17A–5 and Schedule I of Form X–17A–5.

Schedule I is to be filed by all broker-dealers with their fourth quarter submission of Form X–17A–5. Schedule I requires the reporting of general information designed to measure certain economics and financial characteristics of the registrant.

Schedule II is to be filed only by registrants with majority owned or partially owned subsidiaries and affiliates. Schedule II will require a listing of annual gross revenues by major categories by all majority owned and partially owned subsidiaries and affiliates of the broker-dealer filing Form X–17A–5.

Schedule III is to be filed by broker-dealers filing Part II of Form X–17A–5 with annual gross revenue related to the securities business of $10 million or more. Gross revenue related to the securities business is defined in the instructions to Schedule III.

SCHEDULE I

1—Firm name refers to the name under which the respondent is registered as a broker-dealer pursuant to Section 15b of the Securities Exchange Act of 1934.

2—Report the name(s) of broker-dealers acquired through merger, consolidation, asset acquisition, or any other means during the course of the reporting period. A separate report is to be filed for the acquired firm for the period prior to the acquisition. The report of the acquiring firm is to include only its information for the period prior to the acquisition and the information of the merged or consolidated firm for the period subsequent to the acquisition.

4—The term "national securities exchange" or exchanges shall mean any exchange registered under Section 6 of the Securities Exchange Act of 1934.

5—"Equity security" shall mean any stock or similar security; or any security convertible, with or without consideration, into such a security, or carrying any warrant or right to subscribe to or purchase such a security.

9a and b—These items are to be completed by only carrying firms required to file Part II of Form X–17A–5. Report total number of public customer accounts, regardless of the method by which those accounts are cleared.

The term "public customer" shall mean any person from whom or on whose behalf a broker or dealer has received or acquired or holds funds or securities for the account of such person, but shall not include a broker or dealer, or a general, special or limited partner or director or officer of the broker or dealer, or any person to the extent that such person has a claim for property or funds which by contract, agreement or understanding, or by operation of law, is part of the capital of the broker or dealer or is subordinated to the claims of creditors of the broker or dealer. Omnibus accounts carried for other brokers or dealers shall not be included in the count of public customer accounts (Item 10a) but shall be included under Item 10b.

Only active public customer accounts will be included in the public customer account total. For an account to be considered "active," it must have a non-zero cash or securities balance at the end of the reporting period or have had some action (purchase or sale of securities, dividend credit, etc.) during the reporting period. Omnibus accounts carried for other brokers at the end of the reporting period are to be included in omnibus account total.

11—Indicate with "1" the methods by which respondent clears its public customer accounts. If respondent has no customers, as defined in 10a and 10b above, respondent is to place a "1" in the "not applicable box. If respondent principally clears its public customer transactions through other than a broker-dealer place an "1" in the "other" box.

12—Exchange membership is to include associate and limited memberships as well as regular memberships. See Item 5 description for definition of "exchange."

13a and b—Reports only full time (full time is defined as anyone who works 40 hours or more per week for respondent) personnel employed by respondent as of the last business day of the year. A full time registered representative is any person who works a minimum of 30 hours per week and spends at a minimum, 50 percent of his time engaged in effecting transactions with public customers on behalf of the respondent. The number of employees and registered representatives is "as of" the last business day of the year.

16a, b, and c—These items are to be completed only by carrying or clearing firms required to file Part II of Form X–17A–5. Report the total number of public customer transactions executed on a national securities exchange. If basis of count is an actual count place an "1" in "actual" box. If statistical method is used place an "1" in "estimate" box.

A transaction is defined as an executed trade which results in a customer trade confirmation. Therefore, the count of transactions should be taken from the customer side and should not include confirmation corrections. For count purposes, several executions at the same price which result in one confirmation should be counted as one transaction.

In the case where a firm uses a statement-type confirmation, each item or "line" should be considered as a confirmation for purposes of counting transactions. For those exchange transactions in which the respondent acts as principal, both street and customer sides are counted as separate transactions. For non-inventory principal transactions in an over-the-counter security, both the purchase for inventory and the sale to the customer shall be counted as separate transactions. Commodity, bond, option, and other transactions are to be reported in Item 17c.

For investment company securities transactions in which cash or securities are handled by respondent (exclude transactions by others such as voluntary or periodic payment plans), a count of trade confirmations should be used to obtain the transaction count. The street and customer side are counted as one transaction. For underwriting transactions the takedown should be counted as one transaction and the ultimate sale to customers should be counted based on customers' confirmations (e.g., an underwriting of 2,000 shares is ultimately sold to five customers—takedown of 2,000 shares counts as one trade and the sale to five customers counts as five trades). For commodity transactions purchase or sale of contracts are to be counted as one transaction and each subsequent closeout is to be counted as one transaction [e.g., five contracts of a commodity purchased in one trade (same price and on the same day) is one transaction, subsequent sale as five separate contracts (different day or price for each) is five additional transactions]. Do not include clearing house side in count.

For option transactions the purchase of an option contract represents a transaction.

For commercial paper transactions both the purchase and sale should be counted as separate transactions. Count may be taken from confirmation or acknowledgement tickets. Items which are not strictly principal trades such as private placement sales should be included. Repurchase agreement sales and returns should also be included in count.

Corrections shall be excluded from the transaction count. However, an error transaction, that is a transaction where the wrong security was purchased and the correct security must later be purchased, is not considered a correction. For error transactions, the original transaction and the buy and sell from the error account are to be counted as separate transactions.

Firms carrying public customer accounts for other broker-dealers on a fully disclosed basis are to include transactions from those accounts in their number count. Firms introducing accounts on a fully disclosed basis will report "zero" for these items.

Although an actual count of transactions is preferred, an estimated count may be generated using the following methodology:

1. Select the specific days for which transactions will be counted:

(a) Randomly selecting one of the first 15 working days in the year as the starting date,

(b) Selecting each 8th working date thereafter throughout the entire year,

(c) Listing these dates in chronological order. This should result in a list of exactly 30 dates. (If more than this number have been selected, randomly discard dates throughout the year until only 30 remain.)

2. Count and record the transactions for each of the above 30 dates in each of the categories requested.

3. Estimate the annual number of transactions in each category by multiplying the aggregate of the 30 dates test count in each category by 8.3333 to annualize the transaction count.

18—Include both foreign and domestic branch offices.

SCHEDULE III

Note to Respondent.—Schedule III is to be filed by broker-dealers filing Part II of Form X–17A–5 with "annual" gross revenue related to the securities business of $10 million or more for the calendar year. Gross

revenue related to the securities business is defined as total revenue (line 12 of Part II, Form X-17A-5, Income and Expenses Statement) less revenue un-related to the securities business (line 11 of Part II, Form X-17A-5, Income and Expense Statement).

Schedule IIIA Realized Gain (Loss) From Principal Transactions in Securities in Trading Accounts

Schedule IIIA presents a detailed breakdown of the gain (loss) total. Gain (loss) (Dividends and Interest Income) in securities identified as being held for investment purchases in accordance with the provisions of the Internal Revenue Code applicable to dealers shall not be included in this schedule.

Dividend and interest income on securities in trading accounts shall be treated as an adjustment to gain (loss) reported.

All amounts reported shall not be reduced by allocation of Federal income taxes.

Gains (loss) from trading in State and local bonds is to be broken out between General obligation and Revenue bonds. General obligation bonds are those bonds which are supported directly or indirectly by the full faith and credit of the obligor. Revenue bonds are those bonds which can be repaid only from specified revenues such as road tolls or rents from leases.

The subcaption "Market-Making" refers to all market-making and shall be limited to activities in those particular securities in which the respondent holds himself out (by entering indications of interest in purchasing and selling in an inter-dealer quotations system or otherwise) as being willing to buy and sell securities for his own account on a continuous basis otherwise than on a national securities exchange.

Gains on riskless transactions are not to be included in this schedule.

Schedule IIIB Profit or Loss From Management of and Participation in Underwriting Syndicates and Selling Groups

The information called for in columns A and B shall be given in accordance with the indicated classifications.

Sales as principal underwriter of investment company securities (other than closed-end investment companies) shall not be reported in this schedule.

Column A—*Aggregate Cost to the Public of Securities Sold.* State the aggregate price paid by public customers for securities sold by respondent as member of underwriting syndicates, as participant in selling groups, or in unregistered block distribution. Securities sold to other broker-dealers shall be excluded from the amount reported.

Column B—*Gross Profit or Loss.* Gross profit or loss shall be determined as the difference between the proceeds of securities sold and their purchase price adjusted for discounts, commissions and allowances received from or given to other brokers. Any direct expense which can be associated with a specific underwriting may also be considered as a cost in determining gross profit or loss. In determining gross profit or loss any unrealized loss on securities unsold at the time the underwriting account was closed shall be considered as a deduction from the proceeds of securities sold.

Employee compensation and employment costs of persons working in an "underwriting department" and other related expenses of such department shall be considered as indirect expenses and not deducted in determining gross profit or loss.

1 and 2—Report all underwritings of securities registered under the Securities Act of 1933. Underwritings made on a firm commitment basis shall be reported at caption 1 and other underwritings, such as "best efforts" or "all or none," shall be reported at caption 2.

3—Unregistered block distributions to be reported include (1) a public distribution of unregistered securities through the facilities of a national securities exchange in accordance with the exchange rules applicable to "Special Offering Plans" or "Exchange Distribution Plans," or a public distribution of listed securities over-the-counter in accordance with exchange rules applicable to "Secondary Distribution." Such distributions are to be reported as underwritings regardless of whether the transactions have been effected in the capacity of principal or agent.

4—Respondent's participation in the underwriting and/or selling of state and local bonds is to be broken out between General obligation and Revenue bonds. For a definition of General obligation versus Revenue bonds see instruction for gain (loss) from trading in State and Local bonds of Schedule IIIA.

Schedule IIIC Income From Other Sources

3—Report premium received from non-exchange option transactions.

10—Report all other revenues related to respondent's securities business not previously reported in income from other sources, Items 1 thru Items 9.

Schedule IIID Securities Positions in Investment, Trading and Other Accounts

NOTE TO RESPONDENTS.—This schedule shall be used to report long and short positions in securities in which respondent has an interest. Securities clearly identified as being held for investment in accordance with provisions of the Internal Revenue Code applicable to dealers in securities shall be reported under caption 2, investment accounts. Commodities positions in trading and investment account are to be included in this.

Form X-17A-5
Schedule I

INFORMATION REQUIRED OF BROKERS AND DEALERS PURSUANT TO SECTION 17 OF THE SECURITIES EXCHANGE ACT OF 1934 AND RULE 17a-10 THEREUNDER

SEC File No.
8-

Securities and Exchange Commission Washington, D.C. 20549

Report for the Calendar Year 19__ ☐ or if less than 12 months

Report for the period beginning __/__/__ ☐ and ending __/__/__ ☐

1. Name of respondent:

2. Name(s) of broker-dealer(s) merging with respondent during reporting period:

NAME:
NAME:
NAME:
NAME:

Official use onl

3. Respondent conducts a securities business exclusively with registered broker-dealers: (enter applicable code 1=Yes 2=No)

4. Respondent is registered as a specialist on a national securities exchange: (enter applicable code 1=Yes 2=No)

5. Respondent makes markets in the following securities:
(a) equity securities. . . . . .(enter applicable code 1=Yes 2=No)
(b) municipals . . . . . .(enter applicable code 1=Yes 2=No)
(c) other debt instruments.. . . . . .(enter applicable code 1=Yes 2=No)

6. Respondent is registered solely as a municipal bond dealer: (enter applicable code 1=Yes 2=No)

7. Respondent is an insurance company or an affiliate of an insurance company (enter applicable code 1=Yes 2=No)

8. Respondent carries its own public customer accounts (enter applicable code 1=Yes 2=No)

9. Respondent's total number of public customer accounts (carrying firms filing Part II of Form X-17A-5 only)
(a) Public customer accounts. . . . . .
(b) Omnibus accounts. . . . . .

Form X-17A-5
Schedule I

10. Respondent clears its public customer and/or proprietary accounts (enter applicable code 1=Yes 2=No)

11. Respondent clears its public customer accounts in the following manner: (enter a "1" in appropriate boxes)

(a) Direct Mail (New York Stock Exchange Members only)
(b) Self-Clearing
(c) Omnibus
(d) Introducing
(e) Other

If other please describe:

(f) Not applicable.

12. (a) Respondent maintains membership(s) on national securities exchange(s): (enter applicable code 1=Yes 2=No)

(b) Names of national securities exchange(s) in which respondnet maintains memberships (enter an "1" in appropriate boxes)

(1) American
(2) Boston
(3) CBOE
(4) Midwest
(5) New York
(6) Philadelphia
(7) PBW
(8) Other

13. Employees: (a) Number of full-time employees.
(b) Number of full-time registered representatives employed by respondent included in 13(a).

14. Number of NASDAQ stocks respondent makes market

15. Total number of underwriting syndicates respondent was a member

16. Number of respondent's public customer transactions: (Carrying or clearing firms filing Part II of Form X-17A-5 only) Actual / Estimate

(a) equity securities transactions effected on a national securities exchange.
(b) equity securities transactions effected other than on a national securities exchange.
(c) commodity, bond, option, and other transactions effected on or off a national securities exchange.

17. Respondent is a member of the Securities Investor Protection Corporation (enter applicable code 1=Yes 2=No)

Form X-17A-
Part I

18. Number of branch offices operated by respondent. . . . . [ ]

19. Respondent is an affiliate or subsidiary of a foreign broker-dealer or bank (enter applicable code 1=Yes 2=No [ ]

20. (a) Respondent is a subsidiary of a registered broker or dealer (enter applicable code 1=Yes 2=No [ ]

(b) Name of parent _____

21. Respondent is a subsidiary of a parent which is not a registered broker or dealer (enter applicable code 1=Yes 2=No [ ]

Form X-17A-5
Schedule II

Gross Revenue of all Subsidiaries and Partly Owned Affiliates

Revenue Classification	A. Total Gross Revenues of All Subsidaries and Partly Owned Affiliates	B. Amount Representing Minority Interest in Total Gross Revenues Set Forth in Column A for Subsidaries or Affiliates Which Are Included in the Parent's Statements Herein.	C. Amount of Total Gross Revenues Set Forth in Column A Which are Included In the Parent's Statement Herein
1. Securities Commissions	$	$	$
2. Trading Gains (Losses)			
3. Interest Income			
4. Underwriting Profit (Loss)			
5. Mutual Fund Revenue			
6. Commodities Income			
7. Investment Advisory Fees			
8. Firm Investment Gains (Losses)			
9. Other Income Related to the Securities Business (specify where mutual)			
10. Other Income Not Related to Securities Business			
Total	$	$	$

Securities and Exchange Commission

Washington, D.C. 20549

Form X-17A-5

Schedule III
Schedule III is to be filed by broker-dealers filing Part II of Form X-17A-5 with "annual" gross revenue related to the securities business of $10 million or more for the calendar year. Gross revenue related to the securities business is defined as total revenue (line 12 of Part II, Form X-17A-5, Income and Expense Statement) less revenue unrelated to the securities business (line 11 of Part II, Form X-17A-5, Income and Expense Statement).

INDEX

_____

Name of Broker or Dealer

Form X-17A-5 Schedule III-A

REALIZED GAIN (LOSS) FROM PRINCIPAL TRANSACTIONS IN SECURITIES IN TRADING ACCOUNTS

SECURITY	EXCHANGES (COL. A)		OTC (COL. B)	
	OMIT—CENTS			
1. Government Securities:				
a. U.S. Government	$	8710	$	8743
b. State and Local				
1. General Obligation bonds		8711		8744
2. Revenue Bonds		8712		8745
c. Other Government Securities		8713		8746
d. Subtotal *(1a+1b+1c)*		8714		8747
2. Market-Making:				
a. Stocks Listed on an Exchange		8719		8752
b. All Other Stocks		8720		8753
c. Debt Securities		8721		8754
d. Subtotal *(2a+2b+2c)*		8722		8755
3. Trading for Respondent's Account *(other than trading in firm's investment accounts and trading reported above):*				
a. Stocks Listed on an Exchange		8727		8762
b. All Other Stocks		8728		8763
c. Options		8729		8764
d. Block Trading		8730		8765
e. Other Trading		8731		8766
f. Subtotal *(3a+3b+3c+3d+3e)*		8732		8767
4. Realized Gain *(Loss)(1d+2d+3f)*		8733		8768
5. Total Realized Gain (Loss) (Add Col A and Col. B of Line 4)			$	8769

Form X-17A-5 Schedule III-B

PROFIT OR LOSS FROM MANAGEMENT OF AND PARTICIPATION IN UNDERWRITING SYNDICATES AND SELLING GROUPS

CLASSIFICATION OF UNDERWRITINGS	Aggregate Cost to the Public of Securities Sold by Respondent (Col. A)		Gross Profit or Loss (Col. B)	
	OMIT-CENTS			
1. Firm commitment underwriting of registered corporate securities:				
a. Stocks	$	8800	$	8821
b. Debt securities		8801		8822
c. Subtotal (1a+1b)		8802		8823
2. Other underwriting of registered corporate securities (e.g., best efforts underwriting, direct placements)		8803		8824
3. UNREGISTERED block distributions (as principal or agent) secondaries, exchange distributions, special offerings		8804		8825
4. Total corporate securities (1c+2+3)		8805		8826
5. Government securities:				
a. U.S. Government		8806		8827
b. State and local				
1. General obligation bonds		8807		8828
2. Revenue Bonds		8808		8829
c. Other government securities		8809		8830
d. Subtotal (5a+5b+5b2+5c)		8810		8831
6. Total (Column A only) (Total of lines (4+5d)	$	8820		
7. Total (Column B only) (Total of lines 4+5d)			$	8841

Form X-17A-5 Schedule III-C

INCOME FROM OTHER SOURCES
(SECURITIES BUSINESS ONLY)

	OMIT-CENTS	
1. Subscription fees for periodic publications	$	8870
2. Fees received from private placements of securities not registered under the Securities Act of 1933		8871
3. Fees for puts, calls, other option transactions not conducted on a national securities exchange		8872
4. Proxy solicitation fees		8873
5. Service charges *(includes custodian fees)*		8874
6. Dividends from securities in firm investment accounts		8875
7. Nonrecurring income		8876
8. Consulting fees for mergers and acquisitions *(include finders fees)*		8877
9. Income from commercial paper operations		8878
10. Other revenues related to securities business not included above		8879
11. Total other revenue related to securities business - items 1 thru 10	$	8880

Form X-17A-5 Schedule III-D

SECURITIES AND COMMODITIES POSITIONS IN INVESTMENT, TRADING, AND OTHER ACCOUNTS

	LONG POSITIONS (COL. A)		SHORT POSITIONS (COL. B)	
	OMIT CENTS			
1. Trading Accounts:				
a. Stocks	$	8910	$	8940
b. Options		8915		8945
c. Corporate bonds (includes convertibles)		8911		8941
d. U.S. Government securities		8912		8942
e. State, local and all other government securities		8913		8943
f. Total trading accounts (1a+1b+1c+1d+1e)	$	8914	$	8944
2. Investment Accounts:				
a. Stocks	$	8919	$	8949
b. Options		8924		8954
c. Corporate bonds (includes convertibles)		8920		8950
d. U.S. Government securities		8921		8951
e. State, local and all other government securities		8922		8952
f. Total investment accounts (2a+2b+2c+2d+2e)	$	8923	$	8953
3. Other Accounts:				
a. Commodities	$	8928	$	8958
b. Joint accounts	$	8929	$	8959
c. Capital accounts	$	8939	$	8960

[FR Doc.77-129 Filed 1-3-77;8:45 am]

INTERNATIONAL TRADE COMMISSION

[19 CFR Part 201]

PRACTICE AND PROCEDURES

Performance of Functions

Notice is hereby given that the United States International Trade Commission is considering amendments and additions to its Rules of Practice and Procedure (19 CFR Chapter II).

Pursuant to section 335 of the Tariff Act of 1930, as amended (72 Stat. 680; 19 U.S.C. 1335), section 337(b)(3) of the Tariff Act of 1930, as amended (88 Stat. 2054; 19 U.S.C. 1337(b)(3)), and section 201(b)(6) of the Trade Act of 1974 (88 Stat. 2013; 19 U.S.C. 2251(b)(6)), the Commission proposes to amend title 19, part 201, of the Code of Federal Regulations by adding a new section 201.4(d).

Interested persons may participate in the rulemaking proceeding by submitting written comments in triplicate to:

Secretary, United States International Trade Commission, 701 E Street NW., Washington, D.C. 20436.

All comments received on or before February 3, 1977 will be considered. Comments received after publication of this proposal will be available for public inspection during normal working hours at the Office of the Secretary, U.S. International Trade Commission.

Final regulations, modified as the Commission deems appropriate after consideration of comments, will be adopted as soon as practicable after such consideration. The Commission currently intends to make the final regulations effective 30 days after their publication in the FEDERAL REGISTER.

The basis of this proposal is as follows:

1. Section 337(b)(3) of the Tariff Act of 1930, as amended, provides:

Whenever, in the course of an investigation under this section, the Commission has reason to believe, based on information before it, that the matter may come within the purview of section 303 or of the Antidumping Act, 1921, it shall promptly notify the Secretary of the Treasury so that such action

may be taken as is otherwise authorized by such section and such Act.

2. A similar provision appears in section 201(b) (6) of the Trade Act of 1974:

In the course of any proceeding under this subsection, the Commission shall investigate any factors which in its judgment may be contributing to increased imports of the article under investigation; and, whenever in the course of its investigation the Commission has reason to believe that the increased imports are attributable in part to circumstances which come within the purview of the Antidumping Act, 1921, section 303 or 337 of the Tariff Act of 1930, or other remedial provisions of law, the Commission shall promptly notify the appropriate agency so that such action may be taken as is otherwise authorized by such provisions of law.

In the past, the Commission has provided such notice on an ad hoc basis.

In order to handle such matters expeditiously, as is required by law, without disturbing existing investigations, the Commission proposes to amend part 201 of its Rules of Practice and Procedure to allow for informal, nonadjudicative consideration of such matters. The proposed amendment is as follows: Add, following section 201.4(c) of said rules, the following:

§ 201.4 Performance of functions.

* * * * *

(d) *Suggestion that matters may come within the purview of other laws.* Whenever, in the course of an investigation under section 337 of the Tariff Act of 1930, as amended, or under section 201 of the Trade Act of 1974 (Public Law 93–618), any party or person, including the Commission or its staff, has reason to believe that the subject matter of such investigation may come within the purview of a remedial provision of law not the basis of such investigation, including, but not limited to, the Antidumping Act, 1921, or sections 303 or 337 of the Tariff Act of 1930, as amended, then the party or person may file a suggestion of notification with the Commission that the appropriate agency be notified of such matters, together with such information as the party or person can make available. The Commission Secretary shall promptly thereafter publish notice of the filing of such suggestion and information, and make them available for inspection and copying to the extent permitted by law. Any person may comment on the suggestion within 10 days after the publication of said notice. Thereafter, the Commission shall determine whether notification is appropriate under law and, if so, shall notify the appropriate agency.

By order of the Commission:

KENNETH R. MASON,
Secretary.

[FR Doc.77-289 Filed 1-3-77;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 11]

[Docket No. 76N-0236]

BOTTLED WATER

Proposed Amendment to Quality Standard

The Food and Drug Administration (FDA) is proposing to amend the quality standard for bottled water. These amendments are being proposed in response to the Environmental Protection Agency (EPA) publication in the FEDERAL REGISTER of July 9, 1976 (41 FR 28402) of national interim primary drinking water regulations for radioactivity. Interested persons have until March 7, 1977 to submit comments. Published elsewhere in this issue of the FEDERAL REGISTER are proposed amendments to the current good manufacturing practice regulations for the processing and bottling of bottled water under Part 128d (21 CFR Part 128d).

In the FEDERAL REGISTER of June 21, 1976 (41 FR 24896), FDA issued a proposal to amend the quality standard for bottled water in response to EPA publication of national interim primary drinking water regulations in the FEDERAL REGISTER of December 24, 1975 (40 FR 59566). On July 9, 1976, EPA published supplemental drinking water regulations concerning radioactivity in drinking water. The publication of national interim drinking water regulations for radioactivity is one of the latest steps taken by EPA to implement the Safe Drinking Water Act of 1974 (Pub. L. 93–523).

In the proposal published by FDA on June 21, 1976, the Commissioner of Food and Drugs announced that when EPA promulgated specific regulations dealing with radionuclides, the quality standard for bottled water would again be reviewed. The Commissioner also pointed out that under section 410 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 349) FDA is required, whenever EPA "prescribes interim or revised national primary drinking water regulations under section 1412 of the Public Health Service Act," to consult with EPA and within 180 days after EPA promulgates the drinking water regulations to "either promulgate amendments to regulations under this chapter applicable to bottled drinking water or publish in the FEDERAL REGISTER * * * reasons for not making such amendments."

This proposal and the proposed amendments to the current good manufacturing practice regulations for the processing and bottling of bottled drinking water are issued pursuant to FDA's statutory obligation under section 410 of the act.

The Commissioner, after consideration of all comments received on this proposal, will publish a final regulation in the FEDERAL REGISTER. He proposes that the final regulation become effective on December 31, 1977.

The Environmental Protection Agency has established the following maximum contaminant levels for radioactivity in public drinking water:

1. Combined radium-226 and radium-228 activity not to exceed 5 picocuries (pCi) per liter of water.

2. Gross alpha particle activity (including radium-226, but excluding radon and uranium) not to exceed 15 pCi per liter of water.

3. The average annual concentration of beta particle and photon radioactivity from manmade radionuclides in drinking water shall not produce an annual dose equivalent to the total body or to any internal organ greater that 4 millirems per year. If two or more radionuclides are present, the sum of their annual dose equivalent to the total body or to any organ shall not exceed 4 millirems per year.

To determine compliance with the maximum contaminant level set for beta particle and photon radioactivity from manmade radionuclides, the EPA has established a method for calculating the concentration of manmade radio nuclides causing a total body or organ doe equivalent of 4 millirems. In the case of tritium and strontium-90, EPA has established specific levels of 2×10^4 pCi/liter and 8 pCi/liter, respectively. Water containing these radionuclides at these levels may be assumed to result in an annual dose equivalent of 4 millirems when only the named radionuclide is being considered. In addition, EPA has stated that compliance with the 4-millirem limit can be assumed, provided that the average annual concentration of gross beta particle activity is less than 50 pCi per liter and the average annual concentration of tritium and strontium-90 combined do not result in a dose equivalent to the whole body or any organ of more than 4 millirems.

The Environmental Protection Agency defines manmade beta particles and photon emitters as all radionuclides emitting beta particles and/or photons listed in Maximum Permissible Body Burdens and Maximum Permissible Concentrations of Radionuclides in Air or Water for Occupational Exposure, NBS Handbook 69, except for the daughter products of thorium 232, uranium-235, and uranium-238. Radiological terms used in this proposal are as defined in the EPA interim primary drinking water regulations for radionuclides published in the FEDERAL REGISTER of July 9, 1976.

To maintain uniformity with the national interim primary drinking water regulations, the Commissioner proposes

to amend § 11.7(e) (21 CFR 11.7(e)) to require that the radiological quality of bottled water be consistent with the radiological limits set forth by EPA for public drinking water.

The Commissioner is proposing to amend § 11.7(e) to require that (1) the bottled water not contain a combined radium-226 and radium-228 activity in excess of 5 pCi per liter of water, (2) the bottled water not contain a gross alpha particle activity (including radium-226, but excluding radon and uranium) in excess of 15 pCi per liter of water, (3) the bottled water not contain beta particle and photon radioactivity from manmade radionuclides in excess of that which would produce an annual dose equivalent to the total body or any internal organ of 4 millirems per year, calculated on the basis of an intake of 2 liters of the water per day. If two or more beta or photon-emitting radionuclides are present, the sum of their annual dose equivalent to the total body or to any internal organ shall not exceed 4 millirems per year.

The Environmental Protection Agency has also established specific limits for tritium and strontium-90 in drinking water. Testing for manmade radionuclides, however, is only required for drinking water systems using surface water sources and serving more than 100,000 persons. The proposed amendment to the quality standard for bottled water does not establish separate requirements for tritium and strontium-90. Manufacturers must analyze the sample to identify the major radioactive constituents present and calculate what the dose equivalent would be for the combined radionuclides present. This would include any contribution made by strontium-90. The additional monitoring required by EPA for large public water systems is part of a Federal-State regulatory policy designed to give added surveillance where appropriate. Tritium and strontium-90 can also be used as indicators of man's influence on environmental radiation. The Commissioner is of the opinion that such surveillance is appropriate for public water supplies but does not consider it necessary as a separate criterion for bottled water.

The Commissioner has considered the environmental effects of the issuance or amendment of food standards and has concluded in § 6.1(d)(4) (21 CFR 6.1(d)(4)) that food standards are not major agency actions significantly affecting the quality of the human environment. Therefore, an environmental impact statement is not required for this amendment.

(Secs. 401, 403(h), 410, 701, 52 Stat. 1046 as amended, 1047, 1055–1056 as amended, 58 Stat. 1694 (21 U.S.C. 341, 343(h), 349, 371)) and under authority delegated to the Commissioner (21 CFR 5.1) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)).)

It is proposed that § 11.7 be amended by revising paragraph (e) to read as follows:

§ 11.7 Bottled water.

* * * * *

(e) *Radiological quality.* (1) Bottled water shall, when a composite of analytical units of equal volume from a sample is examined by the methods described in paragraph (e)(2) of this section, meet standards of radiological quality as follows:

(i) The bottled water shall not contain a combined radium-226 and radium-228 activity in excess of 5 picocuries per liter of water.

(ii) The bottled water shall not contain a gross alpha particle activity (including radium-226, but excluding radon and uranium) in excess of 15 picocuries per liter of water.

(iii) The bottled water shall not contain beta particle and photon radioactivity from manmade radionuclides in excess of that which would produce an annual dose equivalent to the total body or any internal organ of 4 millirems per year calculated on the basis of an intake of 2 liters of the water per day. If two or more beta or photon-emitting radionuclides are present, the sum of their annual dose equivalent to the total body or to any internal organ shall not exceed 4 millirems per year.

(2) Analyses conducted to determine compliance with paragraph (e)(1) of this section shall be made in accordance with the methods described in the applicable sections of "Standard Methods for the Examination of Water and Wastewater," 14th Ed., 1975.[1]

* * * * *

Interested persons may, on or before March 7, 1977, submit to the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857, written comments (preferably in quintuplicate and identified with the Hearing Clerk docket number found in brackets in the heading of this document) regarding this proposal. Received comments may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

The Food and Drug Administration has determined that this document does not contain a major proposal requiring preparation of an inflation impact statement under Executive Order 11821 and OMB Circular A–107. A copy of the inflation impact assessment is on file with the Hearing Clerk, Food and Drug Administration.

Dated: December 27, 1976.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.77–105 Filed 1–3–77;8:45 am]

[1] Copies are available from: American Public Health Association, 1015 Eighteenth St. NW., Washington, D.C. 20036.

[21 CFR Part 128d]

[Docket No. 76N–0298]

PROCESSING AND BOTTLING OF BOTTLED DRINKING WATER

Proposed Amendments to Current Good Manufacturing Practice Regulations

The Food and Drug Administration (FDA) is proposing to amend the current good manufacturing practice regulations for the processing and bottling of bottled drinking water. These amendments are being proposed in response to the Environmental Protection Agency (EPA) publication in the FEDERAL REGISTER of July 9, 1976 (41 FR 28402) of national interim primary drinking water regulations concerning radionuclides. Interested persons have until March 7, 1977 to submit comments. Published elsewhere in this issue of the FEDERAL REGISTER is a proposal to amend the quality standard for bottled water under Part 11 (21 CFR Part 11).

After consideration of all comments received on this proposal, a final regulation will be published in the FEDERAL REGISTER. The Commissioner of Food and Drugs proposes that the final regulation become effective on December 31, 1977.

The Environmental Protection Agency has established monitoring frequencies for radioactivity in community water systems. Analysis of community water systems for radium-225 and radium-228 is required once every 4 years. Analysis for gross alpha particle activity and gross beta particle activity is also required every 4 years. However, in the case of gross beta particle activity, analysis is only required by community water systems serving more than 100,000 persons and using surface water sources. Tritium and strontium-90 analyses are also required every 4 years for systems using surface water sources and serving more than 100,000 persons. In each case, more frequent and more thorough monitoring of community water systems can be required by the individual States. For example, in accordance with 40 CFR 141.26(b)(1)(iii) of the EPA regulations, suppliers of water using only ground waters may be required to monitor for manmade radioactivity; in accordance with 40 CFR 141.26(b)(4), the suppliers of community water systems designated by a State as utilizing waters contaminated by effluents from nuclear facilities shall initiate quarterly monitoring for gross beta particle and iodine-131 radioactivity and annual monitoring for strontium-90 and tritium.

The monitoring schedules established by EPA were designed to give maximum flexibility to a combined State-EPA regulatory effort. The Environmental Protection Agency has provided for increased surveillance of municipal water systems whenever radioactivity levels or physical circumstances of the water system warrant additional monitoring. In the case

of bottled water, however, FDA is required to adopt a uniform policy that applies to all bottled-water manufacturers. These differences in the regulatory approach were discussed in the preamble to the proposed amendments to the current good manufacturing practice regulations published in the FEDERAL REGISTER of June 21, 1976 (41 FR 24897).

The current good manufacturing practice regulations for bottled water require that manufacturers analyze water samples for radiological contaminants on a yearly basis. This requirement is a result of a partial stay published in the FEDERAL REGISTER of November 4, 1975 (40 FR 51194), which reduced the semiannual testing requirements to one test per year. Currently, these tests are to be made both on the source water and the final product water.

The Commissioner proposes that manufacturers test the final product water annually for radiological contaminants and the source water once every 4 years in order to assure that the source water meets the requirements of applicable law and regulations of the government agency or agencies that have jurisdiction. The quadrennial testing of source water for radiological contaminants shall be in addition to testing performed by government agencies.

The Commissioner proposes to retain annual testing requirements for the final bottled-water product for several reasons. Less frequent testing of the final product water cannot be considered good manufacturing practice. Manufacturers are currently testing product water on an annual basis, and retention of this provision will provide no additional cost burden to the manufacturer. Manufacturers of bottled water are directly responsible for the safety of the product water and have already demonstrated an ability to institute quality control procedures based on an annual sampling schedule for radioactive contaminants.

The Commissioner has carefully considered the environmental effects of the proposed regulation and, because the proposed action will not significantly affect the quality of the human environment, has concluded that an environmental impact statement is not required. A copy of the environmental impact assessment is on file with the Hearing Clerk, Food and Drug Administration.

(Secs. 402(a), 410, 701(a), 52 Stat. 1046 as amended, 1055, 88 Stat. 1694 (21 U.S.C. 342 (a), 349, 371(a)) and under authority delegated to the Commissioner (21 CFR 5.1) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)).)

It is proposed that Part 128d be amended as follows:

1. By revising § 128d.5(a)(3) to read as follows:

§ 128d.5 Sanitary facilities and controls.

* * * * *

(a) * * *

(3) *Product water and operations water from approved sources.* (i) Samples of source water shall be taken and analyzed for chemical contaminants by the plant as often as is necessary, but at a minimum frequency of once each year to assure that the supply is in conformance with the applicable standards, laws, and regulations of the government agency or agencies having jurisdiction. Samples of source water shall be analyzed for radiological contaminants every 4 years. The sampling and analysis may be by qualified plant personnel or by qualified commercial testing laboratories and shall be in addition to any sampling performed by the government agency or agencies having jurisdiction. Samples of source water obtained from other than municipal or public water systems shall be taken and analyzed for microbioligical contaminants at least once each week. Records of both government agency approval of the water source and the sampling and analysis performed by the plant shall be maintained on file at the plant.

* * * * *

2. By revising § 128d.7(g)(2) to read as follows:

§ 128d.7 Processes and controls.

* * * * *

(g) * * *

(2) For chemical, physical, and radiological purposes, take and analyze at least annually a representative sample from a batch or segment of a continuous production run for each type of bottled drinking water produced during a day's production. The representative sample(s) shall consist of primary containers of product or unit packages of product.

* * * * *

Interested persons may, on or before March 7, 1977, submit to the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857, written comments (preferably in quintuplicate and identified with the Hearing Clerk docket number found in brackets in the heading of this document) regarding this proposal. Received comments may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

The Food and Drug Administration has determined that this document does not contain a major proposal requiring preparation of an inflation impact statement under Executive Order 11821 and OMB Circular A-107. A copy of the inflation impact assessment is on file with the Hearing Clerk, Food and Drug Administration.

Dated: December 27, 1976.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.77-124 Filed 1-4-77;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[29 CFR Part 1910]

[Docket No. H-004]

PROPOSED STANDARD FOR EXPOSURE TO LEAD

Informal Public Hearing; Availability of Preliminary Technological Feasibility and Inflationary Impact Study; and Receipt of Additional Studies

• Purpose. The purposes of this notice are to schedule a hearing date for receipt of oral testimony on all relevant issues concerning the lead proposal; to explicitly raise certain additional issues; to set forth a list of additional studies concerning exposure to lead; to announce the availability of a preliminary technological feasibility, cost of compliance and inflationary impact study of the proposed lead standard; and to permit further comment on the proposal.•

Background: On October 3, 1975, notice of a proposed standard for occupational exposure to lead was published by the Occupational Safety and Health Administration (OSHA) in the FEDERAL REGISTER (40 FR 45934) pursuant to the authority in sections 6(b) and 8(c) of the Occupational Safety and Health Act of 1970 (84 Stat. 1593, 1599; 29 U.S.C. 655, 657) and Title 29, Code of Federal Regulations (CFR) Part 1911.

Interested persons were given until December 2, 1975 to submit written data, views and arguments on the proposal and to file objections and request a hearing thereon. At the request of several commenting parties, this period was subsequently extended until January 16, 1976 (40 FR 55866). Over 100 written comments have been received including approximately 40 requests that a public rulemaking hearing be held.

Issues: The preamble to the proposed standard listed 10 major issues as likely to be of significance in the rulemaking proceeding (40 FR 45934). They are as follows:

1. Whether the proposed permissible exposure limit to lead should be 100 ug/m^3; and whether this level incorporates an appropriate margin of safety;

2. Whether subclinical effects of exposure should be considered in establishing a standard for occupational exposure to any substance, in this case lead;

3. Whether compliance with the proposal is technologically and economically feasible;

4. Whether, as provided in the proposal, employers in certain specific industries should be required to conduct initial monitoring of the exposures of some employees or whether initial determinations without monitoring are sufficient for all industries;

5. Whether biological sampling and analysis should be required as a supple-

ment to air monitoring to determine employee absorption of lead;

6. Whether the provisions for methods of compliance, medical surveillance, protective equipment and clothing, hygiene facilities, and recordkeeping are appropriate;

7. Whether warning signs and labels should be required;

8. To what extent are there groups with increased susceptibility to lead in the working population, such as women of childbearing age; and should such increased susceptibility, if it exists, be considered in establishing a standard for occupational exposure to any substance, in this case lead; and

9. What are the environmental and inflationary impacts of this proposal.

10. Whether compliance with the proprosal would be technologically and economically feasible for all affected industries, and particularly for employers engaging small numbers of employees.

Comments and information were sought on these and any other issues raised by the proposal.

Since publication of the proposal, issues not specifically covered by the 10 listed above or discussed at any length in the preamble have been raised. OSHA considers these new issues to be of such importance and controversy that comments, information and data are now sought on them, both in writing and at the rulemaking hearing. Therefore, to promote the fullest possible analysis of these issues during the rulemaking proceeding, they are briefly discussed below.

Chelating Agents. Essentially, chelates are chemical purgatives administered to remove metals from the body. They are often administered in emergency situations to remove lead from children who have ingested large amounts and are exhibiting symptoms of acute lead poisoning. Chelates, such as calcium disodium ethylenediamine tetraacetate (EDTA, Versenate), are highly toxic and place a strain on certain organs, such as the kidney, when used repeatedly. Furthermore, once administered, they remove not only lead but may remove most other metals from the system as well.

OSHA recognized the possibly inappropriate use of chelates to reduce employee blood levels in the proposed standard when it recommended that: "Chelating agents shall not be routinely administered to employees, and shall not be administered at all except by, and at the discretion of, a licensed physician." (40 FR 45945) In a written comment submitted on the proposal, it was suggested that OSHA prohibit the administration of all oral chelating agents and limit the administration of intravenous chelating agents to emergency situations only (comment #112, p. 2). In February 1976, a study performed by the Mt. Sinai School of Medicine's Environmental Sciences Laboratory in New York revealed routine chelation therapy at two Indianapolis, Indiana secondary lead smelters. In March, hearings were held by the Subcommittee on Manpower, Compensation and Health and Safety of the full Committee on Education and Labor of the U.S. House of Representatives to investigate occupational exposure to lead and use of chelating agents. The Director of the National Institute, for Occupational Safety and Health, Dr. John Finklea, testified at the hearing that: "They (chelating agents) should only be administered under proper medical supervision and not by anyone untrained in medicine. * * * Physicians should not chelate workers and send them back to work where there is a likelihood that they would have continued overexposure to lead." Anemia and evidence of neurological damage have been found in workers treated in this manner. Dr. Hector Blejer, appearing on his own behalf, testified concerning his observations of the the use of chelating agents during his service with the State of California. He noted that some experts recommend that chelates or any other chelation therapy should not be administered at all to treat overexposed adult workers. Instead, they recommend immediate removal of the employe from exposure and treatment of the symptoms of intoxication. This is referred to as natural "deleading."

In July 1976, the Food and Drug Administration warned against the "prophylactic" use of chelation in its June-July Drug Bulletin, adding that "their chronic use to combat continued exposure to lead has not been shown to be effective and can harm the subject." "Prophylactic" chelation has been discussed in the literature to include the routine use of chelation or similarly acting drugs to prevent elevated blood lead levels in workers who are occupationally exposed to lead or the use of these drugs to routinely lower blood lead levels to predesignated concentrations.

The issue of chelation thus concerns its proper use in an occupational setting to the extent that an employer is involved with its administration. More specifically, under what circumstances, if any, should chelation therapy be relied on to treat employees exhibiting symptoms of acute lead intoxication? Would compliance with the proposal's requirement concerning it be adequately protective of worker health? What are the long-term and short-term health effects of chelation?

Adequacy of Blood Lead Determinations. Blood lead level determinations are the primary biological monitoring technique required in the proposal's medical surveillance provisions. The preamble to the proposal acknowledged that this method provides the most useful and relatively accurate method of arriving at an employee's current lead absorption. The preamble also stated that, of the various biological monitoring tests available, determinations of blood lead levels correlated best with the appearance of symptoms of lead intoxication and with concentrations of airborne lead. There are, however, some significant limitations inherent in blood lead level determinations. For example, a blood lead level reflects the amount of active or mobile lead in the body at a particular time which may be as little as 10 percent of the total body burden. Also, blood lead determinations are susceptible to depression from a variety of sources other than reduced lead absorption, such as from anemia or chelation treatment. In addition, a procedure frequently employed by laboratories that perform blood lead determinations is to also assess hematocrit or hemoglobin levels in order to more accurately indicate the amount of lead present in the body.

Recently, biological monitoring methods other than blood lead determinations have received increased attention. The 1976 Mt. Sinai study of workers in 2 lead smelters in Indiana revealed that, of the laboratory findings studied including blood lead levels, determinations of zinc protoporphyrin (ZPP), an indicator of hemesynthesis, correlated well with the clinical symptoms observed. Other recent studies suggest that both during and after long-term stable lead exposures measurement of erythrocyte protoporphyrin (EP), a similar indicator to ZPP, gives a better reflection of hematologically active lead than other available parameters. It should be noted that EP determinations are already being employed in conjunction with blood lead determinations in screening tests for lead toxication in children. The studies have also found a positive correlation at blood lead levels below 70ug/100ml between EP and subjective symptoms related to lead toxicity. These and other studies were discussed by the Subcommittee on Permissible Limits of the Permanent Commission and International Association on Occupational Health which met in Amsterdam, The Netherlands, in September 1976. The Subcommittee's published report on occupational exposure to lead, including a discussion of ZPP determinations, is still pending. ZPP determinations may offer substantial promise as a practical, sensitive and economic monitoring test suitable for routine use. One manufacturer indicated in its comment on the proposed standard that a portable hematofluorometer, now commercially available, permits the determination of the ZPP level in a drop of unprocessed blood deposited on a disposable glass slide (comment #79, addendum).

In light of these recent studies, OSHA seeks comments on the potential utility of ZPP determinations as an alternative method to be used in the initial screening for lead intoxication. Are the equipment and technique necessary for this determination reliable, available and relatively inexpensive? Should blood lead determinations be supplemented with assessments of hematocrit and hemoglobin levels?

Effects of Lead on Reproductive Functions. For years, lead has been known to affect reproductive functions. Observations among human populations indicate that lead is associated with sterility, spontaneous abortions, stillbirths, birth defects, increased infant mortality, increased prematurity and increase in chromosomal abnormalities. Additionally, animal test systems have indicated that lead may be associated with impotency and mutagenesis. However,

beyond acknowledging that fetal damage, particularly to the nervous system, can occur at levels usually considered safe for adults, there is little scientific agreement as to the precise levels of exposure that correlate with onset of these effects. In 1972, the National Academy of Sciences suggested that a clinical state approaching that of frank lead poisoning is necessary before the fertility of men or women is affected. More recently, however, a 1975 study of male workers at a Rumanian storage battery plant revealed effects on spermatogenesis which may be of clinical significance at relatively low blood lead levels. This suggests a new concern about effects of lead on male reproductive functions at relatively low levels of exposure.

During the last several years, studies have been completed that indicate female workers, even when not pregnant, may also be slightly more susceptible to adverse effects of lead than their male counterparts. A 1974 study by Seppalainen found that females exhibited decreased motor nerve conduction velocity at lower blood lead levels than males. A 1976 study by Alessio showed that after EDTA provocation tests FEP levels in women were higher than in men at specified urine lead levels. This latter study can be viewed as suggestive of greater susceptibility in adult women to effects of lead on the blood forming process.

Finally, a number of comments received on the proposal discussed proper protection for female lead workers of childbearing age. A point made by both industry and health groups was that the permissible exposure limit of 100 ug/m³ of lead in air, assuming a correlation to a maximum blood lead level of 60 ug/100g, is actually inadequate to protect a developing fetus.

The issues regarding effects of lead on human reproduction are complex and multiple, with relatively little scientific attention paid to this subject until recent times. Nevertheless, at least several questions can be posed. Does the permissible exposure limit and other related provisions within the proposal provide adequate protection to women of childbearing age and to the human reproductive system. Are there any other studies, information or data bearing on the effects of lead on male reproductive functions at low blood lead levels? Interested persons are invited to submit comments on all issues regarding effects of lead on worker health, including reproductive functions.

Additional Studies: Since publication of the proposed standard, OSHA has obtained copies of additional studies and reports. Most of these have been published recently and concern various health effects arising from exposure to lead. The findings of some are likely to be discussed at the public hearing and may have some bearing on requirements contained in the final standard. As a result, the following list of additional studies is provided at this time.

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Berlin A.; K. H. Schaller; H. Grimes; M. Lamgevin; and J. Trotter: Environmental Exposure to Lead; Analytical and Epidemiological Investigations Using the European Standardised Method for Blood Delta-Aminolevulinic Acid Dehydratase Activity Determination.

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Schiele R.; K. Schaller: Studies About the "Lead-Specificity" of the Erythrocyte, Delta-Aminolevulinic Acid Dehydratase (ALA-D).

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Verberk M.: Motor Nerve Conduction Velocity in Volunteers Ingesting Inorganic Lead for 49 Days.

Wibowo A.; P. del Castilho; R. Herber; M. Verberk; H. Salle; and R. Zielhuis: Interaction Between Lead and Iron Metabolism, a Probable Cause of Female Susceptibility to Inorganic Lead.

Williams M.: Permissible Limits for Occupational Exposure to Inorganic Lead and the Blood Lead-Air Lead Relationship.

Zielhuis R.; A. Wibowo: Review Paper: Susceptibility of Adult Females to Lead; Effects on Reproductive Function in Females and Males.

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Preliminary Study of Technological Feasibility, Cost of Compliance and Inflationary Impact:

John Short and Associates, Inc., has prepared for OSHA a preliminary study entitled "Technological Feasibility, Cost of Compliance and Inflationary Impact Study of the Proposed OSHA Standard for Lead." The study includes assessment of the technological feasibility of compliance, an initial estimate of compliance, an initial estimate of compliance costs and the potential economic implications for those industries affected by the proposed standard. The effects on other variables, such as employment, prices, productivity, market structure, exports and imports, and the consumption of energy and critical materials, are also considered.

Notice is being given of the availability of this preliminary study to afford interested parties the earliest possible opportunity to contribute comments, information and data. The final study, which will be made available at least 4 weeks prior to the public hearing, will be based on the results of an ongoing supplemental data collection effort by D. B Associates of Salt Lake City, Utah, on behalf of OSHA. The final study will include a discussion of the anticipated benefits to be derived from implementation of the proposal, and a more in-depth evaluation of the various economic impacts. Evaluation of the economic and technological feasibility of the final standard will be based on the entire record of the rulemaking proceeding, including all oral and written comments made part of the record, as well as the final study.

Interested parties are invited to submit information, comments and data on the issue of economic feasibility of the proposal or on any other issue discussed in the preliminary study, including:

(1) Cost impact on consumers, businesses, markets, or Federal, State or local government;

(2) Effect on productivity of wage earners, businesses (both small and large) or government;

(3) Effect on competition;

(4) Effect on imports and exports;

(5) Effect on supplies of important materials, products or services;

(6) Effect on employment;

(7) Ability of specific industries to absorb costs of compliance; and

(8) Effect on energy supply or demand.

The preliminary study of the proposed lead standard is now available for public inspection and copying at the following address: Technical Data Center, Occupational Safety and Health Administration, U.S. Department of Labor, Room N-3620, Third and Constitution Avenue, N.W., Washington, D.C. 20210. (Telephone: 202-523-8076)

Public Participation. Interested persons are invited to submit written data, views and arguments with respect to the proposal, the preliminary study, the additional scientific studies, the three issues discussed in this notice, and any other relevant issues. Such comments must be postmarked on or before February 11, 1977. All written comments must be submitted in quadruplicate to the Docket Officer, Docket No. H-004, Room N-3620, U.S. Department of Labor, 3rd and Constitution Avenue, N.W., Washington, D.C. 20210. Written submissions must clearly identify the portion of the proposal and the preliminary study addressed and the position taken with respect to each issue therein. The data, views, and arguments that are submitted, as well as copies of the new studies listed earlier, will be available for public inspection and copying at the above address. All timely written submissions received shall be made a part of the record of this proceeding.

In response to a number of requests from commenting parties, and pursuant to section 6(b)(3) of the Act, an opportunity to submit oral testimony concerning the issues raised by the proposed standard, including its economic, and environmental impacts will be provided at an informal public hearing scheduled to begin at 9:30 a.m. on March 15, 1977, in the Departmental Auditorium, Constitution Avenue between 12th and 14th Streets, N.W., Washington, D.C. 20210.

Persons desiring to participate at the hearing, including those who previously requested that a public hearing be held, must file a notice of intention to appear, postmarked on or before February 11, 1977 with the OSHA Committee Management Office, Docket No. H-004, Room N-3633, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210 (Telephone: 202-523-8024). Except under extraordinary circumstances, a party which does not submit a proper notice of intention to appear in timely fashion will not be permitted to testify at the hearing.

The notices of intention to appear, which will be available for inspection and copying at the OSHA Committee Management Office, must contain the following information:

(1) The name, address, and telephone number of each person to appear;

(2) The capacity in which the person will appear;

(3) The approximate amount of time required for the presentation;

(4) The specific issues that will be addressed;

(5) A detailed statement of the position that will be taken with respect to each issue addressed; and

(6) A detailed statement of the evidence with respect to each such issue proposed to be adduced at the hearing.

OSHA has determined that strict enforcement of its procedural rules contained in 29 CFR 1911.11 is necessary for an expeditious and orderly proceeding. Therefore, the notices of intention to appear will be scrutinized closely for sufficiently detailed information concerning the position to be taken with regard to the issues specified and the evidence to be adduced in support of the position.

Persons filing notices of intention to appear which are not sufficiently detailed will be so informed and given seven (7) days from the date they are informed to file a proper notice of intention to appear. In addition, the amount of time requested for each presentation will be reviewed in light of the contents of the notice of intention to appear. In those cases where the information contained in the notice of intention to appear does not seem to warrant the amount of time requested, the participant will be allocated a more appropriate amount of time and notified of that fact. The participant will have seven (7) days from the date on which he is so informed to demonstrate why the allocated time is inappropriate.

In addition to submitting appropriate and timely notices of intention to appear, those persons intending to submit a prepared written statement or documents for the record at the hearing must submit such documents in quadruplicate by March 11, 1977. These documents must be received by Clarence Page in the OSHA Committee Management Office, by the close of business March 11, 1977.

The hearing will commence at 9:30 a.m. on March 15, 1977, with the resolution of any procedural matters relating to the proceeding. The hearing will be conducted and decisions made in accordance with 29 CFR Part 1911.

The Administrative Law Judge presiding at the hearing shall have all the powers necessary or appropriate to conduct a full and fair informal hearing, including the powers:

(1) to regulate the course of the proceedings;

(2) to dispose of procedural requests, objections, and comparable matters;

(3) to confine the presentations to matters pertinent to the proposed standard;

(4) to regulate the conduct of those present at the hearing by appropriate means;

(5) in the judge's discretion, to question and permit questioning of any witness; and

(6) in the judge's discretion, to keep the record open for a reasonable, stated time to receive written information and additional data, views and arguments from any person who has participated in the oral proceedings.

Following the close of the hearing, the presiding Administrative Law Judge shall certify the record thereof to the Assistant Secretary of Labor for Occupational Safety and Health.

The proposal will be reviewed in light of all oral and written submissions received as part of the record, and a final standard will be issued based on the entire record in this proceeding.

Important Dates

Hearings: Mar. 15, 1977.
Last day for submitting statements and evidence for hearing: Mar. 11, 1977.
Last day for filing Notices of Appearance Feb. 11, 1977.
Close of Comment Period: Feb. 11, 1977

(Sec. 6, Pub. L. 91-596, 84 Stat. 1593 (29 U.S.C. 655); 29 CFR Part 1911; Secretary of Labor's Order No. 8-76 (41 FR 25059).)

Signed at Washington, D.C., this 27th day of December 1976.

MORTON CORN,
Assistant Secretary of Labor.

[FR Doc.77-122 Filed 1-3-77;8:45 am]

DEPARTMENT OF THE INTERIOR

National Park Service

[36 CFR Parts 16 and 17]

RETAINED RIGHTS OF USE AND OCCUPANCY OF SINGLE FAMILY NONCOMMERCIAL RESIDENTIAL PROPERTY

Conveyance of Freehold and Leasehold Interests on Lands of the National Park System

Notice is hereby given that pursuant to the authority contained in section 3 of the Act of August 25, 1916 (39 Stat. 535, as amended; 16 U.S.C. 3), section 5(a) of the Act of July 15, 1968 (82 Stat 354; 16 U.S.C. 460l-22(a)), the acts applicable to individual units of the National Park System, 245 DM 1 (34 FR 13879), as amended, and National Park Service Order No. 77 (38 FR 7478), as amended, it is proposed to establish a new Part 16 and Part 17 in Title 36 of the Code of Federal Regulations as set forth below.

The purpose of the addition of Part 16 is to establish regulations governing the criteria for retention of estates, the procedures under which such retained estates would be created, the rights and obligations of holders of retained estates, and the amount to be charged for them. With regard to the latter, it has for some years been the practice of the National Park Service to deduct from the total purchase price an amount equal to one percent of the purchase price for each year a right of use and occupancy for noncommercial residential purposes is retained. A study is now underway to determine whether a greater or lesser amount needs to be charged in order to be fair to both the taxpayers and the owner.

The purpose of the addition of Part 17 is to establish regulations governing the criteria for conveyances of freehold or leasehold interests in lands within the National Park System to private parties of freehold or leasehold interests in lands within units of the National Park System and the procedures under which such conveyances would be made.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections regarding the proposed additions to the Director, National Park Service, Washington, D.C. 20240, on or before February 3, 1977.

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

It is therefore proposed to amend Title 36 of the Code of Federal Regulations by establishing new Parts 16 and 17 as follows:

PART 16—RETAINED RIGHTS OF USE AND OCCUPANCY OF SINGLE FAMILY NONCOMMERCIAL RESIDENTIAL PROPERTY

Sec.
16.1 Definitions.
16.2 Basis and purpose.
16.3 Criteria for the granting of rights of use and occupancy.
16.4 Creation of rights of use and occupancy for noncommercial residential purposes.
16.5 Use of reserved area.
16.6 Acreage to be reserved.
16.7 Rights of the public.
16.8 Waiver of benefits.
16.9 Valuation of rights of use and occupancy.
16.10 Purchase of reserved rights by the United States.
16.11 Transfer of reserved estate.
16.12 Use of the reserved premises.
16.13 Taxes.
16.14 Maintenance of the premises.
16.15 Insurance.
16.16 Compliance.
16.17 Termination.

§ 16.1 Definitions.

(a) The term "Secretary" means the Secretary of the Interior or his duly authorized representative.

(b) The term "Director" means the Director of the National Park Service and the Deputy Director, Associate Directors, and Assistant Directors of the National Park Service.

(c) The term "Reservor" means a person or persons who convey real property to the United States for an area of the National Park System and reserves occupancy for noncommercial single family residential purpose for a particular period of time.

(d) The term "right of use and occupancy for single family residential purposes" means a reserved estate whereby an owner whose land is being acquired by the United States for an area of the National Park System retains use and possession of his former property, or a portion thereof, for strictly single family residential purposes for a particular period of time. During the period of the retention the Reservor has all the rights, privileges, and obligations of ownership except as they may be restricted by the instrument creating the estate or by the regulations in this Part. Use and occupancy for residential purposes includes use of the premises for residential purposes by an individual; by a family comprised of two or more persons related by blood, adoption, marriage, or legal guardianship who live together as a family unit; and by two or more individuals living together as a family unit though not meeting the criteria of the preceding phrase. Use of the premises by a club or similar group not residing on the premises as a family unit shall not be considered as noncommercial residential purposes. Occupation of the premises for residential purposes by an individual or family unit holding legal title to the reserved interest or under a tenancy or lease arrangement for 30 days or more shall be considered as use and occupancy for noncommercial residential purposes, but occupation by transients staying less than 30 days shall not be so considered.

§ 16.2 Basis and purpose.

The land acquistion program of the National Park Service is often best served when in suitable situations owners of land acquired for the National Park System are permitted to reserve rights of use and occupancy for noncommercial single family residential purposes for the life of the owner and spouse or for a period of up to 25 years. A few Acts provide for longer periods. Such as long been the policy of the National Park Service, as well as a requirement of the Congress in many of the Acts authorizing areas of the National Park System.

This reduces the impact of land acquisition on owners and on the community, while benefiting the Government by reducing the incidence of condemnation and by lowering the overall price paid for the property.

§ 16.3 Criteria for the granting of rights of use and occupancy.

Owners of property to be acquired by the United States for an area of the National Park System may qualify for a right to the retention of use and occupancy for single family residential purposes under one of the following three provisions:

(a) A Statutory right may be granted by the legislation establishing a particular park area which permits the landowner to determine, in his discretion, whether or not to retain use and occupancy. The maximum term of such retention which the landowner may select is set by the legislation. This right may not be defeated by the government.

(b) A limited statutory right may be granted by the legislation establishing a particular park area. This right is limited in that the National Park Service is required to grant at the landowner's request a retention of use and occupancy unless the National Park Service can establish that the retention of the property adversely affects the management and administration of or public access to the park area. The statutory standard for denial of a right of retained use and occupancy is set forth in the legislation creating the park. See, for example, the legislation establishing Sleeping Bear Dunes National Lakeshore, 16 USC 460x *et seq.*, Delaware Water Gap National Recreation Area, 16 USC 460o *et seq.*, and Gulf Islands National Seashore, 16 USC 459h *et seq.* The maximum term of the retained use and occupancy which the landowner may select is also set by the legislation.

(c) If there is no statutory right of retention contained in the legislation establishing a particular National Park Service area, the park Superintendent may, in his discretion, permit a right of retained use and occupancy for single family residential purposes. The Superintendent will permit this retention upon his determination that it will not unduly interfere with the use and development of the park area. Factors that will be considered in making this determination may include, but are not limited to, the park general management plan, the administrative, recreational, and transportation needs of the park, the protection of the park's resources, potential development of park facilities, and public access requirements. The term of any retention permitted under this provision is determined solely by the Superintendent, at his discretion.

Rights of use and occupancy at presently authorized areas where a statutory right does not exist such as in inholding areas shall be confined to improvements the construction of which had commenced prior to July 1, 1975.

§ 16.4 Creation of rights of use and occupancy for noncommercial residential purpose.

Rights of use and occupancy for single family noncommercial residential purposes retained by owners conveying land to the United States for an area of the National Park System will be reserved in the Offer to Sell Agreement and the Grantor's deed to the United States. Where the land is being acquired through judicial proceedings, Department of Justice will be requested to have this right included in any stipulation and/or the judgment. Every instrument creating a right of use and occupancy for single family noncommercial residential purposes shall incorporate these regulations, as existing at the time the instrument is executed, into the instrument by reference. Each Reservor shall be given a copy of these regulations at the time the instrument is executed.

An owner of property which the United States has been authorized to acquire for inclusion in the National Park System will be notified in the letter of just compensation whether or not any right of use and occupancy for single family residential purposes may be retained by him upon acquisition of his property by the Secretary in accordance with the criteria of section 16.3. This letter of just compensation is presented to the owner at the time of the first official contact by the National Park Service, initiating the negotiation process.

§ 16.5 Use of reserved area.

The reserved area shall be used only for single family noncommercial residential purposes by an individual, by a

family, or by a group of people living together as a family unit. Use by a club or similar group will not qualify. Occupation by an individual or family unit under a tenancy or lease arrangement for 30 days or longer will qualify as noncommercial residential use, but by transients staying less than 30 days will not. No distinction shall be made between owners of full-time residences or single family tenant occupied full-time residences or owners of part-time seasonal residences unless the Act of Congress providing for the right limits it to owners who are permanent or full-time residents.

§ 16.6 Acreage to be reserved.

Most legislation allows the owner to reserve a maximum of 3 acres. In the absence of same in any park legislation the same maximum acreage may be permitted. However, in no event shall the owner be permitted to reserve unusual configurations of land unless there are justifiable reasons for permitting same. Care should be exercised in not permitting lake frontage, river frontage or ocean frontage, or other areas required by park management unless approved by park management.

§ 16.7 Rights of the public.

Members of the public have no right to enter upon any premises subject to a right of use and occupancy for single family noncommercial residential purposes or to use it for any purpose without the permission of the Reservor.

§ 16.8 Waiver of benefits.

Prior to electing to retain a right of use and occupancy for noncommercial residential purposes, owners will be advised in writing of the following provision found in section 405(b) of the Act of October 26, 1974, Public Law 93–477, 88 Stat. 1445:

"Whenever an owner of property elects to retain a right of use and occupancy pursuant to any statute authorizing the acquisition of property for purposes of a unit of the National Park System, such owner shall be deemed to have waived any benefits under sections 203, 204, 205, and 206 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (84 Stat. 1894), and for the purposes of those sections such owner shall not be considered a displaced person as defined in section 101 (6) of that Act."

§ 16.9 Valuation of rights of use and occupancy.

The amount paid owners of land acquired subject to rights of use and occupancy for single family noncommercial residential purposes is reduced by the amount of the fair market value of the right retained. The Secretary has determined that the fair market value of a right of use and occupancy for residential purposes is the deduction of _____ percent (to be determined before publication of final regulations) of the purchase price of the entire property for each year the right of use occupancy is reserved. In the case of retention for life, the term will be calculated on the longest life expectancy of any of the persons granted the right of use and occupancy, as shown by Life Table issued by the Public Health Service of the U.S. Department of Health, Education and Welfare.

§ 16.10 Purchase of reserved rights by the United States.

The United States shall be under no obligation to purchase retention rights from Reservors and no provision to this effect shall be included in any instrument creating any right of use and occupancy.

§ 16.11 Transfer of reserved estate.

The estate may be conveyed, assigned or otherwise transferred to another party for single family noncommercial residental purposes unless prohibited by an Act creating a park; the successor thereupon acquires all the rights and obligations of the original Reservor.

§ 16.12 Use of the reserved premises.

The Reservor and the members of his household may reside upon the reserved premises and not be disturbed by the United States in the normal and usual possession and use of the premises for single family noncommercial residential purposes during the term of the reserved estate. The Reservor shall be bound by all laws and ordinances in force in the jurisdiction in which the reserved premises are located. The Reservor shall take reasonable care to avoid damage to Federal lands or property through the spread of fire originating on the reserved premises, through the spread of sewage or other polluting substances originating on the reserved area, or by any other activities representing a nuisance or hazard to adjacent or nearby Federal lands or property. The Reservor shall not add to or materially alter the character of existing improvements or structures or perform any new construction or change the topography of the land without first having obtained the permission in writing of the Secretary. Commercial, industrial, mining or uses other than residence by a single family unit is prohibited.

§ 16.13 Taxes.

The Reservor is responsible for the payment of any State or local taxes levied against the reserved interest.

§ 16.14 Maintenance of the premises.

The sole responsibility for maintaining the premises and all structures thereon in proper repair and sanitation is that of the Reservor, and the United States shall have no responsibility in connection therewith except to the extent that it may voluntarily in cooperation with the owner undertake preservation work on improvements or structures the Director has determined to be needed by the United States after the termination of the period of use and occupancy. The Reservor shall not permit the accumulation on the reserved premises of any trash or foreign material which is unsightly or obnoxious.

§ 16.15 Insurance.

The Reservor shall be counseled to procure insurance to protect his investment in the improvements on the reserved premises.

The United States will not assume the responsibility of insuring the reserved premises, nor the responsibility to repair or rebuild such premises should they be damaged or destroyed, regardless of cause.

§ 16.16 Compliance.

A Reservor violating the terms of the instrument creating the right of use and occupancy shall be warned by the Secretary in writing and given 30 days to correct the violation. If the Reservor refuses or neglects to correct the violation, then the Secretary may request a court of competent jurisdiction to issue an injunction to enforce the terms of the instrument creating the right of use and occupancy.

§ 16.17 Termination.

The right of use and occupancy shall terminate upon expiration of the period named in the instrument creating the interest or also upon voluntary relinquishment by quitclaim deed to the National Park Service to the Secretary by the Reservor. The Reservor shall remove all personal property from the premises within 90 days of the termination of the right of use and occupancy. Any personal property not removed within such period shall be considered as abandoned and shall become the property of the United States unless the Reservor shall seek and be granted an extension of time because of unusual and justifiable circumstances. Nothing herein contained, however, shall be construed to abrogate any rights the reservor may have for reimbursement under sections 202 and 303 of Public Law 91–646.

PART 17—CONVEYANCE OF FREEHOLD AND LEASEHOLD INTERESTS ON LANDS OF THE NATIONAL PARK SYSTEM

Sec.
17.1 Authority.
17.2 Definitions.
17.3 Lands subject to disposition.
17.4 Notice.
17.5 Bids.
17.6 Action at close of bidding.
17.7 Preference rights.
17.8 Conveyance.

§ 17.1 Authority.

Section 5(a) of the Act of July 15, 1968, 82 Stat. 354, 16 U.S.C. 4601–22(a), authorizes the Secretary of the Interior, under specified conditions, to convey a leasehold or freehold interest on Federally owned real property acquired by the Secretary from non-federal sources within any unit of the National Park System except national parks and those national monuments of scientific significance. This legislation is referred to as "the act" in regulations in this part.

§ 17.2 Definitions.

As used in the regulations in this part:

(a) "Secretary" shall mean Secretary of the Interior and his authorized representatives.

(b) "Authorized officer" shall mean an officer or employee of the National Park Service designated to conduct the sale or lease and delegated authority to execute all necessary documents, including deeds and leases.

(c) The term "unit" of the National Park System means any area of land or water administered by the Secretary of the Interior through the National Park Service for park, monument, historic, parkway, recreational, or other purposes.

(d) The term "national park" means any unit of the National Park System the organic act of which declares it to be a "national park."

(e) The term "national monument of scientific significance" means a unit of the National Park System designated as a national monument by statute or proclamation for the purpose of preserving landmarks, structures, or objects of scientific interest.

(f) The term "person" includes but is not necessarily limited to an individual, partnership, corporation, or association.

(g) The term "freehold interest" means an estate in real property of permanent or of indefinite duration.

(h) The term "leasehold interest" means an estate in real property for a fixed term of years or an estate from month-to-month or from year-to-year.

(i) The term "fair market value" means the appraised value as set forth in an approved appraisal made for the Secretary for the interest to be sold or leased.

§ 17.3 Lands subject to disposition.

The Act is applicable to any Federally owned real property acquired by the Secretary fron non-federal sources within any unit of the National Park System other than national parks and those national monuments of scientific significance. No leasehold or freehold conveyance shall be made except as to lands which the General Management Plan for the particular unit of the National Park System has designated as a Special Use Zone for the uses that are permitted by the freehold or leasehold conveyance.

§ 17.4 Notice.

(a) When the Secretary has determined in accordance with these regulations that a freehold or leasehold interest will be offered, he will have a notice published in the FEDERAL REGISTER and, subsequently, once weekly for five consecutive weeks in a newspaper of general circulation in the vicinity of the property. Publication of the notice shall be completed not less than 30 nor more than 120 days of the date for bid opening. The notice shall contain, at a minimum, (1) a legal description of the land by public lands subdivisions, metes-and-bounds, or other suitable method, (2) a statement of the interest to be conveyed, including restrictions to be placed on the use of the property, (3) a statement of the fair market value of the interest as determined by the Secretary below which the interest will not be conveyed, together with information as to where the Government's appraisal may be inspected, (4) information as to any preference rights of former owners to acquire the interest upon matching the highest bid, (5) an outline of bid procedure and a designation of the time and place for submitting bids, and (6) an outline of conveyance procedures, requirements, and time schedule.

(b) If the property has been in Federal ownership for less than two years, the last owner or owners of record shall be sent a notice by certified mail to their present or last known address providing the information in the published notice and advising them of their right under section 5(a) of the act to acquire the interest upon payment or agreement to pay an amount equal to the highest bid price.

§ 17.5 Bids.

Bids may be made by the principal or his agent, either personally or by mail. Bids will be considered only if received at the place and prior to the hour fixed in the notice. No particular form is specified for bids. However, a bid must be in writing, clearly identify the bidder, be signed by the bidder or his designated agent, state the amount of the bid, and refer to the notice. Bids conditioned in ways not provided for by the notice will not be considered. Bids must be accompanied by certified checks, post office money orders, bank drafts, or cashier's checks made payable to the United States of America for the amount of the bid in case of a freehold interest or for the amount of the first year's rent in the case of leasehold interest. This payment will be refunded to unsuccessful bidders. A separate nonrefundable payment of $100 to cover costs of publication and of processing of bids will also be included with the bid. The bid and payments must be enclosed in a sealed envelope upon which the prospective bidder shall write (1) bid on interest in land of the National Park System, and (2) the scheduled date the bids are to be opened. In the event two or more valid bids are received in the same amount, the determination of which is the highest will be by drawing. Bids will be opened at the time and place specified in the notice. Bidders, their agents or representatives, and any other persons may attend the bid opening. No bid in an amount less than the fair market value, as herein defined, shall be considered.

§ 17.6 Action at close of bidding.

The person who is declared by the authorized officer to be the high bidder shall be bound by his bid and the regulations in this part to complete the purchase in accordance therewith unless his bid is rejected or he is released therefrom by the authorized officer. The declared high bid on property for which a preference right exists will be conditionally accepted subject to the exercise of the preference as described below

§ 17.7 Preference rights.

On any property which has been in Federal ownership less than two years, the Secretary, in addition to the notice specified in § 17.4 of this part, shall inform the last owner or owners of record by certified mail at their present or last known address of the highest bid on the interest and advise them of their right to acquire the interest for an amount equal to the highest bid if within 30 days they notify the Secretary of their desire to do so and make payment or agree to make payment of an amount equal to that specified in § 17.5 of this part.

If within 30 days of mailing of such notification, the former owner or owners do not indicate a desire to acquire the interest and make payment or agree to make payment for such interest in an amount equal to the declared high bid, or, if they do indicate such a desire but fail to consummate the transaction within the time period established for the conveyance, then the bid of the declared high bidder will be accepted. In the event that a former owner who indicates a desire to repurchase pursuant to this procedure fails to consummate the transaction within the established time period the declared high bidder shall be permitted, but not required, to consummate the transaction. If the declared high bidder does not choose to consummate the transaction in this circumstance, the entire transaction will be cancelled, and, if appropriate, a new bidding procedure instituted.

§ 17.8 Conveyance.

Conveyance of a leasehold or freehold interest shall be by lease or deed, as appropriate, at the highest bid price, but not less than fair market value. All conveyance of leasehold or freehold interests shall contain such terms and conditions as the Secretary deems necessary to assure use of the property in a manner consistent with the purpose for which the area was authorized by Congress. All conveyances shall be without warranty.

GARY EVERHARDT,
Director, National Park Service.

[FR Doc.77-151 Filed 1-3-77;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 665-4; PP6E1833/P40]

[40 CFR 180]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Proposed Exemption From the Requirement of a Tolerance for the Pesticide Chemical Sodium Chlorate

Dr. C. C. Compton, Coordinator, Interregional Research Project No. 4, New Jersey State Agricultural Experiment Station, PO Box 231, Rutgers University, New Brunswick NJ 08903, has submitted a pesticide petition (PP 6E1833) to the Environmental Protection Agency (EPA) on behalf on the IR-4 Technical Committee and the Agricultural Experiment Stations of Arkansas, Kansas, Mississippi, Missouri, and Texas. This petition requests that the Administrator, pursuant to section 408(e) of the Federal

Food, Drug, and Cosmetic Act, propose that 40 CFR 180.1020 be amended by the establishment of an exemption from the requirement of a tolerance for residues of the pesticide chemical sodium chlorate in or on the raw agricultural commodity soybeans when it is used in accordance with good agricultural practice as a desiccant in soybean production.

The data submitted in the petition and all other relevant material having been evaluated, it has been concluded that the exemption from the requirement of a tolerance established by amending 40 CFR 180.1020 will protect the public health. The Agency has waived the requirement for chronic studies on sodium chlorate based on the fact that its residues will be reduced to sodium chloride within a short time. There is no reasonable expectation of residues in eggs, milk, meat, or poultry as delineated in 40 CFR 180.6(a)(3). The EPA proposes, therefore, that the exemption from the requirement of a tolerance be established as set forth below.

Any person who has registered or submitted an application for the registration of a pesticide under the Federal Insecticide, Fungicide, and Rodenticide Act which contains any of the ingredients listed herein may request, on or before February 3, 1977, that this proposal be referred to an advisory committee pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation to the FEDERAL REGISTER Section, Technical Services Division (WH-569), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW., East Tower, Rm. 401, Washington, DC 20460. Three of the comments should be submitted to facilitate the work of the Agency and of others interested in inspecting them. The comments must be received on or before February 3, 1977, and should bear a notation indicating both the subject and the petition/document control number "PP6E1833/P40". All written comments filed in response to this notice will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4 p.m. Monday through Friday.

(Sec. 408(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(e)).

Dated: December 27, 1976.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

It is proposed that Part 180, Subpart D, Section 180.1020 be amended by revising paragraph (b) to exempt residues of sodium chlorate in or on soybeans, from the requirement of a tolerance, to read as follows:

§ 180.1020 Sodium Chlorate; exemption from the requirement of a tolerance.

* * * * *

(b) Sodim chlorate is exempted from the requirement of a tolerance for residues in or on grain sorghum, fodder, and forage, rice and rice straw, soybeans, and sunflower seeds, when used as a desiccant in accordance with good agricultural practice in the production of grain sorghum, rice, soybeans, and sunflower seeds.

* * * * *

[FR Doc.77-143 Filed 1-3-77;8:45 am]

GENERAL SERVICES ADMINISTRATION

[41 CFR Part 101-17]

ASSIGNMENT AND UTILIZATION OF SPACE

Notice of Proposed Rule Making

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553 that pursuant to the Federal Property and Administrative Services Act of 1949, as amended, and Public Law 566, 80th Congress, approved June 1, 1948 (40 U.S.C. 318), the General Services Administration (GSA) is considering an amendment to 41 CFR 101-17 Assignment and Utilization of Space. The revisions will provide Federal agencies with (1) guidelines to use in establishing programs to improve their utilization of space; (2) guidelines for determining optimum furniture and equipment requirements; and (3) criteria for developing and implementing programs to achieve economies in space utilization.

Any person who wishes to submit written data, views, or objections pertaining to the proposed amendment may do so by filing them in duplicate with the Commissioner, Public Building Service, (P), General Services Administration, Room 6340, General Services Building, 19th and F Streets, NW., Washington, DC 20405, by January 14, 1977.

IMPROVED USE OF FEDERAL FACILITIES AND SPACE

This amendment provides procedures for Federal agencies to use in establishing and evaluating programs to improve their utilization of facilities and space.

Dated: December 21, 1976.

NICHOLAS A. PANUZIO,
Commissioner,
Public Building Service.

PART 101-17—ASSIGNMENT AND UTILIZATION OF SPACE

It is proposed to amend 41 CFR Part 101-17 as follows:

Subpart 101-17.1—Assignment of Space

Section 101-17.101 is amended to add paragraph (c) as follows:

§ 101-17.101 Requests for space.

* * * * *

(c) To ensure that space requests are restricted to actual justifiable need, supported by accurate data on employees and equipment, heads of executive agencies shall commit resources for research and development of optimum furniture and equipment requirements for agency personnel. Work station requirements can be determined as follows:

(1) Defining and grouping discrete job categories within the organization.

(2) Determining the function of those job types and their physical needs.

(3) Compacting furniture to meet the physical needs of those job types through work station design and redesign.

(4) Computing the square footage needs of each work station type.

(5) The sum of individual work station square footage standards becomes the space allocation standard and, therefore, the basis for the request for space.

(6) In the absence of work station analysis as detailed above, the allowances in 101-17.304 shall apply.

Subpart 101-17.2—Utilization of Space

Section 101-17.202 is revised as follows:

§ 101-17.202 Responsibility of agencies.

It is the responsibility of each agency to assist and cooperate with GSA in the assignment and utilization of space and to establish an agency program for the improvement of space use. In developing and implementing such programs, the following program elements should be included:

(a) A review of existing space requests to determine the procedures outlined in § 101-17.101(c) have been followed.

(b) A survey of existing space locations determine present utilization practice and to identify locations where space assignments are excessive.

(c) A review of anticipated personnel and program changes to determine expected space requirements and provide accurate personnel data.

(d) An analysis of work station requirements and support equipment requirements as described in § 101-17.101 (c) shall be undertaken to achieve efficient overall utilization.

(e) A commitment to secure necessary funds to support planned space savings activities.

(f) The development in conjunction with GSA of new space allocation standards to replace occupancy guides.

(g) The dissemination of internal guidelines for improving space utilization and the establishment of related training programs.

(h) The institution of necessary reporting procedures to monitor progress and evaluate results. In this connection, each agency shall report to GSA on an annual basis the results of its efforts to implement this section. This report shall include:

(1) Number of space requests (SF-81) reviewed and dollar savings achieved as a result.

(2) Number of space surveys conducted.

(i) Amount of space (in square feet) identified for release.

(ii) Dollar savings realized.

(3) Results of personnel and program review.

(i) List showing present staffing level by bureau.

(ii) List showing projected staffing by bureau for next two fiscal years.

(4) Man-hours committed to work station analysis.

(5) Amount of funds expended in support of space savings activities.

(6) Copies of instructional material disseminated to agency units.

(7) The report shall be submitted to the Assistant Commissioner for Space Planning and Management (PR), Public Buildings Service, GSA, within 30 days after the close of each fiscal year.

[FR Doc.77-178 Filed 1-3-77;8:45 am]

FEDERAL MARITIME COMMISSION

[46 CFR Part 502]

[General Order 16; Docket No. 76-66]

EXTRANEOUS AND EX PARTE COMMUNICATIONS

Proposed Miscellaneous Changes

The Commission's rules of practice and procedure presently prohibit the making of ex parte communications and the filing of documents not conforming to the rules and further provide for disposition of such documents and communications. (See Rule 10(dd), 46 CFR 502.170). Section 4 of the "Government in the Sunshine Act" (Pub. L. 94-409, September 13, 1976) amends the Administrative Procedure Act (5 U.S.C. 551 et seq.) in the area of ex parte communications. These amendments necessitate corresponding amendments to the Commission's rules.

Essentially, the "Sunshine Act" amendments enlarge upon the present prohibitions contained in the Commission's rules by establishing specific prohibitions against "interested person[s] outside the agency," as well as agency members, administrative law judges, and employees involved in the decisional process and by providing for sanctions against parties to proceedings who make or knowingly cause ex parte communications to be made. Other provisions of the Act such as those requiring ex parte communications to be placed on the public record and exempting procedural requests from the prohibitions appear to be consistent with the Commission's present rules and previous law on the subject. The Act's definition of ex parte communications, to wit, a communication "not on the public record with respect to which reasonable prior notice to all parties is not given" (5 U.S.C. 551 (14)) although varying slightly from the definition contained in the Commission's present rules (46 CFR 502.170(b)(2)), does not, in the opinion of the Commission, constitute a substantive change. The Commission is therefore proposing to retain authority in the Secretary to take appropriate action in addition to placing such communications in the public record and to specify that the Commission or the presiding officer may have similar additional authority. The Commission believes that such flexibility is desirable in case matters raised by ex parte communications warrant further inquiry and consideration by the parties.

The proposed rules would add to the present category of parties prohibited from engaging in ex parte communications, namely, parties to proceedings or their agents, interested persons outside the Commission, as required by the Act, and moreover, persons who directly participate in such proceedings, for example, by appearing as witnesses or assistants to parties or their counsel. In this way, the Commission believes that the proposed rules will encompass both the previous law on the subject as well as the amendments contained in the "Sunshine Act."

Finally, the Commission is proposing to amend its rule regarding general waiver authority (Rule 1(j), 46 CFR 502.10) to make clear that the prohibitions against ex parte communications cannot be waived.

Therefore, pursuant to section 4 of the Administrative Procedure Act [5 U.S.C. 553], sections 22 and 43 of the Shipping Act, 1916 (46 U.S.C. 821, 841a) and section 4 of the "Government in the Sunshine Act" [Pub. L. 94-409] Part 502 of Title 45, Code of Federal Regulations, is proposed to be amended as set forth below.

§ 502.10 [Amended]

1. Section 502.10 is proposed to be amended by inserting the following language between the words "except" and "§ 502.153":

§ 502.11 Rule 1 (k) and

2. A new § 502.11 is proposed to be added as follows:

§ 502.11 Disposition of improperly filed documents and ex parte communications.

(a) *Documents not conforming to rules.* Any pleading, document, writing or other paper submitted for filing which is rejected because it does not conform to the rules in this part shall be returned to the sender;

(b) *Ex parte communications.* (1) No person who is a party to or an agent of a party to any proceeding as defined in § 502.61 (Rule 5(a)) or who directly participates in any such proceeding and no interested person outside the Commission shall make or knowingly cause to be made to any Commission member, administrative Law Judge, or Commission employee who is or may reasonably expected to be involved in the decisional process of any such proceeding an ex parte communication relevant to the merits of the proceeding;

(2) No Commission member, administrative law judge, or Commission employee who is or reasonably may be expected to be involved in the decisional process of any agency proceeding, shall make or knowingly cause to be made to any interested person outside the Commission or to any party to the proceeding or his agent or to any direct participant in a proceeding an ex parte communication relevant to the merits of the proceeding. This prohibition shall not be construed to prevent any action authorized by paragraphs (b) (5), (6), and (7) of this section;

(3) Ex parte communication means an oral or written communication not on the public record with respect to which reasonable prior notice to all parties is not given, but it shall not include requests for status reports or communications regarding purely procedural matters or matters which the Commission or member thereof, administrative law judge, or Commission employee is authorized by law or these rules to dispose of on an ex parte basis;

(4) Any Commission member, administrative law judge, or Commission employee who is or reasonably may be expected to be involved in the decisional process of any proceeding who receives, or who makes or knowingly causes to be made, an ex parte communication shall promptly transmit to the Secretary of the Commission:

(i) All such written communications;

(ii) Memoranda stating the substance of all such oral communications; and

(iii) All written responses and memoranda stating the substance of all oral responses to the materials described in paragraphs (b)(4) (i) and (ii) of this section;

(5) The Secretary shall place the materials described in the preceding subparagraph in the correspondence part of the public docket of the proceeding and may take such other action as may be appropriate under the circumstances;

(6) Upon receipt of an ex parte communication knowingly made or knowingly caused to be made by a party to a proceeding, the Commission or the presiding officer may, to the extent consistent with the interests of justice and the policy of the statutes administered by the Commission, require the party to show cause why his claim or interest in the proceeding should not be dismissed, denied, disregarded, or otherwise adversely affected on account of the making of such communication;

(7) An ex parte communication shall not constitute a part of the record for decision. The Commission or the presiding officer may, to the extent consistent with the interests of justice and the policy of the statutes administered by the Commission, consider a violation of this rule sufficient grounds for a decision adverse to a party who has knowingly committed such violation or knowingly caused such violation to occur and may take such other action as may be appropriate under the circumstances. [Rule 1(k).]

§ 502.170 [Revoked]

3. Section 502.170 is proposed to be deleted in its entirety.

Interested persons may participate in this rulemaking proceeding by filing with the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before February 3, 1977, an original and fifteen copies of their views or arguments pertaining to the proposed rules.

Since the proposals set forth in this rulemaking proceeding concern procedural matters limited to the conduct of formal proceedings before the Commission, their adoption could in no way be considered to result in major federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*). Consequently no environmental impact statement will be issued in this proceeding.

By Order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.77-270 Filed 1-3-77;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.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

PROTECTION OF HISTORIC AND CULTURAL PROPERTIES

Executed Memoranda of Agreement

Pursuant to section 800.6(a) of the Advisory Council's "Procedures for the Protection of Historic and Cultural Properties" (36 CFR Part 800), notice is hereby given that the following Memoranda of Agreement were executed in fulfillment of Federal agencies' responsibilities for protection of properties on or eligible for inclusion in the National Register of Historic Places in accordance with section 106 of the National Historic Preservation Act of 1966 (16 U.S.C. 470f, as amended, 90 Stat. 1320) and Executive Order 11593, May 13, 1971.

Bethel Historic District, Bethel, Vermont affected by the Bethel Elderly Housing Project undertaken by the U.S. Department of Housing and Urban Development (11/1/76).

Miners and Mechanics Bank Building, Carbondale, Pennsylvania affected by acquisition and demolition undertaken by the City of Carbondale (11/3/76).

Dover Historic District, Dover, New Hampshire, affected by Dover Urban Renewal Project (NH–R–20) undertaken by the City of Dover assisted by the U.S. Department of Housing and Urban Development (11/10/76).

Old Richmond and Starr Historic Districts, Richmond, Indiana, affected by an Historic Preservation Revolving Fund Program undertaken by the City of Richmond (11/15/76).

Washington Street-Broadway Historic District, Norwich, Connecticut affected by the improvement of Route 82 in Norwich undertaken by the Federal Highway Administration, U.S. Department of Transportation (11/29/76).

Chinatown Historic District, Honolulu, Hawaii, affected by Chinatown General Neighborhood Renewal Plan (Hawaii R–14) and the Pauahi Project (Hawaii R–15) undertaken by the U.S. Department of Housing and Urban Development (11/29/76).

Perrine Bridge, Twin Falls, Idaho, affected by removal undertaken by the Federal Highway Administration, Department of Transportation (11/29/76).

Peiter Wyckoff House, Brooklyn, New York, affected by restoration undertaken by the City of New York (11/29/76).

Ruekert's Feed Store, Sacred Heart Church Complex, Main Street Properties and Third Street Properties, Dunkirk, New York affected by a plan change for Urban Renewal Project NYR–179 undertaken by the U.S. Department of Housing and Urban Development (11/29/76).

The Memoranda are available for inspection at the Advisory Council offices, Suites 430 and 1030, 1522 K Street, NW., Washington, D.C. 20005. Further information is available from the Director, Office of Review and Compliance, Advisory Council on Historic Preservation, at the above address.

ROBERT R. GARVEY, Jr.,
Executive Director.

[FR Doc.77–136 Filed 1–3–77;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

HOP MARKETING ADVISORY BOARD

Public Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92–463; 86 Stat. 770), notice is given of a meeting of the HOP Marketing Advisory Board at 8:30 a.m., p.s.t., January 19, 1977, at the Thunderbird Motor Inn, Yakima, Washington.

The purpose of the meeting is to discuss reserve pool matters, marketing research and development projects, and marketing policy and related matters. The meeting will be open to the public.

The HOP Marketing Advisory Board is established under Marketing Order No. 991, as amended (7 CFR Part 991), regulating the handling of hops of domestic production. The marketing order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674).

The names of Board members; agenda, summary of the meeting and other information pertaining to the meeting may be obtained from Robert H. Eaton, Manager, HOP Administrative Committee, Room 1002, Corbett Building, 430 S.W. Morrison Street, Portland, Oregon 97204, telephone 503–224–1823.

Dated: December 28, 1976.

DONALD E. WILKINSON,
Administrator.

[FR Doc.77–182 Filed 1–3–77;8:45 am]

SHIPPERS ADVISORY COMMITTEE

Notice of Renewal

Notice is hereby given that the Shippers Advisory Committee has been renewed for an additional period of 2 years under provisions of the Federal Advisory Committee Act (86 Stat. 770).

The purpose of the committee is to recommend to the Growers Administrative Committee under Federal Marketing Order No. 905 appropriate regulations for any variety of fruit, covered by the order, during such period or periods as it deems appropriate.

The committee represents the Florida citrus industry as prescribed in the Order. At least three members and their alternates shall be from nominees submitted by bona fide coperative marketing organizations which are handlers. The remaining members and their alternates shall be from nominees submitted by handlers other than cooperative marketing organizations, with at least three members and their alternates being handlers and likewise producers.

Information about this committee may be obtained from Mr. William C. Knope, Lakeland Marketing Field Office, Fruit and Vegetable Division, Agricultural Marketing Service, USDA, 302 South Massachusetts Avenue, Rooms 204–206, Florida Citrus Mutual Building: Mailing address: P.O. Box 9, Lakeland Florida, 33802. Telephone: 813–683–5983.

Authority for this committee will expire unless determination is made that continuance is in the public interest.

This notice is given in compliance with Pub. L. 92–463.

Dated: December 28, 1976.

DONALD E. WILKINSON,
Administrator.

[FR Doc.77–183 Filed 1–3–77;8:45 am]

Animal and Plant Health Inspection Service

CERTAIN STOCKYARDS AND LIVESTOCK MARKETS

Approval

The regulations in 9 CFR Part 76, as amended, contain restrictions on the interstate movement of swine and swine products to prevent the spread of hog cholera and other swine diseases. This document adds certain livestock markets to the list of livestock markets approved for purposes of the regulations on the basis of a determination of their eligibility for such approval under § 76.18 of the regulations and removes from the list certain other livestock markets which have been found no longer to qualify for such approval.

The following livestock markets preceded by an asterisk are specifically approved to handle any class of swine and those livestock markets *not* preceded by an asterisk are specifically approved to handle slaughter swine only:

ALABAMA

Agricultural Marketing Association of Alabama, Inc., Andalusia
Alabama Pork Buyers, Elba
*Atmore Truckers Association, Inc., Atmore
Beard Livestock Market, Scottsboro
*Bowman Tri-County Stockyard, Hurtsboro
*Central Alabama Feeder Pig Association, Clanton
*Conecuh Stockyard, Evergreen

*Cullman Feeder Pig Association, Cullman
*Cullman Stock Yard, Cullman
*Dothan Livestock Auction, Inc., Dothan
*Escambia County Co-op, Brewton
*Farmers Cooperative Market, Inc., Opp
*Farmer's Livestock Co-op, Elba
Fayette Stockyards, Inc., Fayette
Florence Trading Post, Florence
Fort Payne Livestock Commission Company, Fort Payne
H. E. Fulford Stockyard, Hartford
*Geneva Stock Yards, Inc., Geneva
*Bob Gordon Livestock Auction, Mena
*Hamilton Stockyard, Inc., Hamilton
*Headland Stockyards, Inc., Headland
*Henry County Livestock Association, Inc., Abbeville
*Hodges Stockyard of Alabama, Montgomery
Kennamer Livestock, Inc., Guntersville
*Limestone County Feeder Pig Association, Inc., Athens
*Northeast Alabama Feeder Pig Assn., Section
*Northwest Alabama Livestock Association, Russellville
*Perry-Dallas Feeder Pig Sale, Suttle
Pickens County Livestock Company, Aliceville
Carl Register Stockyards, Slocomb
*Robertsdale Livestock Auction, Inc., Robertsdale
*Sand Mountain Feeder Pig Association, Guntersville
*South Alabama Feeder Pig Producers Association, Greenville
*Southeast Alabama Feeder Pig Association, Inc., Dothan
Stocks & Brogden Stock Yard, Andalusia
*Tennessee Valley Feeder Pig Association, Huntsville
*Upper Coastal Feeder Pig Association, Inc., Fayette
David West Livestock Company, Cottonwood

ARKANSAS

*Arkansas National Stockyards, Little Rock
*Ash Flat Livestock Auction, Ash Flat
*Beebe Auction, Inc., Beebe
*Bentonville Livestock Auction, Bentonville
*Carroll County Livestock Auction, Berryville
*Clark County Livestock Auction, Arkadelphia
Cleburne County Livestock Auction, Herber Springs
*Corning Livestock Auction, Corning
Decatur Livestock Auction, Decatur
Drew County Auction, Monticello
Eudora Livestock Auction, Eudora
*Farmers and Ranchers Livestock Auction, Mt. View
Glover Livestock Commission Company, Pine Bluff
*Bob Gordon Livestock Auction, Mena
*Harrison Stockyards Auction, Inc., Harrison
*Nuel Livestock Auction, Batesville
Hope Livestock Auction, Hope
*Jonesboro Stockyards, Jonesboro
*Lewis Major Livestock Auction, Conway
Magnolia Livestock Auction, Magnolia
*McCracken Livestock Auction, Inc., Batesville
*MFA Livestock Association, Imboden
*Montgomery Auction, Searcy
*Mountain Home Livestock Auction, Mt. Home
*Nettleton Livestock Auction, Jonesboro
North Arkansas Livestock Auction, Green Forest
*Oak Lawn Farms, Pine Bluff
*Paragould Livestock Auction, Paragould
*Randolph County Livestock Auction Company, Pocahontas
*Rector Auction Salebarn, Rector
Salem Livestock Auction, Salem
*Saline-Ouachita Valley Livestock Commission Company, Warren
*Scott County Livestock Auction, Waldron
*Searcy County Livestock Auction, Marshall
*Shantz Livestock Commission Company, North Little Rock
Siloam Springs Sale Barn, Siloam Springs
*Washington County Sales, Fayetteville
Van Buren County Auction, Clinton

COLORADO

*Alamosa Auction, Alamosa
*A. A. Blakley Livestock Commission Company, Denver
*Basin Livestock Commission Company, Inc., Durango
*Brush Livestock of Colorado, Inc., Brush
*Burlintgon Livestock Market Center, Burlington
*Burlington Producers Livestock Marketing Assn., Burlington
*Cortez Livestock Auction, Inc., Cortez
*Delta Sales Yard, Delta
*Denver Livestock Market, Denver
*Farmers & Ranchers Livestock Commission Company, Inc., Fort Collins
*Fowler Auction Company, Fowler
*Monte Vista Livestock Commission Company, Inc., Monte Vista
*Producers Livestock Marketing Assn., Greeley
*Ranchland Livestock Commission Company, Wray
*Sterling Livestock Commission Company, Inc., Sterling
*Stratton Livestock Marketing Center, Stratton
*Union Stockyards, Denver
*Valley Livestock Auction Company, Grand Junction
*Winter Livestock Commission Company, La Junta
*Yuma Livestock Auction, Yuma

DELAWARE

*Carroll's Sales Company, Felton
Goldinger Brothers, Inc., Smyrna
Charles F. Poore Livestock Market, Smyrna
Floyd E. West Livestock, Frankford

FLORIDA

*Chipley Livestock Market, Chipley
*Columbia Livestock Market, Lake City
*Gadsden County Livestock Auction Market, Quincy
*Gainesville Livestock Market, Inc., Gainesville
Jacksonville Livestock Auction Company, Whitehouse
*Jay Livestock Auction Market, Jay
*Madison Stockyards, Madison
*Mills Auction Market, Ocala
Monticello Livestock Market, Inc., Monticello
*Suwannee Valley Livestock Market, Live Oak
*Tindal Livestock Market, Graceville
West Florida Livestock Auction Market, Marianna

GEORGIA

*Appling Stockmen's Association, Baxley
Bainbridge Auction Market, Bainbridge
Bacon County Stockyards, Alma
Bartow Livestock Commission Company, Cartersville
*Bleckley County Feeder Pig Sale, Cochran
*Bulloch Stockyards, Statesboro
Carroll County Livestock Sale Barn, Carrollton
Chatham Livestock Company, Savannah
Citizens Stockyard, Arlington
Columbus-Muscogee Livestock, Columbus
Coosa Valley Livestock Company, Rome
Cordele Livestock Commission Company, Cordele
*County Stock Barn, Sandersville
*Csra Feeder Pig Association, Warrenton
Cutts Livestock Company, Pelham
Dawson Livestock Company, Dawson
*Dodge County Stock Barn, Eastman
Dublin Livestock & Commission Company, Dublin
Effingham County Stockyard, Springfield
Farmers Livestock Market, Douglas
Farmers Stockyard, Sylvania
Farmers Stockyard of McRae, Inc., McRae
Fitzgerald Farmers Auction, Inc., Fitzgerald
Flint River Livestock Market, Bainbridge
*Forshee Livestock Company, Inc., Statesboro
Fortner Buying Station, Kite
*Four County Farm Bureau Market Assn., Inc., Twin City
Franklin County Livestock Market, Inc., Carnesville
Georgia Farmers Livestock, Inc., Cumming
Georgia Farm Products Sales Corp., Thomaston
Glennville Hog Market, Glennville
*Grady County Swine Producers Association, Cairo
O. M. Greene Livestock Company, Inc., Bainbridge
Hagan Livestock Market, Inc., Hagan
Irwin County Livestock Company, Ocilia
Jepeway-Craig Commission Company, Dublin
Livestock Marketers, Inc., Douglas
*Lolli Sales Pavilion, Macon
Metter Livestock Market, Metter
Miles Stockyard, Baxley
Mitchell County Livestock Market, Camilla
John Mosley Livestock and Holman Auction Company, Blakley
*Moultrie Livestock Company, Moultrie
Mt. Vernon Hog Market, Mt. Vernon
*Northeast Georgia Livestock Barn, Gainesville
North Georgia Livestock Auction, Inc., Athens
Peoples Stockyard, Cuthbert
Pierce County Stockyard, Blackshear
Pulaski Stockyard, Hawkinsville
Radford Collection Point, Sylvester
Seminole Livestock, Inc., Donalsonville
Sam Simmons Gordon County Livestock Commission Co., Calhoun
Seaboard Stockyard, Colquitt
Smith Brothers Stockyard, Bartow
Soperton Stockyard, Soperton
*Sumter Livestock Association, Americus
*Sutton Livestock Company, Sylvester
Swainsboro Stockyards, Inc., Swainsboro
Sylvania Stockyard, Sylvania
Tattnall & Long N.F.O. Collection Point, Glennville
Thomas County Stockyard, Thomasville
Tift County N.F.O., Inc., Tifton
Tifton Stockyards, Tifton
Toccoa Livestock Auction & Speedway, Inc., Toccoa
Toombs County Stockyard, Lyons
*Tri-County Feeder Pig Sale, Broxton
Tri-County Livestock Company, Social Circle
Tri-County N.F.O. Collection Point, Inc., Blackshear
*Turner County Stockyard, Ashburn
Union Stockyards, Albany
*Valdosta Livestock Company, Inc., Valdosta
Vidalia Livestock Auction, Inc., Vidalia
Wayne County Stockyard, Jesup
Wheeler Brothers Livestock Market, Inc., Eastonolle
White Livestock Company, Quitman
Wilkes County Stockyard, Washington

IDAHO

*Blackfoot Livestock Commission Company, Blackfoot
*Bonners Ferry Livestock, Inc., Bonners Ferry
Burley Livestock Commission Company, Burley
Cache Valley Livestock Auction, Preston
*Coeur d'Alene Livestock, Inc., Coeur d'Alene
Cottonwood Sales Yard, Cottonwood
Gooding Livestock Commission Company, Gooding
*Idaho Livestock Auction, Inc., Idaho Falls
*Nampa Livestock Markets, Inc., Nampa
Producer's Jerome Livestock Marketing Assn., Jerome
Rexburg Livestock Auction, Inc., Rexburg
Salmon River Livestock Commission Company, Salmon
Shoshone Sale Yard, Shoshone
*Spencer Livestock Commission Company, Lewiston

Stockgrowers Commission Company, Inc., Twin Falls
*Treasure Valley Livestock Auction, Caldwell
*Twin City Salesyard, Lewiston
*Twin Falls Livestock Commission Company, Twin Falls
*Valley Livestock Commission Company, Rupert
*Weiser Livestock Commission Company, Weiser

ILLINOIS

Albion Livestock, Albion
Armour-Klarer & Company, Marshall
*Barnard Livestock Auction, Wayne City
*Benton Livestock Association, Benton
*Bloomington Livestock Commission Company, Bloomington
*Breed's Livestock Sales, Elizabeth
*Carthage Livestock Auction, Carthage
Carthage Order Buyers, Carthage
*Cheery, Nellis, Shannon
Chicago Stockyards—Atkinson Market, Inc., Atkinson
Cudahy, Patrick, Orangeville
*Dameron Liverstock Auction, Vienna
*Danville Livestock Commission Co., Danville
Deckers Livestock, Charleston
*Decker's Livestock Incorporated, Milford
*DeWane's Livestock Exchange, Belvidere
Edgar County Marketing Association, Paris
Emge Stock Yards, Palestine
Farmers Hog Market of Ursa, Ursa
*Galesburg Livestock Sale, Galesburg
Galesburg Order Buyers, Milledgeville
*Greenville Livestock Auction Company, Greenville
Heinold Hog Market, Brookpart
Heinold Hog Market, Girard
Heinold Hog Market, Leland
Heinold Hog Market, Marengo
Heinold Hog Market, Inc., Atkinson
Hesselbacher Brothers, Scales Mound
Huber Livestock Company, Greenville
*Illinois Auction Commission Company, Paris
*Interstate Producers Livestock Association, Shelbyville
Interstate Producers Livestock Association, Apple River.
*Interstate Producers Livestock Association, Fieldon
*Interstate Producers Livestock Association, Danville
*Interstate Producers Livestock Association, Dongola
Interstate Producers Livestock Association, Elvaston
Interstate Producers Livestock Association, Erie
*Interstate Producers Livestock Association, Fairfield
*Interstate Producers Livestock Association, Golconda
*Interstate Producers Livestock Association, Harrisburg
*Interstate Producers Livestock Association, Pinckneyville
*Interstate Producers Livestock Association, Quincy
*Interstate Producers Livestock Association, Salem
*Jennings Sales Company, Macomb
Joliet Livestock Marketing Center, Inc., Joliet
*Kewanee Sale Barn, Kewanee
K–M Livestock Center, Robinson
Knowles Stock Yards, Marshall
*Knoxville Sale Company, Inc., Knoxville
*Kuntz, Clyde, Gridley
LaHarpe Order Buyers, LaHarpe
Mayer, Oscar & Company, Barry
Mayer, Oscar & Company, Davis
Mayer, Oscar & Comapny, Esmond
Mayer, Oscar & Company, German Valley
Mayer, Oscar & Company, McConnell
Mayer, Oscar & Company, Pleasant Hill
Oscar Mayer and Company, Pittsfield
Oscar Mayer and Company, Quincy
Mayer, Oscar & Company, Shannon
Mayer, Oscar & Company, Warren
*Mehler Stock Yards, West York
Mendon Order Buyers, Mendon
*Mercer County Livestock Company, Viola
*Monmouth Livestock Sales Company, Monmouth
*Olney Livestock Commission Company, Olney
*Paris Livestock Sales Company, Paris
Paris Union Stockyards, Paris
Peoria Union Stockyards Company, Peoria
*Rock Island Auction Sales, Inc., Rock Island
St. Louis National Stockyards, National Stockyards
*Savanna Livestock Sales, Savanna
*Schrader, Harry, Consignment, Dakota
*Southeastern Livestock Association, Inc., Albion
Stanton Stock Yard, Lena
State Line Reload—NFO, Roscoe
*Walnut Auction Company, Walnut
*Warren County Livestock Auction, Monmouth
*Winslow Marketing Center, Inc., Winslow
Winslow Stockyards, Winslow
*Wood, Marvin T., Morrison

INDIANA

D. M. Archer, Princeton
Attica Stockyards, Attica
Joe Ault, Claypool
Bauman Stockyards, Columbia City
Bauman Stockyards, South Whitley
*Boone County Sale Barn, Lebanon
*Boswell Livestock Commission, Boswell
*Raymond Boyce Livestock Company, Monon
Mike Brady Stockyards, Lagrange
Mike Brady Stockyards, Waterloo
*Brookville Sale Barn, Brookville
Camden Hog Market, Camden
*Don Clark Feeder Pig, Brook
*Claypool Sale Inc., Silver Lake
*Delta Livestock Yards, Fort Wayne
Delta Livestock Yards, Fort Wayne
I. Duffey & Son, Lagro
I. Duffey & Son, Peru
*Robert Elliott, Westport
Emge Pkg. Co., Fairmount
Emge Packing Company, Inc., Anderson
Emge Packing Company, Inc., Fort Branch
Emge Packing Company, Montpelier
*Evansville Union Stockyards Company, Inc., Evansville
*Fountain County Livestock Commission Company, Veedersburg
*Geneva Berne Livestock Sale, Berne
*Goshen Comm. Sale, Goshen
Greencastle Livestock Center, Greencastle
J. L. Hawkins Company, Logansport
Heinold Hog Market, Bluffton
Heinold Hog Market, Burlington
Heinold Hog Market, Cambridge City
Heinold Hog Market, Chalmers
Heinold Hog Market, Crawfordsville
Heinold Hog Market, Goodland
Heinold Market Inc., Jasper
Heinold Hog Market, Corunna
Heinold Hog Market, Inc., Kouts
Heinold Hog Market, Liberty
Heinold Hog Market, Warren
Heinold Market, Milroy
Heinold Market, North Manchester
Heinold Hog Market, Portland
Heinold Hog Market, Rensselaer
Heinold Hog Market, Rushville
Heinold Hog Market, Tipton
Heinold Hog Market, Wheatland
*Henry County Livestock Auction, New Castle
*Hilltop Auction Sale, Hanover
Hoosier Stockyards Inc., Frankfort
Hoosier Stockyards Inc., Knightstown
Hoosier Stockyards Inc., Ladoga
Hoosier Stockyards, Inc., Lebanon
Hoosier Stockyards Inc., Roann
*Huntington Livestock Company, Huntington
Indianapolis Stockyards Corp., Indianapolis
*Johnson County Sale Pavilon, Franklin
*Knightstown Sale Barn, Knightstown
*Gordon Jones, Ridgeville
*LaFountain Livestock Sale, LaFountain
Logansport Livestock Yards, Inc., Logansport
Logansport Livestock, Winamac
*Lowell Livestock Auction, Lowell
*Loy's Sale Barn, Portland
M & R Livestock Market, Culver
MFA Hog Market, Burlington Junction
M & R Livestock Company, Huntington
M & R Livestock Company, Loogootee
M & R Livestock Company, Spencer
*Bill Manns, Rensselaer
Marhoefer Packing Company, Inc., Muncie
Mentone Stockyards, Mentone
*Mid-States Feeder Pig Company, Inc., Flora
*Jack Milhollin, Parker
*Montgomery County Sale Pavilion, Crawfordsville
*Morton Sale Barn, Morton
Munice Livestock Company, Muncie
*Muscatatuck Valley Feeder Pig Assn., North Vernon
New Castle Stockyards, New Castle
Ohio Valley Livestock Corp., Williamsburg
*Ohio Valley Producers, Evansville
*Owen-Monroe Feeder Association, Spencer
*Parke County Sales Pavilion, Rockville
Pavy Stockyard, Greensburg
Pavy Stockyards, Milroy
*Platte Valley Livestock, Inc., Gering
Porkland, Crawfordsville
*Producers Livestick Association, Bath
*Producers Livestick Association, Vincennes
Producers Livestock Association, Vincennes
Producers Livestock Association, Winchester
Producers Marketing Association, Amboy
*Producers Marketing Association, Boonville
*Producers Marketing Association, Inc., Centerville
Producers Marketing Association, Stockyards, Centerville
*Producers Marketing Association, Clayton
*Producers Marketing Association, Columbia City
Producers Marketing Association, Frankfort
Producers Marketing Association, Greensburg
*Producers Market Association, Mentone
*Producers Marketing Association, Inc., Montgomery
*Producers Marketing Association, Feeder Pig, Montpelier
Producers Marketing Association, Rensselaer
Producers Marketing Association, Rockville
*Producers Marketing Association, Salem
*Producers Marketing Association, Seymour
*Producers Marketing Association, Inc., Terre Haute
Producers Marketing Association, Terre Haute
*Producers Marketing Association, Inc., Topeka
Producers Marketing Association, Uniondale
*Producers Marketing Association, West Lafayette
Producers Marketing Association, W. Lafayette
Producers Marketing Association, Inc., Worthington
*Reynolds Sale Barn, Reynolds
Reynolds Stockyards, Reynolds
*Rochester Sale Barn, Rochester
*Royal Center Sale Barn, Royal Center
Rushville Community Sale, Rushville
*Russellville Feeder Pig Company, Russellville
*Scottsburg Salebarn, Scottsburg
*Shipshewana Auction Company, Shipshewana
*Southeastern Indiana Feeder Pig Auction Association, Osgood
*Southern Indiana Livestock Exchange, Scottsburg
*Springville Feeder Auction Association, Inc., Springville
P. B. Stewart Company, Berne
P. B. Stewart Company, Decatur
P. B. Stewart Company, Fulton
P. B. Stewart Company, Plymouth

P. B. Stewart Company, Shipshewana
P. B. Stewart Company, South Whitley
*Stoney Pike Sale Barn, Logansport
Sullivan County Livestock Market, Sullivan
*Topeka Livestock Auction Company, Topeka
Topeka Livestock Auction, Inc., Wakarusa
Valleydale Stockyard, Burlington
*Valparaiso Comm. Sale Barn, Valparaiso
Wabash Valley Stockyard, Wolcott
*White River Valley Feeder Auction Association, Worthington
Whiting and Decker, Vincennes
Wilson and Company, Inc., North Judson
Winner Order Buyers, Converse
*Ralph Yarling, Elwood
*Yeager and Sullivan, Inc., Camden
Zechiel Stockyards, Knox

Iowa

*Albia Sales Company, Inc., Albia
*Aplington Livestock Auction, Inc., Aplington
Applegate Hog Yard, Leon
Armour and Company, Bedford
Armour and Company, Mt. Ayr
Armour and Company, Shenandoah
Audubon County Livestock Exchange, Audubon
*Audubon County Livestock Exchange, Audubon
*B & H Cattle Company, Ida Grove
Bank's Hog Yards, Seymour
*Bedford Sale Company, Bedford
*Bingley Sale Company, Inc., Knoxville
*Bleil & Chapman Livestock Auction, Kingsley
*Bloomfield Livestock Market, Inc., Bloomfield
Brighton Stockyards Inc., Brighton
*Centerville Hog Market, Centerville
*Chariton Sales, Inc., Charison
*Central Iowa Stockyards, Webster City
*Columbus Junction Livestock Market, Inc., Columbus Junction
*Clarinda Auction Company, Clarinda
Colfax Livestock Sales Company, Colfax
*Colfax Livestock Sales Company, Colfax
Decker Livestock, Chariton
*Decorah Sales Commission, Decorah
*DeVries Auction, Buffalo Center
*Dunlap Livestock Auction, Dunlap.
*Edgewood Sale Barn, Inc., Edgewood
*Elkader Sale Barn, Elkader
J. G. Foecke & Company, West Point
*Forest City Cow Palace—Jennings Brothers, Inc., Forest City
*Gaffney Storm Lake Auction, Storm Lake
*Galva Pig Market, Galva
*Grassland Company, Odebolt
*Harlan G. Habben Feeder Pig Sales, Pocahontas
Heinold Hog Market, Birmingham
Heinold Hog Markets, Bloomfield
Heinold Hog Market, Donnellson
Heinold Hog Market, Seymour
*Hilltop Feeder Pig Company, Aplington
Hormel Hog Market, Centerville
*Humeston Livestock Auction, Humeston
Hygrade Food Products Corp., Clarinda
Hygrade Hog Buying Station, Sheldon
*Interstate Producers, Waukon
Interstate Producers, Waukon
*Kalona Sale Barn, Inc., Kalona
*Keoco Auction Company, Sigourney
*Keosauqua Sale Company, Inc., Keosauqua
*Kimballton Auction Company, Kimballton
*Lamoni Livestock Sales Company, Inc., Lamoni
*Leon Sale, Leon
Mahaska Sale Company, Oskaloosa
*Mapleton Livestock Sales Company, Mapleton
*Maquoketa Sales Company, Inc., Maquoketa
*Middletown Auction Sales, Inc., Middletown
*Drs. Spear & Allison (Marshall Co. Feeder Pig Assn.), Marshalltown
*Montezuma Sales Company, Inc., Montezuma
*Monticello Sale Barn, Monticello
*Moorhead Auction Company, Moorhead
*Mt. Ayr Livestock Market, Mt. Ayr
Ralph Mullenback, Stacyville
*Keith E. Myers, Grundy Center
New Albin Stockyard, New Albin
*New Liberty Livestock Auction, New Liberty
N. E. Iowa Sales Commission, Waukon
*N. E. Iowa Sales Commission, Waukon
NFO Collection Point, Ossian
Noe Livestock, Lime Springs
*Northeast Iowa Sales Commission, Waukon
*North Iowa Livestock Exchange, Garner
*Northside Sales Company, Sibley
Osage NFO Collection Point, Osage
*Perry Sales Pavilion, Perry
Petefish Scale Yard, Bloomfield
*Producers Livestock Marketing Agency Feeder Pig Division, Creston
Quale Livestock, Chester
Rath Packing Company (Buying Station), Wever
*Riceville Sales Pavilion, Riceville
*Norb Roecker Feeder Pigs, Denison
*Jerry Rolston, Inc., Sheldon
*Sales Company of Hawarden, Hawarden
*Sheldon Approved Hog Mart, Sheldon
*Sheldon Livestock Company, Sheldon
*Shenandoah Livestock Auction, Inc., Shenandoah
Simmons Hog Buyer, Farmington
*Sioux City Stockyards, Sioux City
*Sioux City Stockyards Feeder Pig Auction, Sioux City
*Spirit Lake State-Federal Approved Feeder Pig Market, Spirit Lake
Steeples Hog Market, Bonaparte
*Tama Livestock Auction Company, Tama
Thompson Livestock Commission Company, Inc., Davis City
Carl S. Thurn Stockyard, Edgewood
*Traer Auction Company, Inc., Traer
*Tri-State Livestock Auction Company, Inc., Sioux Center
Troutman Hog Market, Burlington
*Wallace Livestock Market, Riceville
*Wapello Livestock Sales, Inc., Wapello
*Waverly Sales Company, Waverly
*Wayland Livestock Auction Market, Wayland
Weerheim Livestock, Rock Rapids
Wiechman Pig Company, Inc., Des Moines
Wilson & Company, Inc., Shenandoah
*Woodbury County Livestock Auction, Lawton

Kansas

Altoona NFO Collection Point, Altoona
Altoona Stockyards, Altoona
*Atchison County Auction Company, Atchison
*Atwood Sale Barn, Inc., Atwood
*Belleville Livestock Commission Company, Belleville
*Caldwell Community Sale, Caldwell
*Circle "L" Livestock Sale, Liberal
*Clay Center Livestock, Inc., Clay Center
Clougherty Packing Company, Marysville
*Coffeyville Livestock Sales, Coffeyville
*Colby Livestock Auction, Colby
*Concordia Sales Company, Concordia
*Dodge City Livestock Commission Company, Dodge City
*El Dorado Livestock Auction, Inc., El Dorado
*Goodland Livestock Auction, Goodland
*Hansens Livestock Auction, Concordia
*Hays Livestock Commission Company, Inc., Hays
*Hiawatha Auction Company, Hiawatha
*Hoxie Livestock Sale, Hoxie
*Junction City Sales Company, Inc., Junction City
Kansas Hog Company, Morland
Kuhlman Hog Yards, Smith Center
Luckeroth Hog Market, Seneca
*Mankato Livestock Commission Company, Mankato
*Marysville Livestock Commission Company, Marysville
Mauer-Neuer Packing Company, Independence
*Medicine Lodge Sale Company, Medicine Lodge
*Miami County Livestock Company, Inc., Paloa
*Mid-Kansas Pig Station, Hutchinson
*Moline Auction Company, Moline
N.F.O. Buying Station, Marysville
*Norton Livestock Auction, Inc., Norton
*Oberlin Livestock Commission Company, Oberlin
*Parsons Livestock Auction Inc., Parsons
*Phillipsburg Sales Company, Phillipsburg
*Sabetha Livestock Auction, Sabetha
*St. Francis Livestock Sales, St. Francis
Smith Center Hog Company, Smith Center
*South East Kansas Feeder Pig Association, Fredonia
Stafford Brothers, Fort Scott
*Syracuse Sale Company, Syracuse
*Washington Sale Company, Inc., Washington
Wilson Certified Foods, Independence
*Wichita Union Stockyards, Wichita
*Winfield Auction, Inc., Winfield

Kentucky

Adair County Stockyard, Columbia
Albany Stockyard, Albany
R. B. Berry & Son, Clinton
*Boue Grass Stockyard, Lexington
*Bourbon Livestock Center, Bowling Green
*Bourbon Stockyard Company, Louisville
*Bowling Green Stockyard, Bowling Green
*Boyle County Stockyard, Danville
Breckinridge Livestock Center, Irvington
Brown Livestock Company, Clinton
*Bullitt County Stockyard, Shepherdsville
Burkesville Stockyard, Burkesville
Carnes Livestock Market, Leitchfield
*Catlettsburg Livestock Market, Catlettsburg
Christian County Livestock Market, Inc., Hopkinsville
Clinton Livestock Reload Collection Point, Clinton
*Dinwiddie Feeder Pig, Leitchfield
Edmonston Livestock Market, Edmonston
Faire Stockyards, Bardwell
*Farmers Commission Company, Inc., Tompkinsville
*Farmers Livestock Feeder Pig Sale, Mayfield
*Farmers Livestock Market, London
*Farmers Stockyards, Flemingsburg
Farmers Livestock Market, Mayfield
*Farmers Livestock Market of Glasgow, Inc., Glasgow
Field Packing Company Stockyard, Owensboro
*Florence, Peak, and Fryman, Cynthiana
Franklin-Simpson Livestock Company, Inc., Franklin
*Garfield Auction Barn, Garfield
*Garrard County Stockyard, Lancaster
*Glasgow Livestock Market, Glasgow
Graves County Livestock Company, Inc., Mayfield
*Grayson County Stockyards Markets, Inc., Leitchfield
*Green County Stockyards, Greensburg
Hart County Livestock Market, Munfordville
Heinold Hog Markets, Inc., Fancy Farm
Heinold Hog Markets, Marion
Heinold Hog Markets, Inc., Morganfield
*Henry County Stockyard, Inc., Sulphur
Horse Cave Stockyards, Horse Cave
*Jollys Feeder Pigs, Albany
*Kentuckiana Livestock Market, Owensboro
*Kentucky-Tennessee Livestock Market, Guthrie
*King Livestock Company, Inc., Hopkinsville
*Laurel Sales Company, London
*Logan County Livestock Market, Inc., Russellville
Louisa Stockyards, Louisa
*Madison Sales Company, Richmond
*Mammoth Cave Marketing Corporation, Smiths Grove

Mantle Stockyards, Bardwell
*Maysville Stockyard, Maysville
Morganfield NFO Collection Point, Morganfield
Morganfield Stockyards, Morganfield
Nichols Stockyard, Milburn
*N.F.O. Stockyards, Cynthiana
Ohio Valley Producers, Corydon
*Ohio Valley Producers Livestock Assn., Inc., Clinton
*Owen County Stockyard, Owenton
*Owsley County Stockyard, Booneville
Paducah Livestock Company, Paducah
*Paintsville Livestock Market, Paintsville
*Paris Stockyard, Paris
*Ratliff Stockyards, Mt. Sterling
*Russell County Stockyard, Russell Springs
*Schneider and Colston Sale Barn, South Walton
Smith Livestock Company, Symsonia
*Somerset & Pulaski Livestock Market, Inc., Somerset
*Taylor County Stockyards, Campbellsville
*Washington County Livestock Center, Inc., Springfield
*Wayne County Feeder Pig Auction, Monticello
Wayne County Livestock Market, Inc., Monticello
*West Kentucky Land & Cattle Company, Inc., Marion
*Wigwam Hog and Feeder Pig Market, Horse Cave
*Williamstown Stockyard, Williamstown
*Winchester Stockyards, Winchester

LOUISIANA

Ark-La-Tex Pork Marketing Association, Minden
*Avoyelles Swine Association, Marksville
*Bastrop Livestock Auction, Bastrop
*Central Louisiana Swine Producer's Association, Jena
*DeQuincy Livestock Commission Company, DeQuincy
*DeRidder Livestock Commission Company, DeRidder
*Florida Parishes Feeder Pig Association, Amite
*Franklinton Stockyards, Inc., Franklinton
*Guilbeau-Kennedy, Inc., Baton Rouge
Homer Livestock Commission Company, Homer
Bill Lyles Livestock Auction, Grand Cane
*Macon Ridge Swine Producers Association, Winnsboro
*Micelle's Commission Yard, Inc., Lake Charles
*Northwest Louisiana Swine Growers Association, Minden
*Southwest Louisiana Swine Producers Association, Basil
*West Monroe Livestock Auction, West Monroe

MAINE

*Crosman's Livestock Sales, Corinna
*Ben Tilton & Sons, Corinth

MARYLAND

*Aberdeen Sales Company, Aberdeen
Adkin Livestock, Inc., Parsonburg
Baltimore Livestock Exchange, Inc., West Friendship
*Caroline Sales Company, Denton
*Cumberland Stockyards, Inc., Cumberland
*Dukes Brothers Stockyards, Inc., Eden
Esskay Buying Station, Baltimore
Esskay Buying Station, Salisbury
Esskay Buying Station, Wye Mills
*Farmers Livestock Exchange, Inc., Boonsboro
*Farmers Market and Auction, Mechanicsville
*Four State's Livestock Sales, Inc., Hagerstown
*Frederick Livestock Auction, Inc., Frederick
*Friend's Stock Yard, Inc., Accident
*Grantsville Community Sales, Inc., Grantsville
*Harry Rudnick & Sons, Inc., Galena
*West Nottingham Auction, Rising Sun
*Western Maryland Stock Yards, Inc., Westminster
*Woodsboro Livestock Sales, Inc., Walkersville

MASSACHUSETTS

*Stanley Beckwith and Son, Granville
*Farmers Live Animal Market Exchange, Inc., Littleton
*J. P. Hass and Sons, Rehoboth
*Northampton Coop Auction Market, Whately
*Soares Livestock and Equipment, West Bridgewater

MICHIGAN

Andy Adams Sale Barn, Hillsdale
Clare Bordner, Burr Oak
Camden Stockyards, Camden
Coldwater Livestock Auction, Coldwater
Croswell Stockyards, Croswell
Dundee Livestock Sales Inc., Dundee
Equity Cooperative Livestock Sales Association, Menominee
Heinold Hog Markets, Inc., Burlington
Heinold Hog Markets, Inc., Jones
Linsmeier Livestock Auction, Menominee
Lugbill Brothers, Inc., Morenci
Michigan Live Stock Exchange, Battle Creek
Michigan Live Stock Exchange, Cassopolis
Michigan Livestock Exchange, Manchester
Napoleon Livestock Commission Company, Napoleon
Ridley Commission, Inc., Detroit
Tecumseh NFO Collection Point, Britton
Westfall Stockyards, Hillsdale

MINNESOTA

*Anderson Feeder Pig Company, Willmar
*Arends Sale Yard, Inc., Blue Earth
Armour and Company, Browns Valley
Armour and Company, Dawson
Armour and Company, Kiester
Armour and Company, Winona
Armour & Company Hog Buying, Harmony
Armour Hog Buying Station, Ortonville
*Bauman's Livestock, Ellsworth
Breckenridge Livestock, Breckenridge
*Canby Livestock Sales Company, Canby
*Cottonwood Veterinary Clinic, Windom
*Farmers Feeder Pig Association, Worthington
Farmers Livestock Auction Market, Caledonia
Farmers Livestock Company, Elmore
*Geneva Livestock Exchange, Geneva
*Gibbon Feeder Pig Market, Gibbon
*Gordon Ness Feeder Pig Company, Hector
Gries Livestock Market, Kiester
*Hebrink Feeder Pig Market, Renville
Hokah Stockyards, Hokah
*Hollerich Feeder Pig Market, Good Thunder
Geo. A. Hormel Livestock Buying Station, Canby
Hormel Livestock Buying Station, Blue Earth
Ivanhoe NFO Collection Point, Ivanhoe
*Jackson Livestock Exchange, Inc., Jackson
*Kasson Livestock Exchange, Kasson
Lakefield N.F.O. Collection Point, Lakefield
*Lamberton Feeder Pig Market, Lamberton
*L & L Livestock, Dunnell
*Lamberton Stockyards, Inc., Lamberton
Lee Livestock, Harmony
*Long Prairie Livestock Auction Market, Long Prairie
*Luverne Livestock Auction, Luverne
*Minnesota Feeder Pig Marketers, Inc., Willmar
Morrell Hog Buying Station, Madison
Pierson Livestock, Ivanhoe
*Pipestone Livestock Auction Market, Pipestone
Rath Packing Company, Prosper
*Rice Feeder Pig Center, Rice
Rosen Livestock, Fairmont
*Rush City Livestock Market, Inc., Rush City
*Rush City Livestock Sales, Inc., Rush City
*Rushford Feeder Pig Tel-O-Auction, Rushford
*St. Paul Union Stockyards, South St. Paul
*Speidrich Feeder Pig Market, Elrosa
*Springfield Stockyards, Springfield
*Spring Grove Livestock Exchange, Inc., Spring Grove
*Spring Valley Sales Company, Inc., Spring Valley
*Tenney Feeder Pig Company, St. James
*Thornburg Sheep Company, Lakefield
*Top Livestock Auction, Edgerton
Welcome NFO Livestock Collection Point, Welcome
Wilson & Company, Brice1yn
*Windom Feeder Pig Market, Windom
*Windom Sale Company, Inc., Windom
*Wisconsin Feeder Pig Marketing Co-op, Perham
*Wisconsin Feeder Pig Marketing Co-op, Sauk Centre
*Worthington Livestock Sales Company, Worthington
*Zumbrota Livestock Auction Market, Inc., Zumbrota

MISSISSIPPI

*Alcorn County Stockyards, Corinth
Max Alman's Assembly Point, Pelahatchie
*Amory Area Feeder Pig Sale, Amory
S. K. Askew Assembly Point, Edwards
*Booneville Area Feeder Pig Association, Booneville
*Booneville Commission Company, Booneville
*H. T. Branning Livestock Company, French Camp
*Bruce Area Feeder Pig Sale, Bruce
Buckhalter Assembly Point, Newhebron
Central Livestock Company, Brandon
*Central Mississippi Livestock Commission Company, Carthage
*Chickasaw Livestock Auction, Inc., Houston
*Corinth Livestock Commission Company, Corinth
*Dixie Stockyards, Inc., Meridian
Donald & Vines Assembly Point, Morton
*East Mississippi Farmer's Livestock Company, Philadelphia
George County Stockyards, Inc., Lucedale
*Glynn Robinson Stockyard, West Point
*Grenada Livestock Exchange, Grenada
Laurel Stockyards, Laurel
*Lucedale Area Feeder Pig Association, Lucedale
*Lum Commission Company, Vicksburg
Edward McCaughn Assembly Point, Morton
*McComb Area Feeder Pig Sale, McComb
Meridian Stockyards, Meridian
*Natchez Stockyards, Natchez
Thomas Nazary Assembly Point, Carthage
*New Albany Feeder Pig Sale, New Albany
*Peelers Livestock Sales, Kosciusko
*Port Gibson Area Feeder Pig Association, Port Gibson
Ranchers & Farmers Livestock Commission Company, Macon
Smith Brothers Stockyard, Poplarville
T. Smith Livestock, Hattiesburg
Spicer Livestock, Inc., Tupelo
*Southeast Mississippi Feeder Pig Assn., Laurel
*Southeast Mississippi Livestock Farmers Association, Hattiesburg
*Southwest Livestock, Inc., Lorman
Stockyard Beef Sale, Inc., Tupelo
Stringer Sale Barn, Columbia
*Triangle Stockyards, Inc., Columbus
*Tri-State Stockyards, Inc., Greenville
*Walnut Sales Company, Walnut
*Wayne Area Pork Producers Association, Waynesboro
*Waynesboro Livestock Yards, Inc., Waynesboro

MISSOURI

*Alton Sale Company, Alton
Armour & Company, Corder
*Ava Sale Company, Ava
Baring Stockyards, Baring
Beck & McCord Auction Company, Sikeston
*Benton County Producers Association, Warsaw
Bollinger County Livestock Producers Association, Marble Hill
*Boonville Livestock Auction, Boonville
*Browning & Crowe Order Buyers, Monroe
Browning and Crowe Order Buyers, Inc., Paris
*Bryant and Kirkman, Summersville
*Buffalo Sale Barn, Buffalo
Burrus & Troutman Livestock, Memphis
*Butler Community Sales, Butler
*Cabool Livestock Market, Cabool
Callaway Livestock Auction, Fulton
*Central Missouri Sales Company, Inc., Sedalia
*Cantrell & Sons, Archie
Callao NFO Collection Point, Callao
*Callaway Stock Sales Company, Fulton
*Carrollton Livestock Auction, Carrollton
*Cassville Livestock Market, Inc., Cassville
*Cattlemen Auction Company, Inc., Humansville
Central Hog Buyers, Centralia
Central Hog Market, Rich Fountain
*Central Livestock Market, Poplar Bluff
*Central Missouri Livestock Auction, Inc., Mexico
*Central Ozark Auction, West Plains
*Charleston Auction Company, Charleston
*Chillicothe Livestock Market, Inc., Chillicothe
*Circle S Livestock Market, Stanberry
*Clark County Sale Company, Kahoka
Clinton Hog Market, Clinton
*Columbia Livestock Auction Market, Inc., Columbia
*Concordia Livestock Auction, Concordia
Constable Stockyards, Princeton
Deberry Livestock Exchange, Richland
*Dent County Livestock Improvement Association, Salem
Dillard Livestock Order Buyers, Aukvasse
*Downing Stockyards, Downing
*Edina Auction Market, Inc., Edina
Edina Stockyards—NFO Buying Station, Edina
Eldon Hog Market, Olean
Esskay Buying Station, Littlestown
*Farmers Auction Company, Mountain View
*Farmers & Traders Commission Company, Inc., Palmyra
*Farmington Auction Market, Farmington
Ferguson Hog Market, Sedalia
Fortuna NFO Collection Point, Fortuna
4 Corners Collection Point (NFO), Hunnewell
*4 County Feeder Pig Auction, Humansville
Four Rivers Collection Point, Labadie
*Four-Square Markets, Inc., Marshall
*Four State Livestock Auction Center, Diamond
*Fredericktown Auction Company, Inc., Fredericktown
*Fruitland Livestock Auction, Inc., Jackson
*Gallatin Livestock Auction, Inc., Gallatin
*Grant City Livestock Auction, Grant City
Grant City Livestock Auction, Grant City
Grant City Sale Barn, Grant City
*Green City Auction Market, Inc., Green City
Harkins Livestock Market, Trenton
Heinold Hog Market, Inc., Bloomfield
Heinold Hog Buyers, Inc., Bowling Green
Heinold Hog Market, Hawk Point
Heinold Hog Market, King City
Heinold Hog Market, Labelle
Heinold Hog Market, Maryville
Heinold Hog Market, Monroe City
Heinold Hog Market, Inc., Sedalia
Heinold Hog Market, Stet
Heinold Hog Market, Inc., Clarence
Heinold Hog Market, Inc., Tarkio
Heinold Hog Market, Inc., Wellsville
*Hinds Sale Company, Memphis
Otto Hollon Hog Market, Browning
Howard County NFO Collection Point, Armstrong
*Interstate Producers Livestock Association, Brookfield
*Ireland and Thorne Livestock Market, Inc., Trenton
*Interstate Producers Livestock Association, Caledonia
*Interstate Producers Livestock Association, Cuba
*Interstate Producers Livestock Association, Feeder Pig Market, Hamilton
*Interstate Producers Livestock Association, Jackson
*Interstate Producers Livestock Association, Perryville
*Johnson County Livestock Market, Warrensburg
*Joplin Stockyards, Joplin
*Kahoka Sale Company, Inc., Kahoka
*Kansas City Stockyards, Kansas City
*Kelly Auction Service Livestock Sales, Mountain Grove
*Kennett Sales Company, Inc., Kennett
*Kingsville Livestock Auction, Kingsville
Kingsville NFO Collection Point, Kingsville
Kirksville Community Sale, Inc., Kirksville
Kleen-Leen, Inc., Jackson
Kleen-Leen, Inc., Salem
Harold Kornbrust Hog Buying Station, Marceline
*Laclede County Livestock Producers Association, Lebanon
*Lamar Auction Market, Lamar
*The Lamar Cattle Auction, Lamar
*Lamar Sales, Lamar
LaMonte NFO Collection Point, LaMonte
*Lexington Livestock Auction, Lexington
*Licking Livestock Auction, Licking
Lamonte Livestock Collection Point (NFO), Lamonte
*Lewis County Auction Company, Lewistown
Lewis & Son Hog Buyers, Glasgow
*Licking Livestock Auction, Licking
*Lindsay Livestock Auction, Inc., Lebanon
*Linn County Auction Company, Brookfield
*Linn County Beef Producers, Inc., Brookfield
*Lockwood Community Sales, Lockwood
*Lolli Sales Pavilion, Macon
*Mansfield Livestock Auction, Inc., Mansfield
*Marshall Livestock Auction, Marshall
*Maryville Livestock Market, Inc., Maryville
Oscar Mayer & Company, Inc., Brookfield
Oscar Mayer & Company, Inc., Callao
Oscar Mayer & Company, Inc., Shelbina
Maysville NFO Collection Point, Amity
*Maysville NFO Collection Point, Amity
*McDonald County Livestock Market, Jane
*Mercer County Auction, Princeton
*Mercer County Producers Association, Princeton
*Meta Collection Point, Inc., Meta
*MFA Feeder Pig Assembly Point, Ellington
*MFA Feeder Pig Market, Sedalia
*MFA Feeder Pig Tele Auction, Doniphan
*MFA Feeder Pig Yards, Rolla
*MFA Feeder Pig Yards, Stockton
*MFA Feeder Pig Market, Taneyville
*MFA Feeder Pig Yards, Westphalia
*MFA Livestock Association, Alton
*MFA Livestock Association, Cabool
*MFA Livestock Association, Mansfield
*MFA Livestock Association, Inc., Wheaton
*Mid-West Livestock Auction, Inc., Milan
*Moberly Auction Company, Moberly
National Hog Buyers, Inc., Columbia
*Nevada Livestock Auction, Inc., Nevada
NFO Collection Point, Chillicothe
*New Cambria Livestock Auction Market, New Cambria
NFO Cameron Collection Point, Cameron
Nichols Stockyards, Bethany
*Odessa Community Sale, Odessa
*Olean Livestock Market, Inc., Olean
Osage Hog Buyers, Inc., Linn
*Oregon Livestock Sales Company, Oregon
*Osage County Livestock Producers Association, Linn
*Palmyra Livestock Auction Market, Palmyra
*Pasley Auction Company, Osceola
*Patton Jct. N.F.O. Collection Point, Patton
*Pike County Livestock Market, Bowling Green
*Platte County Sale Company, Platte
*Poplar Bluff Sales Company, Poplar Bluff
*Potosi Livestock Market, Potosi
*Puxico Stockyards & Auction Company, Puxico
Rains Livestock, Inc. Poplar Bluff
Reeds Livestock Company, Dexter
Reed (Chester) Livestock Market, Mountain Grove
*Rich Hill Sale Company, Rich Hill
*Roberts Livestock Auction, Bolivar
*Rockport Sales Pavilion, Inc., Rockport
*St. Clair Auction Company, St. Clair
*St. James Livestock Auction, St. James
*St. Joseph Stockyards, South St. Joseph
*St. Joseph Stockyards Market Hog Division, South St. Joseph
*Salem Auction Company, Salem
*Savannah Sale Company, Savannah
*Schuyler County Sale Company, Lancaster
*Sedgewickville Auction, Sedgewickville
*Shelbina Auction Company, Shelbina
Shell Feed & Supply, Fredericktown
Shell Feed & Supply, Perryville
Shell Feed & Supply, Lutesville
*Sho-Me-Feeder Pig, Inc., Ava
*Sho-Me-Feeder Pigs, Inc., Thayer
*Jack Sivils Sale Company, Inc., Butler
*South Central Livestock Market, Inc., Vienna
Southeast Missouri Stockyards Company, Oran
*Southwest Feeder Pig Market, Inc., Nixa
*Southwest Missouri Livestock Association, Inc., Sarcoxie
*Summersville Auction Company, Summersville
Swift Fresh Meats Company, Eolia
Tarkio Hog Yards, Tarkio
Thomas Hog Market, Syracuse
Thomas & Potter Hog Markets, Eldon
Thompson Livestock Company, Armstrong
Thompson Livestock Company, Glasgow
*Union Stockyards, Springfield
*Unionville Sale Company, Unionville
*Urbana LSA, Urbana
Carroll Warnock Stockyards, Lineville
Warnock Stockyard, Trenton
*Warsaw Auction Company, Warsaw
West Plains City Scales, West Plains
*West Plains Livestock Auction, Pomona
*Wheaton Livestock Auction, Wheaton
Wilson & Company Hog Market, Chillicothe
Wilson and Company Hog Market, Palmyra
Wilson & Company Hog Market, Unionville
Wilson and Company, Inc., Marshall
Wilson Hog Buying Station, Greenfield
Wilson Hog Market, Albany
Wilson Hog Market, Salisbury
Wilson Hog Market, Tipton
*Windsor Auction, Windsor

MONTANA

*Baker Livestock Auction, Inc., Baker
*Beaverhead Livestock Market, Inc., Dillon
Glendive Livestock Sales Company, Glendive
*Kalispell Livestock Auction, Kalispell
*Public Auction Yards, Billings
*Sidney Livestock Market Center, Sidney

NEBRASKA

*Ainsworth Livestock Auction, Ainsworth
*Alma Livestock Commission Company, Alma
*Beatrice Sales Pavilion, Beatrice
*Beatrice 77 Livestock Sales Company, Beatrice
*Butte Livestock Market, Butte
*Chappell Livestock Auction, Chappell
*Creighton Livestock Market, Inc., Creighton

•Falls City Auction Company, Falls City
•Farmers Livestock Sales Company, Benkelman
Farmland Food, Inc., Hardy
Gordon NFO Collection Point, Gordon
•Hebron Livestock Commission Company, Hebron
•Holdredge Livestock Market, Holdredge
George Hormel & Company, Falls City
•H. S. Camp and Sons, Ocala
•Imperial Auction Market, Inc., Imperial
•Kimball Livestock Auction, Kimball
•Midwest Livestock Company, McCook
•Morris Livestock Auction, Plattsmouth
National Farmers Organization, Guide Rock
National Farmers Organization, Pawnee City
•Nebraska City Salebarn, Inc., Nebraska City
•Norfolk Livestock Market, Inc., Norfolk
•Nebraska Livestock Market, Inc., Franklin
N.F.O. Reload Point, Whitney
Omaha Livestock Market, Inc. Omaha
•Omaha Livestock Market, Inc., Omaha
•Pawnee Livestock Company, Pawnee City
•Platte Valley Livestock, Inc., Gering
•Red Cloud Livestock Commission Company, Inc., Red Cloud
•Scottsbluff Livestock Auction, Inc., Scottsbluff
•Sheridan Livestock Commission Company, Rushville
Superior Hog Market, Superior
•Superior Livestock Commission Company, Inc., Superior
•Syracuse Sales Pavillion, Inc., Syracuse
•Tri-State Livestock Commission Company, Inc., McCook
•Valentine Livestock Auction, Valentime
•Verdigre Livestock Market, Verdigre
•The Weichman Pig Company, Inc., Fremont
WEW Hog Company, McCook
Wilson and Company, Auburn
Wilson and Company, Pawnee City
Wilson and Company, Syracuse
•York Livestock Sales Co., York
York Pack Buying Station, York

NEW JERSEY

Wallace H. Coates Livestock Company, Monroeville
Jaeger's Livestock Market, Sussex
•Livestock Cooperative Auction Market Assn. of North Jersey, Inc., Hackettstown
•Vealy Livestock Company, Lafayette

NEW MEXICO

•Clovis Hog Company, Inc., Clovis
•Five States Livestock, Auction, Co., Clayton

NEW YORK

Buffalo Stockyards Company, Inc., Buffalo
•Empire Livestock Marketing Cooperative, Inc., Caledonia
Empire Livestock Marketing Cooperative, Inc., Waterloo
Luther's Livestock Commission Market, Wassaic

NORTH CAROLINA

•Albemarle Cooperative Association, Inc., Edenton
Baker Hog Market, Tyner
Brite-Tatum Livestock Auction, Elizabeth City
•Carolina Stockyards, Siler City
•Carolina-Virginia Stockyard, Windsor
•Central Carolina Farmers Livestock Market Quality Feeder Pig Sale, Hillsborough
•Chadbourn Graded Feeder Pig Sale, Chadbourn
Chadbourn Livestock Market, Chadbourn
D. F. Foust Livestock Auction, Inc., Greensboro
•Greensboro Graded Feeder Pig Sale, Greensboro
Greenville Livestock, Inc., Greenville
Greenville Stock Yard, Greenville
Gwaltney-Hertford Livestock Market, Hertford
Robert P. Hollowell Livestock Market, Sunbury
•Iredell Livestock Company, Turnersburg
J & P Livestock Company, Inc., Fairmont
•Kinston Stockyard, Kinston
George P. Kittrell Livestock Market, Corapeake
•Gus Z. Lancaster Quality Feeder Pig Sale, Dunn
•Gus Z. Lancaster Quality Feeder Pig Sale, Rocky Mount
Gus Z. Lancaster Stockyards, Inc., Rocky Mount
Laurinburg Livestock Market, Laurinburg
Lumberton Auction Company, Lumberton
•MCM Livestock, Inc., Whiteville
Miller's Livestock, Inc., Winfall
Murphy Livestock Auction Company, Murphy
•Norwood Graded Quality Feeder Pig Sale, Norwood
•Oxford Livestock Market, Inc., Oxford
•Pates Stockyard, Inc., Pembroke
•Powell Livestock Company of Smithfield, Smithfield
Reaves Livestock, Inc., Rowland
•Sessoms Packing Company, Ahoskie
Smithfield Packing Company Hog Buying Station, Murfreesboro
Lloyd S. Turner, Elizabeth City
•Union County Livestock Auction, Inc., Monroe
•Wells Livestock Market Graded Feeder Pig Sale, Wallace
•Western Carolina Feeder Pig Sale, Asheville
Whedbee Livestock Market, Hertford
R. G. Whitley and Son, Inc. Hog Buying Station, Como

NORTH DAKOTA

Armour & Company, Wahpeton
•Carrington Livestock Sales, Inc., Carrington
•Central and Farmers Union Livestock Market, Inc., Minot
Central Livestock Association, Inc., Dickinson
Dakota Meats, Inc., Minot
•Edgeley Livestock Auction, Edgeley
•Ellendale Livestock Sales Company, Ellendale
•Harvey Livestock Auction, Harvey
•Hettinger Auction Market, Inc., Hettinger
•Jamestown Livestock Sales Company, Jamestown
•Kist Livestock Auction Company, Mandan
•Lake Region Auction and Livestock Market, Inc., Devils Lake
•Linton Livestock Sales, Inc., Linton
•Lorenz Livestock Sale, Hazen
•Minot Livestock Auction, Minot
•Missouri Slope Livestock Auction, Inc., Bismarck
NFO Collection Point, Beach
•Park River Auction Market, Park River
•Penfield Auction Yards, Bowman
Pierce Packing Company Buying Station, Hettinger
•Rugby Livestock Auction, Inc., Rugby
•Schnell's Beulah Livestock Auction Market, Beulah
•Schnells Dickinson Livestock Sales Company, Dickinson
•Sitting Bull Auction, Williston
•Turtle Lake Livestock Inc., Turtle Lake
•Union Stockyards Company of Fargo, West Fargo
•Watford City Livestock Auction, Watford City
•Western Livestock, Inc., Dickinson
•Wilkenheiser Livestock, Strasburg
•Wisconsin Feeder Pig Market Co-op, Oakes

OHIO

Bauman Stockyards, Inc., Napoleon
•Bloomfield Livestock Auction, North Bloomfield
•Burkettsville N.F.O. Collection Point, Burkettsville
Merle A. Bussert Livestock, Amanda
Butler County NFO Collection Point (The National Farmers Organization, Inc., Butler County Collection Point), Hamilton
•Carrollton Livestock Auction, Carrollton
Chickasaw Stockyard, Chickasaw
Cisco Stockyard, Inc., St. Marys
•Damascus Livestock Auction, Damascus
•Delta Livestock Auction, Delta
•Dicke Stockyard, New Bremen
Wm. Espel Sons, Inc., Cincinnati
•Findlay Producers Livestock Association, Findlay
French City Meats, Inc., Gallipolis
Gamboe Stockyards, Pioneer
•Geauga Livestock Commission, Inc., Middlefield
Harpster Stockyards, Ashland
Harvey Livestock, Inc., Coldwater
Heinold Hog Market, Eldorado
Heinold Hog Markets, Gettysburg
Frank D. Heisel Livestock, Washington Court House
Interstate Farmers Livestock Company, Oxford
E. Kahn's Sons Company, Cincinnati
Kleinhenz Brothers Stockyard, Ft. Recovery
Kleinhenz Brothers Stockyard, Celina
Kloeppel Livestock, Sidney
•Krugh's Stockyards, Wren
•Virgil Lampert Stockyards, New Bremen
Lewisburg NFO Collection Point, Lewisburg
•Lugbill Brothers, Archbold
Lugbill Brothers, Fayette
Lugbill Brothers, Wauseon
•Middendorf Stockyards, Botkins
•Middendorf Stockyards, Celina
•Middendorf Stockyard Company, Fort Loramie
Middleton Stockyards, Inc., New Madison
A. E. Miller Stockyard, Middle Point
•Ohio Valley Livestock Company, Gallipolis
Ohio Valley Livestock Corporation dba/Preble County Stockyards, Eaton
•Wilson Brothers dba Peoples Livestock Exchange, Greenville
Philothea Stockyard, Coldwater
•Producers Livestock Assn., Bucyrus
•Producers Livestock Assn., Cadiz
•Producers Livestock Assn., Eaton
•Producers Livestock Assn., Findlay
Producers Livestock Assn., Greenville
•Producers Livestock Association, Hillsboro
•Producers Livestock Association, Lancaster
Producers Livestock Association, London
•Producers Livestock Association, Marysville
•Producers Livestock Association, Mt. Vernon
•Producers Livestock Association, Orrville
•Producers Livestock Association, Springfield
•Producers Livestock Association, Wapakoneta
•Producers Livestock Association, Woodville
Selected Meat Company, Greenfield
Don H. Smith Stockyard, Fort Recovery
P. B. Stewart, Edon
Tuente Stockyards, Saint Sebastian
Tuente Stock Yards, Yorkshire
•The Union Stockyards Company, Hillsboro
Ward Livestock Company, Stryker
Waynesfield Stockyard, Waynesfield
Werling and Sons, Inc. dba Burkettsville Stockyard, Burkettsville
Jerome Winner Stockyard, New Weston
Robert Winner Sons, Inc., Osgood

OKLAHOMA

•Adair County Livestock Auction, Inc., Stilwell
Ag Markets Inc., Woodward
•Checotah Livestock Auction, Checotah
•Delaware County Livestock Auction, Jay
•Durant Stockyards Company, Inc., Durant
•Farmers and Ranchers Livestock Auction, Vinita
•Ft. Smith Stockyards Company, Inc., West Ft. Smith
•Hugo Sales Commission, Inc., Hugo

*Kay County Farm Center d/b a Tonkawa Auction Center, Tonkawa
Arthur Kelly Stockyards, Muskogee
*LeFlore County Livestock Auction, Wister
Maurer and Neuer, Enid
*Maxson Sales Company, Inc., Welch
*Muskogee Stockyards & Livestock Auction, Inc., Muskogee
*Newkirk Sale Company, Newkirk
*Northeast Oklahoma Feeder Pig and Livestock Market, Leach
*Oklahoma National Stockyards, Oklahoma City
Small Hog Company, Alva
*South Coffeyville Livestock Market, Inc., South Coffeyville
*Tahlequah Sale Barn, Tahlequah

OREGON

*Hermiston Livestock Commission Company, Hermiston
*Northwestern Livestock Commission Company, Hermiston
*Ontario Livestock Commission Company, Ontario
*The Portland Livestock Market, Inc., No. Portland
*The Dalles Auction Yard, The Dalles
*Vale Livestock Auction, Vale

PENNSYLVANIA

*Belknap Livestock Market, Inc., Dayton
*Belleville Livestock Market, Inc., Belleville
Edgar K. Black, Skippack
K. M. Border Livestock, Dover
*Carlisle Livestock Market, Inc., Carlisle
Cattle Sales, Inc. d/b/a Scenery Hill Stockyards, Scenery Hill
*Chambersburg Livestock Sales, Inc., Chambersburg
*Chesley's Sales, Inc., Northeast
*Cowanesque Valley Livestock Auction, Knoxville
Wayne F. Craig & Son, Shippensburg
*Danville Cattle Company, Inc., Danville
*Dewart Livestock Market, Dewart
*Eighty Four Auction Sales, Inc., Eighty Four
*Enon Valley Community Sale, Enon Valley
Esskay Buying Station, Littletown
*Fayette Stockyards, Inc., Uniontown
*Greencastle Livestock Market, Inc., Greencastle
*Green Dragon Livestock Sales, Ephrata
*Hickory Auction and Sales, Inc., Hickory
*Hulshart, C. A. (Swine Receiving Station), Stewartstown
*Indiana Livestock Auction, Inc., Homer City
*Jersey Shore Livestock, Inc., Jersey Shore
*Keister's Middleburg Auction Sales, Inc., Middleburg
*Lancaster Stockyards, Inc., Lancaster
*Lebanon Valley Livestock Market, Inc., Fredericksburg
*Leesport Market & Auction, Inc., Leesport
*Meadville Livestock Auction, Saegertown
*Mercer Livestock Auction, Mercer
C. Robert Miller, Watsontown
*Morrison Cove Livestock Market, Martinsburg
New Holland Sales Stables, Inc., New Holland
*New Wilmington Livestock Auction, Inc., New Wilmington
*Nicholson Sales Company, Nicholson
*Penns Valley Livestock Auction, Inc., Centre Hall
*Pennsylvania Livestock Auction, Inc., Waynesburg
*Perkiomenville Sales Stables, Inc., Perkiomenville
*Quakertown Livestock Sale, Quakertown
*Sechrist Sales Company, Inc., Fawn Grove
W. R. Sellers Livestock, Greencastle
*Showalter's Livestock Exchange, Duncansville
*Stockton's Livestock Auction, Union City
*Tri-County Livestock Auction, Inc., Brockway
*Thomasville Livestock Market, Inc., York
*Troy Sales Cooperative, Troy
*Valley Stockyards, Inc., Athens
*Vintage Sales Stables, Inc., Paradise
*Wayne County Livestock Exchange, Inc., Honesdale
*Wyalusing Livestock Market, Wyalusing

SOUTH CAROLINA

P. L. Bruce Stockyard, Greenville
Central Carolina Livestock Market, Inc., Lugoff
Chesnee Livestock Company, Chesnee
Conway Stockyard, Conway
Conway Stockyard, Loris
*Darlington Auction Market, Darlington
Dorchester Marketing Association, St. George
*Farmers County Line Stockyards, Andrews
*Farmers Market, Estill
Farmers Livestock Market, Leesville
Florence Union Stockyards, Florence
Greenwood Stockyard, Inc., Greenwood
*Hemingway Livestock Market, Hemingway
*Herndon's Stockyards, Inc., Ehrhardt
Herdon Stockyard, Inc., Yemassee
*Hutto Stockyard, Inc., Holly Hill
Kingstree Union Stockyard, Kingstree
Loris Livestock Market, Inc., Loris
M & R Livestock, Neeses
M & R Livestock Company, Nichols
M & R Livestock Company, Ruffin
*Orangeburg Stockyard, Inc., Orangeburg
Saluda County Stockyards, Saluda
South Carolina Farm Bureau dba/Jim's Livestock, Kingstree
Spartanburg Livestock Market, Spartanburg
*Springfield Stockyard, Inc., Springfield
S & S Milling Company, Hemingway
*Swift Fresh Meats Company, Watertown
John C. Taylor Stockyard, Anderson
Walterboro Stockyards Company, Inc., Walterboro
York County Stockyards, York

SOUTH DAKOTA

*Aberdeen Livestock Sales Company, Inc., Aberdeen
Armour and Company Hog Buying Station, Aberdeen
Armour Buying Station, Hudson
*Belle Fourche Livestock Exchange, Inc., Belle Fourche
*Brookings Livestock Auction, Brookings
Browns Valley Collection Point, Inc., Browns Valley
*Burke Livestock Auction, Burke
*Canton Livestock Sales Company, Canton
*Chamberlain Livestock Sales, Inc., Chamberlain
Columbia Collection Point, Columbia
*Corsica Livestock Sales Company, Corsica
*Edgemont Livestock Commission Company, Edgemont
*Eureka Livestock Commission Company, Eureka
*Faith Livestock Commission Company, Inc., Faith
*Fort Pierre Livestock Commission, Fort Pierre
*Gregory Livestock Auction Company, Gregory
*Herreid Livestock Commission Company, Herreid
*Hub City Livestock Sales, Aberdeen
*Kramer's Livestock Auction Company, Inc., Sioux Falls
*Loken's Watertown Sales Pavilion, Inc., Watertown
*Madden's Livestock Auction Market, Inc., St. Onge
*Madison Livestock Auction Company, Madison
*Magness-Huron Livestock Exchange, Inc., Huron
*Marshall Livestock Auction Company, Britton
*Martin Auction Company, Inc., Martin
*McLaughlin Commission Company, Inc., McLaughlin
*Mitchell Livestock Auction Company, Inc., Mitchell
*Mobridge Livestock Auction Sales, Inc., Mobridge
John Morrell Hog Buying Station, Aberdeen
John Morrell & Company, Watertown
Morrell Buying Station, Flandreau
Owen Livestock Company, Britton
*Philip Livestock Auction, Philip
*Rapid City Livestock Commission Company, Rapid City
*Sioux Falls Stock Yards Company, Sioux Falls
*Sisseton Livestock Auction Inc., Sisseton
Sodak Pork, Aberdeen
*South Dakota Livestock Sales Company, Watertown
*Stockman's Auction Company, Inc. dba Bales Continental Commission Company, Huron
*Stockmen's Livestock Auction Company, Yankton
*Sturgis Livestock Exchange, Inc., Sturgis
Swift Fresh Meats Company, Watertown
*Wall Livestock Auction, Wall
*West River Livestock Market Company, Lemmon
*Willow Lake Livestock Auction, Willow
*Winner Livestock Auction Company, Winner
*Yankton Livestock Auction Market, Yankton

TENNESSEE

Algood Stockyard, Algood
Athens Livestock Auction Company, Athens
*Bedford County Feeder Pig Sale, Unionville
*Harry Bogle Feeder Pig Barn, Murfreesboro
*Brownsville Feeder Sales Assn., Brownsville
Bryan, R. D., Morrison
Caldwell Livestock, Inc., Jackson
*Carroll County Feeder Pig Association, Huntingdon
Chattanooga Union Stockyard, Chattanooga
Altsheler & Payne dba Clarksville Livestock Co., Clarksville
Frosty Morn Meats dba Clarksville Livestock Mkt., Clarksville
Cleveland Livestock Auction Company, Cleveland
*Chickasaw Feeder Association, Selmer
Clinton Livestock Auction Company, Clinton
C & M Livestock Market, Jamestown
Coffee County Livestock Market, Manchester
Collierville Livestock Auction Company, Collierville
Cookeville Livestock Market, Cookeville
*Covington Feeder Pig Sale, Covington
Covington Sales Company, Covington
Crockett County Sales Company, Maury City
Cumberland City Stockyard, Cumberland
*Cumberland Feeder Pig Sales, Cookeville
DeKalb County Livestock Company, Alexandria
*Joe H. Derryberry dba Derryberry Pig Barn, Chesterfield
*Dickson County Feeder Pig Sale, White Bluff
Dickson Livestock Center, Dickson
*Dixie National Stockyards, Memphis
East Tennessee Livestock Center, Sweetwater
Farmers Auction Company, Fayetteville
Farmers Commission Company, Carthage
Farmers Livestock Exchange, Union City
Farmers Livestock Market, Greeneville
*Feeder Pig Division of Humphreys County Livestock Association, Waverly
*Feeder Pig Division of Lawrence County Livestock Association, Lawrenceburg
*Feeder Pig Div. of Marshall County Livestock Assn., Lewisburg
Gamaliel Livestock Market, Gamaliel
*T. D. Garrett & Sons, College Grove
*Giles County Feeder Pig Sales, Pulaski
Giles County Stockyard, Pulaski
Greeneville Livestock Company, Inc., Greeneville
*Hardin County Livestock Assn., Savannah
Hardin County Stockyards, Savannah
Hartsville Livestock Market, Hartsville
*J. T. Herren dba/J. T. Herren Feeder Pig Market, Baxter
*Hughes Feeder Pig, Guys

Jackson County Commission Company, Gainesboro
*Johns Bros. Feeder Pigs, Chapel Hill
Johnson City Livestock Market, Johnson City
*Jolley Bros., Doyle
Jonesboro Livestock Yard, Inc., Telford
Kingsport Livestock Market, Kingsport
Kingsport Livestock Auction Corp., Kingsport
Lawrence County Stockyards, Lawrenceburg
Lewis County Stockyard, Hohenwald
Lexington Sales Company, Lexington
Logan Livestock Company, Union City
*McMinnville Area Feeder Pig Sale, McMinnville
McNairy County Livestock and Auction Corporation, Selmer
Macon County Livestock Market, Lafayette
Middleton Sales Company, Middleton
Mid-South Livestock Commission Company, Columbia
*Mid-State Producers Feeder Pig Sale, Woodbury
*J. H. Hudson dba/ Montgomery County Feeder Pig Sales, Clarksville
Morristown Stockyards, Inc., Morristown
Murfreesboro Livestock Market Company, Murfreesboro
David Via—Newbern Sales Company, Inc., Newbern
New Tazewell Livestock Market, New Tazewell
*Northwest Tennessee Feeder Pig Assn., Trenton
Oliver Livestock Company, Union City
Paris Livestock Commission Company, Paris
Peoples Livestock Market, Cookeville
Peoples Stockyard, Fayetteville
Plateau Livestock Exchange, Crossville
Pulaski Stockyard, Pulaski
*Robinson, Jimmie & Son, Franklin
Rogersville Livestock Market, Rogersville
Odell Sampson-Sampson & Maxwell Livestock Auction, Lewisburg
Scotts Hill Auction Company, Inc., Scotts Hill
*Sells, Lonnie, Winchester
*Sevier County Livestock Association, Sevierville
Sevier County Livestock Auction, Seymour
Shelbyville Livestock Market, Shelbyville
Smith County Commission Company, Inc., Carthage
*Smith County Feeder Pig Assn., Carthage
Smithville Livestock Market, Smithville
*Smotherman, E. H., Murfreesboro
South Memphis Stock Yards Company, Memphis
Southern Livestock Auction Company, Columbia
Southwestern Sales Company, Inc., Huntingdon
*Taylor Brothers Feeder Pigs, College Grove
Tennessee Livestock Producers, Inc., Fayetteville
Tennessee Livestock Producers, Inc., Thompson Station
Tennessee Livestock Producers, Inc., Woodbury
Thompson Livestock Company, Obion
Trenton Livestock Sales, Trenton
*Tri-County Feeder Pig Sale, Trenton
Tri-County Stockyards, McKenzie
Charles B. Davis and W. B. Lackery dba/Tri-State Livestock Commission Company, Inc., Chattanooga
Trousdale County Livestock Market, Hartsville
Union Livestock Yards, Inc., Knoxville
Unionville Livestock Market, Unionville
*Volunteer Feeder Pig Association, Lexington
*Walker, Dallas Livestock, Rutherford
Warren County Livestock Company, McMinnville
*Weakley County Feeder Pig Sale, Dresden
West Tennessee Auction Company, Martin
White County Livestock Market, Sparta
*D. L. Simpson dba/White County Feeder Pig Assn., Sparta
Wilson County Livestock Market, Lebanon
Wilson Livestock Market, Newport

TEXAS

*Dalhart Auction Company, Dalhart
Farmers Hog Market, Shamrock
*Ft. Worth Stockyards, Fort Worth
*Gainesville Livestock Auction, Gainesville
*J & J Livestock Commission Company, Inc., Texarkana
Muenster Livestock Auction, Muenster
Robinson Livestock, Booker
South Plains Swine Market Association, Lubbock
*Texarkana Stockyards Company, Texarkana
Texas Agricultural Marketing and Development Assn., Amarillo
West Texas Hog Company, Inc., Wellington

UTAH

*Producers Livestock Marketing Association and North Salt Lake Livestock Company, North Salt Lake
Uintah Sales Barn, Inc., Roosevelt
Vernal Livestock Auction, Vernal

VIRGINIA

Abingdon Livestock Market, Inc., Abingdon
Albermarle Livestock Market, Inc., Charlottesville
Amherst County Livestock Market, Inc., Amherst
Bedford Livestock Market, Inc., Bedford
Caret Livestock Collection Point, Caret
Christiansburg Livestock Market, Inc., Christiansburg
Creech Livestock Market, Inc., South Hill
Culpeper Livestock Exchange, Culpeper
Eddins Livestock Market, Standardsville
Emporia Hog Market, Emporia
Esskay Buying Station, Caret
Farmers Livestock Market, Gate City
Farmers Livestock Market, Inc., Tazewell
Farmers Livestock Market, Inc., Ewing
*Farmers Livestock Exchange, Inc., Winchester
*Farmville Livestock Market, Farmville
Fauquier Livestock Exchange, Inc., Marshall
Fredericksburg Stockyard, Inc., Fredericksburg
Front Royal Livestock Market, Front Royal
Galax Livestock Market, Inc., Galax
Halifax Livestock Market, Halifax
Lee Farmers Livestock Market, Inc., Jonesville
Leesburg Livestock Market, Inc., Leesburg
Leonard Harrell Livestock, Chesapeake
Lottsburg Buying Station, Lottsburg
Lynchburg Livestock Market, Lynchburg
Madison Livestock Market, Inc., Madison Mills
McComb and Block, Inc., Lawrenceville Hog Market, Lawrenceville
Monterey Livestock Sales, Inc., Monterey
Narrows Livestock Auction Market, Narrows
*Nokesville Livestock Market, Nokesville
*Orange Livestock Market, Inc., Orange
Pearce's Livestock Market, Holland
Phenix Livestock Market, Phenix
Pulaski County Livestock Market, Dublin
Richmond Union Stockyards, Richmond
Roanoke-Hollins Livestock Market, Hollins
Roanoke Livestock Market, Roanoke
*Rockingham Livestock Sales, Inc., Harrisonburg
J. L. Rose Hog Buying Stations, Courtland
J. L. Rose Hog Buying Stations, Wakefield
Saluda Buying Station, Glennis
Scott County Livestock Market, Gates City
Shen-Valley Buying Station, Dillwyn
Shen-Valley Buying Station, Madison Mills
*Shenandoah Valley Livestock Sales, Inc., Harrisonburg
Smithfield Livestock Market, Inc., Smithfield
Smithfield Packing Company Buying Station, Courtland
*Southampton Livestock Sales, Inc., Courtland
South Boston Livestock Market, South Boston
Southampton Peanut Company Buying Station, Branchville
*South Hill Livestock Market, South Hill
Southside Stockyards, Inc., Blackstone
*Southside Stockyards, Inc., Petersburg
Staunton Livestock Market, Inc., Staunton
*Staunton Union Stockyards, Staunton
*Tappahannock Livestock Market, Inc., Tappahannock
Tazewell Livestock Market, Inc., Tazewell
*Tidewater Livestock Sales Company, Courtland
Tri-State Livestock Market, Abingdon
B. C. Umbargers Assembly Yard, Wytheville
Victoria Livestock Market, South Hill
Virginia-Carolina Livestock and Agriculture Mkt. Inc., Danville
*Walker Bros. Livestock Pavilion, Seven Mile Ford
*Woodstock Livestock Market, Inc., Woodstock
Wytheville Livestock Market, Inc., Wytheville

WASHINGTON

*Auburn Livestock, Inc., Auburn
*Prosser Commission Company, Inc., Prosser
*Stockland Union Stockyards, Spokane
*Sunnyside Livestock Market, Sunnyside
*Walla Walla Livestock & Feedlot, Walla Walla

WEST VIRGINIA

*Alderson Livestock Market, Alderson
*Bluegrass Market, Inc., North Caldwell
*Blue Ridge Livestock Sales, Inc., Charles Town
*Buckhannon Stockyards, Buckhannon
*Elkins Stockyard, Elkins
*Jackson County Livestock Market, Inc., Ripley
Mannington Livestock Sales, Inc., Mannington
*Moundsville Livestock Auction Company, Moundsville
*Ohio County Livestock Auction, Mt. Echo
*Pt. Pleasant Livestock Company, Point Pleasant
South Branch Stockyard, Inc., Moorfield
*Terra Alta Stockyards, Inc., Terra Alta
*United Livestock Sales, Co., Parkersburg

WISCONSIN

*Belmont Livestock Market, Belmont
Al Berning, Cuba City
Darlington N.F.O. Stockyards, Darlington
*Dittner Feeder Pigs, Marshfield
Dubuque Packing Company, Browntown
Dubuque Packing Company, Gratiot
Dubuque Stockyards, Hazel Green
*Don Eilers, Marshfield
Dunwiddie Livestock, Brodhead
Dunwiddie Livestock, Juda
Ellsworth N.F.O. Collection Point, Ellsworth
*Equity Cooperative Livestock, Bonduel
*Equity Co-op Livestock, Johnson Creek
*Equity Co-op Livestock Sales, Assn., Monroe
Grant County Livestock Exchange, Hazel Green
*Grassland Feeder Pig, Neillsville
*Iowa County Livestock Market, Dodgeville
Theodore Lipke, Milton
Ted Lipke, Avalon
Oscar Mayer & Company, Cuba City
Oscar Mayer & Company, Shullsburg
*Midwest Livestock Producers Cooperative, Marion
*Midwest Livestock Producers, Ettrich
*Midwest Livestock Producers, Shullsburg
*Midwest Livestock Producers, Monticello
*Midwest Livestock Producers, Fennimore
*Midwest Livestock Producers, Francis Creek
*Midwest Livestock Producers, Lomira
*Midwest Livestock Producers, Peshtigo
Milwaukee Stockyards, Milwaukee
NFO Collection Point, Independence
*Tim Orr Livestock Market, Waupaca
*Gordon Peterson, Waupaca
*Charles Pufahl Market, Waupaca

*Lawrence Richter & Son, Rice Lake
Rock County Reload Market, Hanover
*Donald Schwebs Market, DeForest
*Haulis E. Simon, New Richmond
Emil Treuthardt, Juda
*Waupaca Feeder Pigs, Scandinovia
*Welsh's Feeder Pig Market, Fennimore
*Wisconsin Feeder Pig Cooperative Livestock Market, Almena
*Wisconsin Feeder Pig Co-op, Boltonville
*Wisconsin Feeder Pig Co-op, Francis Creek
*Wisconsin Feeder Pig Co-op, Galesville
*Wisconsin Feeder Pig Market Co-op, Lancaster
*Wisconsin Feeder Pig Co-op, Waupaca
*Ray Wolosek, Wisconsin Rapids

WYOMING

*Douglas Livestock Exchange Company, Douglas
*Gillette Livestock Exchange, Gillette
*Greybull Livestock Auction, Greybull
Pierce Packing Company Buying Station, Powell
*Powell Auction Market, Powell
*Sheridan Livestock Exchange, Sheridan
*Stockgrowers Livestock Auction, Worland
*Stockman Livestock Auction, Torrington
*Torrington Livestock Commission Company, Torrington
*Stockman's Livestock Auction, Torrington

(Sec. 2, 32 Stat. 792, as amended; secs. 4 and 5, 23 Stat. 32, as amended; sec. 1, 75 Stat. 481; sec. 1, 32 Stat. 971, as amended; secs. 3 and 4, 33 Stat. 1265, as amended; secs. 3 and 11, 76 Stat. 130, 132 (21 U.S.C. 111–113, 114g, 120, 125, 126, 134b, 134f; 37 FR 28464, 28477; 38 FR 119141)).

Effective date. The foregoing notice shall become effective on January 14, 1977.

This action imposes certain restrictions necessary to prevent the spread of hog cholera and relieves certain restrictions presently imposed. It should become effective promptly to accomplish its purpose in the public interest and to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under the administrative procedure provisions of 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this action are impracticable and contrary to the public interest, and good cause is found for making this notice effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 14th day of December 1976.

J. M. HEJL
Deputy Administrator
Veterinary Services

[FR Doc.77–266 Filed 1–3–77;8:45 am]

Food and Nutrition Service

CHILD CARE FOOD PROGRAM

National Average Payment Factors for the Period January 1–June 30, 1977

Pursuant to § 226.4 of the regulations governing the Child Care Food Program (7 CFR Part 226), notice is hereby given that the national average payment factors for meals served to children attending institutions which participate in the Child Care Food Program during the period January 1–June 30, 1977, shall be as follows:

For breakfasts served in the program: (a) 10.75 cents for each breakfast served in the program; (b) an additional 20.00 cents for each breakfast served to children from families whose incomes meet the eligibility criteria for reduced price school meals; and (c) an additional 26.75 cents for each breakfast served to children from families whose incomes meet the eligibility criteria for free school meals.

For lunches and suppers served in the program: (a) 13.25 cents for each lunch and supper served in the program; (b) an additional 50.00 cents for each lunch and supper served to children from families whose incomes meet the eligibility criteria for reduced price school meals; and, (c) an additional 60.00 cents for each lunch and supper served to children from families whose incomes meet the eligibility criteria for free school meals.

For supplements served in the program: (a) 5.50 cents for each supplement served; (b) an additional 11.00 cents for each supplement served to children from families whose incomes meet the eligibility criteria for reduced price school meals; and (c) an additional 16.50 cents for each supplement served to children from families whose incomes meet the eligibility criteria for free school meals.

The total amount of payments to be made to each State agency from the sums appropriated for the program shall be based upon these national average payment factors and the number of meals of each type served.

The above factors for breakfasts are identical to those prescribed for breakfasts served under the School Breakfast Program; the factors prescribed for lunches and suppers are identical to those prescribed for lunches served under the National School Lunch Program. National average payment factors for supplements are unique to the Child Care Food Program. These factors are adjusted semi-annually to reflect changes in the Consumer Price Index series for food away from home.

The above factors represent a 2.814 percent increase in the factors prescribed for the period ending December 31, 1976. This represents the percent of increase during the six month period June–November 1976 (from 184.8 in May 1976 to 190.0 in November 1976) in the series for food away from home of the Consumer Price Index, published by the Bureau of Labor Statistics of the Department of Labor.

Definitions. The terms used in this notice shall have the meanings ascribed to them in the regulations governing the Child Care Food Program (7 CFR Part 226).

(Catalog of Federal Domestic Assistance Program No. 10.558, National Archives Reference Services).

Effective date: This notice shall be effective as of January 1, 1977.

Dated: December 29, 1976.

RICHARD L. FELTNER,
Assistant Secretary.

[FR Doc.77–315 Filed 1–3–77;8:45 am]

NATIONAL SCHOOL LUNCH PROGRAM

National Average Payments for the Period January 1–June 30, 1977

Pursuant to § 210.4 and § 210.11 of the regulations governing the National School Lunch Program (7 CFR Part 210), notice is hereby given of adjustments in the national average factors for payment for lunches and the maximum rates of reimbursement. The national average factors for payment for lunches served during the six-month period January 1–June 30, 1977, to children participating in the National School Lunch Program are as follows: (a) 13.25 cents from general cash-for-food assistance fund for each lunch; (b) an additional 50.00 cents from special cash assistance funds for each reduced price lunch and (c) an additional 60.00 cents from special cash assistance funds for each free lunch.

The total amount of general cash-for-food assistance payments and special cash assistance payments to be made to each State agency from the sums appropriated therefor, shall be based upon such national average factors.

The above factors represent a 2.814 percent increase in the factors prescribed for the period July–December 1976. This represents the percent of increase during the six-month period June–November 1976 (from 184.8 in May 1976 to 190.0 in November 1976) in the series for food away from home of the Consumer Price Index, published by the Bureau of Labor Statistics of the Department of Labor.

For the six-month period January 1–June 30, 1977, (a) the maximum rate of reimbursement from general cash-for-food assistance funds shall be 19.25 cents per lunch served; (b) the maximum per lunch reimbursement (from a combination of general cash-for-food assistance and special cash assistance funds) shall be 88.25 cents for a free lunch and 78.25 cents for a reduced price lunch.

Definitions. The terms used in this notice shall have the meanings ascribed to them in the regulations governing the National School Lunch Program (7 CFR Part 210) and the regulations for Determining Eligibility for Free and Reduced Price Meals and Free Milk in Schools (7 CFR Part 245).

(Catalog of Federal Domestic Assistance Program No. 10.555, National Archives Reference Services).

Effective date: This notice shall be effective as of January 1, 1977.

Dated: December 29, 1976.

RICHARD L. FELTNER,
Assistant Secretary.

[FR Doc.77–317 Filed 1–3–77;8:45 am]

SCHOOL BREAKFAST PROGRAM

National Average Payments for the Period January 1–June 30, 1977

Pursuant to § 220.4 and § 220.9 of the regulations governing the School Breakfast Program (7 CFR Part 220), notice is hereby given that the national average breakfast factors for breakfasts served during the six-month period January 1–June 30, 1977, to children participating in the School Breakfast Program shall be: (a) 10.75 cents for all breakfasts; (b) an additional 20.00 cents for each reduced price breakfast; and (c) an additional 26.75 cents for each free breakfast. The total amount of breakfast assistanace payments to be made to each State agency from the sums appropriated therefor, shall be based upon such national average factors: *Provided, however,* That additional payments shall be made in such amounts as are needed to finance reimbursement rates assigned for especially needy schools under § 220.9.

The above factors represent a 2.814 percent increase in the factors prescribed for the period July 1–December 31, 1976. This represents the percent of increase during the six-month period June 1976–November 1976 (from 184.8 in May 1976 to 190.0 in November 1976) in the series for food away from home of the Consumer Price Index, published by the Bureau of Labor Statistics of the Department of Labor.

For nonespecially needy schools, the maximum rates of reimbursement for paid breakfasts, for reduced price breakfasts and for free breakfasts shall be equal to the respective factors set out above.

For especially needy schools, the maximum rate of reimbursement for paid breakfasts shall be equal to the national average factor for all breakfasts: the maximum rate of reimbursement for reduced price and free breakfasts shall be 40 cents and 45 cents, respectively.

Definitions. The terms used in this notice shall have the meanings ascribed to them in the regulations governing the School Breakfast Program (7 CFR Part 220) and the regulations for Determining Eligibility for Free and Reduced Price Meals and Free Milk in Schools (7 CFR Part 245).

(Catalog of Federal Domestic Assistance Program No. 10.553, National Archives Reference Services).

Effective date: This notice shall be effective as of January 1, 1977.

Dated: December 29, 1976.

RICHARD L. FELTNER,
Assistant Secretary.

[FR Doc.77-316 Filed 1-3-77;8:45 am]

Rural Electrification Administration

CORN BELT POWER COOPERATIVE AND NORTHWEST IOWA POWER COOPERATIVE

Proposed Loan Guarantees

Under the authority of Pub. L. 93-32 (87 Stat. 65) and in conformance with applicable agency policies and procedures as set forth in REA Bulletin 20-22 (Guarantee of Loans for Bulk Power Supply Facilities), notice is hereby given that the Administrator of REA will consider providing guarantees supported by the full faith and credit of the United States of America for loans in the approximate amount of $51,143,000 to Northwest Iowa Power Cooperative (NIPCO) of Le Mars, Iowa, an approximately $17,048,000 to Corn Belt Power Cooperative (Corn Belt) of Humboldt, Iowa, for undivided interest shares of the proposed Neal No. 4 Project. These loan funds will be use to finance a NIPCO share of 14.583 percent (84 MW) and Corn Belt's 4.861 percent share (28 MW) of the Neal No. 4 Project, which consists of a coal fired generating station having a net capability of approximately 576 MW, and various related 345 kV transmission facilities. Iowa Public Service Company will construct and operate the Neal No. 4 Project.

Legally organized lending agencies capable of making, holding, and servicing the loans proposed to be guarateed may obtain information on the proposed project, including the engineering and economic feasibility studies and the proposed schedule for the advances to the borrowers of the guaranteed loan funds from Mr. George Toyne, Manager, Corn Belt Power Cooperative, 1300 13th Street, North, Humboldt, Iowa 50548, or from Mr. Carl Paulson, Manager, Northwest Iowa Power Cooperative, P.O. Box 240, Le Mars, Iowa 51031.

In order to be considered, separate loan proposals should be developed for NIPCO's proposed share and for Corn Belt's proposed share of the Neal No. 4 Project and submitted on or before February 3, 1977. Proposals for NIPCO's share should be submitted to Mr. Paulson, and proposals for Corn Belt's share should be submitted to Mr. Toyne. The right is reserved to give such consideration and make such evaluation or other disposition of all proposals received, as Northwest Iowa Power Cooperative, Corn Belt Power Cooperative, and the Rural Electrification Administration deem appropriate. Prospective lenders are advised that guaranteed financing for this project is available from the Federal Financing Bank under a standing agreement with the Rural Electrification Administration.

Copies of REA Bulletin 20-22 are available from the Director, Information Services Division, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250.

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

RICHARD F. RICHTER,
Acting Administrator,
Rural Electrification Administration.

[FR Doc.77-102 Filed 1-3-77;8:45 am]

COOPERATIVE POWER ASSN. AND UNITED POWER ASSN.

Supplement to the Final Environmental Impact Statement

Notice is hereby given that the Rural Electrification Administration has prepared a Supplement to the Final Environmental Impact Statement (FEIS) relating to the installation of two 450 MW steam generating units near Underwood, North Dakota, and associated ± 400 kV dc transmission lines, and other related transmission facilities. These facilities are to be installed by Cooperative Power Association of Minneapolis, Minnesota, and United Power Association of Elk River, Minnesota. The Supplement to the Final Environmental Impact Statement discusses certain modifications to the dc transmission line routing as originally proposed in the FEIS. These modifications were prescribed by the Minnesota Environmental Quality Council.

This information supplements the material presented in the Final Environmental Impact Statement which was made available to the Council on Environmental Quality and the public on August 6, 1974.

Additional information may be secured by submitting a request to Mr. Richard F. Richter, Assistant Administrator-Electric, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250. The Supplement to the Final Environmental Impact Statement may be examined during regular business hours at the offices of REA in the South Agriculture Building, 12th Street and Independence Avenue, S.W., Washington, D.C., Room 4310, or at the borrowers' address indicated above.

Final REA action with respect to this matter (including any release of construction funds for the transmission line) may be taken after thirty (30) days, and after procedural requirements set forth in the National Environmental Policy Act of 1969 have been met.

Dated at Washington, D.C., this 27th day of December, 1976.

RICHARD F. RICHTER,
Acting Administrator, Rural Electrification Administration.

NOTE.—Electric Power Facility Modifications-Rural Electrification Administration Supplement to Final Environmental Impact Statement concerning modifications in transmission line routing in Minnesota. REA action may be taken thirty (30) days after this notice.

[FR Doc.77-269 Filed 1-3-77; 8:45 am]

CIVIL AERONAUTICS BOARD

[Order 76-12-151; Docket Nos. 22859, 26838]

BRANIFF AIRWAYS, INC. AND SOUTHERN AIRWAYS, INC.

Domestic Air and Priority Reserved Air Freight Rates Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 29th day of December, 1976.

By tariff revisions [1] issued December 1 and 3, 1976, and marked to become effective January 1 and 2, 1977, Braniff Airways, Inc. (Braniff) and Southern Airways, Inc. (Southern) respectively propose, inter alia, to increase numerous

[1] Revisions to Airline Tariff Publishing Company, Agent, Tariff C.A.B. No. 169.

general and specific commodity air freight and air express rates. Braniff proposes to increase rates between Honolulu/Hilo and the Mainland by from 9 to 20 percent, but typically by 15 percent. Southern proposes to increase, systemwide, its rates by 6 percent, except for its minimum charges, which are to be increased by 7 percent, or $1.00 per shipment, to a level of $14.00. Braniff anticipates a net annual revenue increase of $152,000 and Southern, $283,000.

In support of the proposal, Braniff asserts, inter alia, that it has not increased the minimum charge per shipment in these markets since March 1975, and other rates since April 1973; that the proposed rates do not exceed currently effective rates for competing carriers; and that the rates are cost-justified in view of the significant cost increases since its rates were last increased. The carrier further claims that, without the increase, its return on investment for Hawaiian freight operations would only be 1 percent, and only 10.8 percent with the increase.

Southern claims that the proposed rates meet rates proposed for December 27, 1976, effectiveness by Delta Air Lines, Inc. (Delta); that its losses on freight for the 12 months ended June 30, 1976, were $591,000; and that, even had the proposed rates been in effect during that period, it would have suffered freight losses of $192,000.

All the proposed rates come within the scope of either the Domestic Air Freight Rate Investigation (DAFRI), Docket 22859, or the Priority Reserved Air Freight Rates Investigation (PRAFRI), Docket 26838, and their lawfulness will be determined in those proceedings. The issue now before the Board is whether to suspend the proposals or to permit them to become effective pending decision.

The Board has reviewed the increases in the light of industry-average costs[2] and finds that Braniff's proposed under-100 pound regular service rates and Southern's regular service minimum charge of $14.00 per shipment (to the extent that it would apply to markets of 497 miles or less) significantly exceed such costs.

In view of the foregoing and all other relevant factors, the Board concludes that the above rates and charges should be suspended pending DAFRI. The Board further concludes that the corresponding express rates should be suspended pending PRAFRI inasmuch as they would exceed 130 percent of the regular service rates and charges. The remainder of the proposals do not appear excessive and will be permitted to become effective.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly Sections 204(a), 403, 404, and 1002 thereof, *It is ordered*, That: 1. Pending hearing and decision by the Board, the increased rates, charges and provisions described in Appendix A hereto are suspended and their use deferred to and including March 31, 1977, unless otherwise ordered by the Board, and that no change be made therein during the period of suspension, except by order or special permission of the Board; and

2. Copies of this order shall be filed with the tariff and served upon Braniff Airways, Inc., and Southern Airways, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-274 Filed 1-3-77;8:45 am]

[Docket Nos. 29914, 30188, 30189, 30277; Order 76-12-149]

MIDWAY AIRLINES, INC. AND MIDWAY (SOUTHWEST) AIRWAY CO.

Chicago Midway Low-Fare Route Proceeding

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 28th day of December 1976.

On October 13, 1976, Midway Airlines, Inc. filed an application for a certificate of public convenience and necessity to operate nonstop air service between Midway Airport in Chicago and the cities of Cleveland, Detroit, Kansas City, Minneapolis, Pittsburgh and St. Louis. The application was accompanied by a motion for expedited hearing stating, *inter alia*, that the applicant proposes to provide a two-tier pricing policy with substantially lower fares than currently offered in these Chicago markets. Two similar applications predicated upon the same pricing considerations were filed on December 10 by Midway (Southwest) Airway Co., which is a subsidiary of Southwest Airlines Co., an intrastate airline operating exclusively in Texas. The application in Docket 30189 proposes service with B-737-200 aircraft between Chicago Midway Airport and fourteen other points[1] while the application in Docket 30188 requests authority between Chicago Midway and Las Vegas, utilizing the A300 Airbus or similar equipment.

Answers in support of the motion of Midway Airlines for expedited hearing were filed by the City of Chicago, the Council on Wage and Price Stability, the United States Department of Justice, and the United States Department of Transportation (DOT).[3] Answers in opposition were filed by Allegheny Airlines, American Airlines, North Central Airlines, Northwest Airlines, Ozark Air Lines, and Trans World Airlines.

Upon consideration of the pleadings and all the relevant facts, we have decided to set Midway Airlines' application for hearing and to consolidate therewith the application of Midway (Southwest) Airway in Docket 30189 to the extent that the scope of the proceeding is determined by the order of investigation discussed below.[4] On their face, these applications are unique and could have far-reaching consequences for both the domestic air transportation system and the problem of service at Chicago Midway Airport. Moreover, our determination to set this matter for hearing is fully consistent with the priority of hearing standards embodied in the Board's Policy Statement, 14 CFR sec. 399.60. However, we shall not establish the final scope of the case until the pleadings filed in response to this order have been received and analyzed. Because of the uniqueness, complexity, and ramifications of these applications, we will issue a second order of investigation[4] which will define the precise scope of the proceeding and designate the route and rate issues to be resolved, including the relationship of the applicants' fare proposals to the requirements of the *Domestic Passenger Fare Investigation*.[5]

In order to expedite the case and to eliminate any unnecessary procedural steps, all other applications, motions to consolidate and comments in response to this order must be filed within 30 days of the date of service of this order. Answers to motions filed pursuant to this directive will be due 14 days thereafter.[6] Environmental evaluations pursuant to Part 312 of the Board's Procedural Regulations shall be filed by Midway Airlines, Midway (Southwest) Airway and any other applicant in the proceeding within 90 days of the date of service of this order.

Accordingly, it is ordered That:

1. A proceeding to be known as the *Chicago Midway Low-Fare Route Proceeding*, Docket 30277, be and it hereby is instituted and set for hearing before an administrative law judge of the Board at a time and place to be designated hereafter;

2. The applications of Midway Airlines, Inc. in Docket 29914 and Midway (Southwest) Airway Co. in Docket 30189

[2] Industry-average costs as developed by the administrative law judge in DAFRI, and revised to reflect cost increases for the 12 months ended June 30, 1976. (See Orders 76-12-66, 76-10-71, and 76-10-70.)

[1] *I.e.*, Buffalo, Detroit, Cincinnati, Cleveland, Columbus, Dayton, Pittsburgh, Louisville, Memphis, Kansas City, St. Louis, Des Moines, Omaha and Minneapolis/St. Paul.

[3] DOT's answer was accompanied by a motion for leave to file late. The motion will be granted.

[3] In our view, the application in Docket 30188 for Midway-Las Vegas authority is fundamentally different from the applications in Dockets 29914 and 30189 and should not be consolidated. The application will not, however, be dismissed but will be retained for separate consideration at a later date.

[4] Normally, staff components of the Board become parties to proceedings at the time of the instituting order. Because of the need in this case for further expert analysis of the facts and legal issues, no staff component will become a party until the second order has been issued.

[5] A staff evidence request will be appended to the order and the parties will be directed to submit comments thereon prior to the prehearing conference. All parties will be free to seek modification or expansion of the evidence request.

[6] Answers to the motion of Continental Air Lines, filed November 9, 1976, to consolidate its application in Docket 30030 may be filed at this time.

be and they hereby are consolidated into the proceeding instituted by paragraph 1 to the extent determined by the Board in a subsequent order;

3. Applications, motions to consolidate and comments in response to this order shall be filed 30 days after the date of service of this order;

4. Answers in response to pleadings filed pursuant to paragraph 3 shall be filed 14 days thereafter;

5. Midway Airlines, Inc., Midway (Southwest) Airway Co. and any other applicant for authority in this proceeding shall file an environmental evaluation within 90 days of the date of service of this order;

6. The motion of the United States Department of Transportation for leave to file a late answer be and it hereby is granted; and

7. A copy of this order shall be served upon all parties in Docket 29914.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-275 Filed 1-3-77;8:45 am]

CIVIL SERVICE COMMISSION

COMMITTEE ON PRIVATE VOLUNTARY AGENCY ELIGIBILITY

Meeting

Pursuant to the provisions of section 10 of Public Law 92-463, notice is hereby given that the Committee on Private Voluntary Agency Eligibility will hold a meeting on January 17, 1977. The meeting will be held in Room 7B09, Civil Service Commission Building, 1900 E Street, N.W., Washington, D.C., at 9:30 a.m.

The Committee's primary responsibility is to make recommendations to the Chairman of the Civil Service Commission regarding eligibility of national voluntary agencies to participate in the Federal fund-raising program. At this meeting the Committee will review applications for fund-raising privileges which have been submitted by voluntary organizations to the Commission in compliance with the Federal Fund-Raising Manual.

The meeting will be open to the public. Any interested person may file a written statement with the Committee in advance of or at the meeting. Additional information concerning this meeting may be obtained by contacting the Office of the Assistant to the Chairman, U.S. Civil Service Commission, 1900 E Street, N.W., Washington, D.C. 20415, telephone 202-632-5564 (Mrs. Davis).

GEORGE J. MCQUOID,
Assistant to the Chairman.

DECEMBER 22, 1976.

NOTE: This document was originally published on December 29, 1976 at 41 FR 56685.

[FR Doc.76-38128 Filed 12-28-76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Health, Education, and Welfare to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Secretary for Legislation (Education), Office of the Secretary.

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

[FR Doc.77-134 Filed 1-3-77;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Health, Education, and Welfare to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Secretary for Public Affairs, Office of the Secretary.

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

[FR Doc.77-135 Filed 1-3-77;8:45 am]

DEPARTMENT OF COMMERCE

Maritime Administration

PACIFIC FAR EAST LINE, INC.

Notice of Intent Regarding Reconstruction of LASH Type Vessels, MA Design C8-S-81e, to Eliminate All Barge Handling Features and Convert To Full Containerships

Notice is hereby given of the intent of the Maritime Subsidy Board, pursuant to the provisions of section 502(b) of the Merchant Marine Act, 1936, as amended, to compute the estimated foreign cost for the reconstruction of four LASH type vessels, MA Design C8-S-81e, for Pacific Far East Line, Inc., to eliminate all barge-handling features and convert to full containerships.

Any person, firm or corporation having any interest (within the meaning of section 502(b)) in such computations may file written statements by the close of business on January 19, 1977, with the Secretary, Maritime Subsidy Board, Maritime Administration, Room 3099B, Department of Commerce Building, 14th & E Streets, N.W., Washington, D.C. 20230.

Dated: December 29, 1976.

By Order of the Maritime Subsidy Board, Maritime Administration.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.77-219 Filed 1-3-77;8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

PAKISTAN

Establishing Levels for Certain Cotton Textile Products

DECEMBER 30, 1976.

On May 6, 1975, in furtherance of the objectives of, and under the terms of, the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, the Governments of the United States and Pakistan concluded a comprehensive bilateral cotton textile agreement concerning exports of cotton textiles and cotton textile products from Pakistan to the United States over a three-and one-half year period beginning on July 1, 1974 and extending through December 31, 1977.

Among the provisions of the agreement are those establishing specific limitations on Categories 39 through 63, as a group, and on individual Categories 9/10, 18/19 and part of 26 (printcloth), 22/23, parts of 26 (barkcloth and duck), and 31 (other than shop towels), for the agreement year beginning on January 1, 1977.

Accordingly, there is published below a letter of December 30, 1976 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs directing that for the twelve-month period beginning on January 1, 1977 and extending through December 31, 1977 entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in categories 39 through 63, as a group, and on individual Categories 9/10, 18/19 and part of 26 (printcloth), 22/23, parts of 26 (barkcloth and duck), and 31 (other than shop towels), be limited to the designated levels. The levels set forth below for Categories 9/10, 18/19 and part of 26 (printcloth), 26 (duck), and 31 (other than shop towels) have been reduced to account for previous overshipments in these categories, as agreed between the Governments of the United States and Pakistan. The level of restraint for Category 31 (other than shop towels) has also been reduced by 797,364 units to account for carryforward used during the agreement year which began on January 1, 1976.

The letter published below and the actions taken pursuant thereto are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

ARTHUR GAREL,
Acting Chairman, Committee for the Implementation of Textile Agreements, U.S. Department of Commerce.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

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

DECEMBER 30, 1976.

DEAR MR. COMMISSIONER: According to the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, pursuant to the Bilateral Cotton Textile Agreement of May 6, 1975 between the Governments of the United States and Pakistan, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, you are directed to prohibit, effective on January 1, 1977 and for the twelve-month period extending through December 31, 1977, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Categories 39 through 63, as a group, and on individual categories 9/10, 18/19 and part of 26 (printcloth), 22/23, parts of 26 (barkcloth and duck), and 31 (other than shop towels), produced or manufactured in Pakistan, in excess of the following levels of restraint:

Category	*Twelve-Month Level of Restraint*
39–63	12,605,754 square yards equivalent
9/10	51,515,581 square yards
18/19/26 (printcloth)[1]	22,234,117 square yards
22/23	6,086,160 square yards
26 (barkcloth)[2]	9,129,240 square yards
26 (duck)[3]	12,873,614 square yards
31 (other than shop towels)[4]	11,634,938 numbers

[1] In Category 26 the T.S.U.S.A. Numbers for printcloth are:

320.—34	326.—34		
321.—34	327.—34		
322.—34	328.—34		

[2] In Category 26 the T.S.U.S.A. Numbers for barkcloth are:

320.—88	326.—88	320.—92	326.—92
321.—88	327.—88	321.—92	327.—92
322.—88	328.—88	322.—92	328.—92
323.—88	329.—88	323.—92	329.—92
324.—88	330.—88	324.—92	330.—92
325.—88	331.—88	325.—92	331.—92

[3] In Category 26 the T.S.U.S.A. Numbers for duck fabric are:

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

[4] All T.S.U.S.A. Numbers in Category 31 except T.S.U.S.A. Number 366.2740.

In carrying out this directive, entries of cotton textile products in the foregoing categories, except Categories 39 through 63, as a group, produced or manufactured in Pakistan, which have been exported to the United States from Pakistan prior to January 1, 1977, shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods for the twelve-month period beginning on January 1, 1976 and extending through December 31, 1976. In the event the levels of restraint established for that period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this letter. Entries of cotton textile products in Categories 39 through 63, as a group, which have been exported to the United States prior to January 1, 1977, shall not be subject to this directive.

Cotton textile products in Categories 39 through 63, as a group, which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) before the effective date of this directive shall not be denied entry under this directive.

The levels of restraint set forth above are subject to adjustment according to the provisions of the bilateral agreement of May 6, 1975 between the Governments of the United States and Pakistan which provide, in part, that: (1) within the aggregate and group limits of the agreement, specific levels of restraint may be exceeded by designated percentages; (2) these same levels may be increased for carryover and carryforward up to 11 percent of the applicable category limit; and (3) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement. Any appropriate adjustments under the provisions of the bilateral agreement referred to above will be made to you by letter.

A detailed description of the categories in terms of T.S.U.S.A. Numbers and factors for converting category units into equivalent square yards was published in the FEDERAL REGISTER on February 3, 1975 (40 FR 5010), as amended on December 30, 1975 (40 FR 60220).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Pakistan and with respect to imports of cotton textiles and cotton textile products from Pakistan have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

ARTHUR GAREL,
Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc.77-300 Filed 1-3-77;8:45 am]

CONSUMER PRODUCT SAFETY COMMISSION

[CP 76-4]

FIVE GALLON GLASS BOTTLES

Notice of Denial

The purpose of this notice is to announce the denial of a petition from Gordon S. Churchill who requested the Consumer Product Safety Commission to commence a proceeding for the issuance of a consumer product safety rule for five gallon glass bottles for use in dispensing drinking water.

Section 10 of the Consumer Product Safety Act (15 U.S.C. 2059) provides that any interested person may petition the Consumer Product Safety Commission to commence a proceeding for the issuance of a consumer product safety rule. Section 10 also provides that if the Commission denies a petition, it shall publish in the FEDERAL REGISTER the reasons for such denial.

By petition dated September 29, 1975, Gordon S. Churchill, an attorney from San Diego, California, petitioned the Commission to develop a consumer product safety rule to regulate five gallon glass bottles used for dispensing drinking water. The petitioner contends that these bottles frequently shatter without explanation, and that the resultant shards of glass cause serious injury. Therefore, he recommends producing such bottles using tempered glass or coating bottles with plastic, or producing non-glass bottles.

In evaluating the petition, the Commission considered injury data available through November, 1975. These include 8 in-depth investigation reports and 4 incidents reported to the Commission's Injury Surveillance Division. These reports indicate patterns of injury due to breakage of a bottle dropped while being carried or tipped over while in place or being placed in the dispensing unit. Two of the reported injuries may have occurred from shattering while the bottle was being carried. On the basis that 5-gallon bottles for dispensing drinking water are used in business and industrial establishments as well as in residences, the Commission has contacted the Occupational Safety and Health Administration (OSHA) to learn if that agency has reports of incidents with these bottles that would suggest a serious problem. OSHA is not aware of any incidents involving workers and these bottles.

In reviewing the remedies suggested by the petitioner, the Commission has learned that it has not yet become technologically practicable to apply the tempering process to bottles as a means of preventing shattering. Plastic coating may not be suitable for reusable 5-gallon glass bottles because of possible damage to the coating from the wash solution or as a result of handling. In reviewing the data on all plastic containers, the Commission found increasing availabil-

ity and use of 5-gallon plastic containers for dispensing water. These are fairly new to the market and as their use increases, there may be even fewer incidents associated with the breaking of 5-gallon glass containers.

The Commission has carefully considered the petitioner's recommendations, the injury data, and container technology. From the information available, the Commission is not able to determine that an unreasonable risk of injury is associated with 5-gallon glass bottles for dispensing drinking water. Accordingly, the petition of Mr. Churchill is denied.

A copy of the petition and related materials may be seen during working hours, Monday through Friday, in the Office of the Secretary, Consumer Product Safety Commission, 1111 18th Street NW., Washington, D.C. 20207.

Dated: December 29, 1976.

SHELDON D. BUTTS,
Acting Secretary, Consumer Product Safety Commission.

[FR Doc.77-262 Filed 1-3-77;8:45 am]

[CP 75-21 and CP 76-13]

GLASS CONTAINERS FOR BEVERAGES; BOTTLE CAPS

Denial of Two Petitions

I. INTRODUCTION

The purpose of this notice is to announce the denial of two separate petitions requesting the Consumer Product Safety Commission to take regulatory action. The first petition is from Thomas G. Packard who requested the commencement of a proceeding for the issuance of a consumer product safety rule on the design, construction, and functional impact behavior of glass containers for malt beverages, carbonated soft drinks, and alcoholic beverages. The second petition is from Judith A. Hecht who requested the issuance of consumer product safety rules on carbonated soft-drink glass bottles and their caps. She believes there are unreasonable risks of injury associated with glass shattering upon impact when soft drink bottles are dropped and unreasonable risks of injury associated with the difficulty of removing twist-off bottle caps. In addition, Ms. Hecht requested that carbonated soft-drink bottles be made to withstand a fall from a height of five feet without glass spattering, that all twist-off caps be banned, and that carbonated soft-drink bottle caps with sharp edges be prohibited.

Section 10 of the Consumer Product Safety Act (15 U.S.C. 2059) provides that any interested person may petition the Consumer Product Safety Commission to commence a proceeding for the issuance of a consumer product safety rule. Section 10 also provides that if the Commission denies a petition, it shall publish in the FEDERAL REGISTER the reasons for such denial.

The Commission staff decided to consider both petitions simultaneously because each petition deals in part with a similar hazard.

II. PETITIONS

On April 15, 1975, the Commission received the petition (CP 75-21) from Thomas G. Packard. In his petition, Mr. Packard stated that glass beverage bottles present an unreasonable risk of injury due to their inadequate resistance to impact. He also outlined a design specification for beverage containers made of glass.

On May 20, 1976, the Commission received the petition (CP 76-13) from Judith A. Hecht. In her petition, Ms. Hecht stated her belief that a consumer product safety rule for carbonated soft-drink bottles is needed regarding glass spattering on impact of the bottle and recommended that all carbonated soft-drink containers be able to withstand falls from heights of five feet without glass spattering. In addition, Ms. Hecht recommended that twist-off caps be banned and that no soft-drink bottle caps be permitted that have sharp edges. The petitioner proposed as substitutes the screw-off or pry-off caps with round, smooth edges.

In reviewing the two petitions, the Commission staff separated them into requests for consumer product safety rules on glass containers for alcoholic beverages, glass containers for malt beverages, and glass containers for carbonated soft drinks in addition to the request for banning twist-off caps and other carbonated soft-drink bottle caps with sharp edges.

Commission staff reviewed National Electronic Injury Surveillance System (NEISS) data on injuries and in-depth investigations of injuries associated with beverage containers and bottle caps. Commission staff also considered the design for beverage containers made of glass that was outlined in the rules suggested by each of the petitioners, the technical feasibility of implementing the suggested rules, the potential economic and environmental impact of the suggested rules, and the activities related to developing a proposed voluntary product standard.

III. DISCUSSION AND DECISION

A. GLASS CONTAINERS FOR MALT BEVERAGES

The Commission determined in a prior proceeding that malt beverage bottles made of glass do not present an unreasonable risk of injury. The Commission announced its decision in the FEDERAL REGISTER of July 31, 1975 (40 FR 32157).

The Commission's decision resulted from a petition from the Adolph Coors Company of Golden, Colorado, requesting the Commission to initiate a proceeding under section 7 of the Consumer Product Safety Act (15 U.S.C. 2056) to develop a consumer product safety standard applicable to risks of injury associated with glass containers for malt beverages.

From Commission staff estimates of injuries which were treated in hospital emergency rooms during 1975, the Commission finds that the estimated number of injuries associated with malt beverage bottles is ten percent of the estimated total number of injuries associated with all types of glass containers. Eight in-depth investigation reports of accidents associated with malt beverage bottles reveal that one injury occurred when a beer bottle fell out of a refrigerator and allegedly exploded on impact with the floor and that one injury occurred when a bottle broke at its neck while being opened as a result of what was described as a small explosion. The other six injuries occurred when the victims stepped on previously broken beer bottles or when such bottles were used as weapons.

The Commission concludes, upon reviewing this most recent data, that the information is not sufficient to change its prior determination that an unreasonable risk of injury does not appear to be associated with malt beverage bottles. Accordingly, this aspect of petition CP 75-21 has been denied.

B. GLASS CONTAINERS FOR ALCOHOLIC BEVERAGES

In the course of the Commission's earlier investigation of malt beverage bottles and the Commission's continuing investigation of the possible hazards presented by carbonated beverage bottles, it has encountered no information that would cause it to conclude that bottles for alcoholic beverages pose unusual risk to consumers.

The Commission has information concording to the in-depth investigation reports of accidents associated with glass containers for alcoholic beverages. According to the in-depth investigation reports, none of the five accidents occurred from the bottle falling to the floor or impacting some other surface. The Commission concludes that at this time and unreasonable risk of injury does not appear to be associated with glass containers for alcoholic beverages. Therefore, this aspect of petition CP 75-21 has been denied.

C. GLASS CONTAINERS FOR CARBONATED BEVERAGES

From an analysis that was prepared by the Commission staff, the Commission estimates that 33,000 people were treated in hospital emergency rooms during 1975 for injuries associated with carbonated beverage containers. The hazard analysis dated April 1975 and a preliminary analysis of a special telephone survey of glass beverage-bottle injuries reported through the Commission's National Electronic Injury Surveillance System (NEISS) between June 4 and August 12, 1975 indicate that about one half of the reported injuries are associated with carbonated beverage bottles that are dropped. When the results of the telephone survey have been evaluated by the Commission staff and an engineering analysis made of the hazard data obtained from the survey, this information may enable the Commission to evaluate the relative risk of each hazard pattern, to identify promising solutions, to evaluate the likelihood of success of voluntary activity, and to make a preliminary determination of the risks of injury and the

need for a mandatory product safety rule. Continuation of these efforts is part of the Commission's current operating plan.

A proposed voluntary product standard TS 214c is being developed under the procedures for the development of voluntary standards by the National Bureau of Standards (NBS), U.S. Department of Commerce. The proposed voluntary product standard contains performance requirements for temper, thermal shock resistance, internal pressure strength, impact resistance, and abrasion resistance. Additional requirements include minimum wall thickness, dimensional tolerances, and visual inspection requirements. The proposed standard would apply only to conventional glass bottles for carbonated soft drinks as manufactured, not to non-conventional type bottles now in use, such as for example, plastic encapsulated glass bottles or all plastic bottles. It also does not deal with those hazards that may be created after the bottles have been received by the bottler or those hazards that may be created in a returnable bottle between fillings, although a voluntary standard proceeding to do that has been requested of NBC by the National Soft Drink Association (NSDA). Commission staff is monitoring these activities.

Section 7(a) of the Consumer Product Safety Act (15 U.S.C. 2056(a)) provides that the requirements of a standard shall, whenever feasible, be expressed in terms of performance requirements. The Commission finds that Mr. Packard (CP 75–21) suggested a design specification for reducing the risk of injury associated with glass containers.

The Commission believes it is possible that Mr. Packard's design, if adopted, could lead to an increased hazard because of the possibility of increased stresses along the grooves of the design.

Ms. Hecht's suggestion in CP 76–13 that a standard for carbonated beverage bottles include a drop test may be a useful one. However, on the basis of the Commission's extensive and continuing investigation of the possible hazards presented by carbonated beverage bottles and of various engineering approaches intended to reduce or eliminate them, the Commission is unable to conclude at this time that a mandatory standard, as suggested, is needed.

Therefore, these aspects of petition CP 75–21 and 76–13 have been denied. However as indicated, the Commission staff is continuing to work on the matter.

B. TWIST-OFF AND OTHER BOTTLE CAPS WITH SHARP EDGES

The Commission has information concerning six accidents associated with twist-off caps from carbonated beverage bottles and one injury associated with a crown-type cap. From an analysis of the injuries by the Commission staff, the Commission cannot determine that twist-off caps are more hazardous than other types of closures. Regarding the suggested replacement of twist-off caps with screw caps as found on fruit juices or pry-off caps with round, smooth edges, the Commission is not aware of any data to show that the suggested alternatives are suitable for use with pressurized containers.

The Commission concludes that there is insufficient available information for determining at this time whether an unreasonable risk of injury is associated with the difficulty of opening twist-off caps for carbonated beverage bottles. Therefore, this aspect of petition CP 76–13 has been denied.

IV. CONCLUSIONS

After considering each of the two petitions and the information developed by the Commission staff in this matter, the Commission concludes that an unreasonable risk of injury associated with the impact behavior of glass containers for malt beverages and alcoholic beverages does not appear to exist at this time. In addition, the Commission believes it is premature to conclude that a mandatory safety standard for glass containers for carbonated beverages is necessary. The Commission has insufficient evidence to conclude that an unreasonable risk of injury is associated with the opening of twist-off caps and the sharpness of other carbonated beverage-bottle caps. Therefore, both petitions CP 75–21 and 76–13 have been denied.

A copy of each petition and the information developed by the Commission staff in this matter may be seen during working hours, Monday through Friday, in the Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207.

Accordingly, pursuant to section 10(d) of the Consumer Product Safety Act (Pub. L. 92–573, 86 Stat. 1217; 15 U.S.C. 2059(d)), notice is hereby given of the Commission's denial of the petitions.

Dated: December 29, 1976.

SHELDON BUTTS,
Acting Secretary,
Consumer Product Safety Commission.

[FR Doc.77-263 Filed 1-3-77;8:45 am]

[CP 76–17]

PIERCED EARRING SUPPORT WIRES

Denial of Petition

In this notice the Consumer Product Safety Commission denies a petition requesting the establishment of safety standards for pierced earring support wires.

Section 10 of the Consumer Product Safety Act (CPSA) (15 U.S.C. 2059) provides that any interested person may petition the Consumer Product Safety Commission to commence a proceeding for the issuance of a consumer product safety rule. Section 10 also provides that if the Commission denies such a petition, it shall publish its reasons for denial in the FEDERAL REGISTER.

On August 30, 1976, Donald Montague petitioned the Commission to commence a proceeding to issue a consumer product safety rule setting performance standards for pierced earring support wires, or in the alternative, establishing a regulation for cautionary labeling of pierced earring support wires.

The petition asserts that pierced earring ornaments suffer from an unsafe design in that the pierced earring support wire does not disengage from the earlobe when tension is applied; and the earring ornament does not disengage the earring support wire when tension is applied. The petition alleges that if currently manufactured pierced earring ornaments are pulled, caught, or yanked, they can cause injury to the ear. The petition describes several possible accident scenarios such as dangling earrings being caught in bedclothes, snagged while removing a sweater, or pulled during affectionate roughhousing. The petitioner alleged knowledge of five instances of ear injury caused by pierced earrings but this data was not submitted with the petition.

After careful consideration, the Commission has determined to deny this petition because presently available information does not support a preliminary determination that pierced earring support wires present an unreasonable risk of injury.

In assessing the question of unreasonable risk of injury or injury potential, the Commission weighs the degree, nature and frequency of injury associated with the consumer product against the potential effect of the rule on the cost, utility and availability of the product. The Commission also considers the relative priority of the risk of injury associated with the product and the Commission's resources available for rulemaking activities with respect to that risk of injury. (Procedures for Petitioning for Rulemaking under Section 10 of the CPSA, 16 CFR 1110.11(b).) The CPSC policy on establishing priorities for Commission action, 16 CFR 1009.8, sets forth the criteria upon which Commission priorities are based.

The injury data obtained by the Commission through the National Electronic Injury Surveillance System (NEISS) does not have the specificity needed to identify or quantify the hazards associated exclusively with pierced earrings. The data indicates, however, that those types of injuries that could be associated with both pierced and regular earrings (e.g., contusions/abrasions, hematoma and lacerations) apply only to about ¼ (1,266) of the total estimated ear injuries, and these injuries involve only relatively minor injuries. It thus appears that there is a low frequency of injury associated with pierced earrings and those injuries that do occur are relatively minor in severity.

While the Commission recognizes that there may be a potential for ear injury from currently designed pierced earring ornaments and support wires, this potential does not appear to be reflected in the Commission's injury data. Only one in-depth investigation of an injury associated with pierced earrings has been conducted by the Commission. The injury in that case involved a 7-year old child fighting with a playmate and the injuries sustained were apparently minor. Ap-

proximately three consumer complaints concerning pierced earrings have been received by the Commission and only one involved an injury. That injury concerned a 9-month old child who caught the pin placed in her ear to pierce it on the mesh of a playpen.

Copies of the petition and other relevant materials may be seen at, or obtained from, the Office of the Secretary, 1111 18th Street, N.W., Washington, D.C. 20207, during business hours Monday through Friday.

Therefore, pursuant to section 10(d) of the Consumer Product Safety Act (sec. 10(d), Pub. L. 92–573, 86 Stat. 1217, 15 U.S.C. 2059(d)) notice is hereby given of the Commission's denial of the above described petition.

Dated: December 29, 1976.

SHELDON D. BUTTS,
Acting Secretary,
Consumer Product Safety Commission.

[FR Doc.77-264 Filed 1-3-77;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL-665-5; OPP—33000/488]

DATA TO BE CONSIDERED IN SUPPORT OF APPLICATIONS

Receipt of Application for Pesticide Registration

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (39 FR 31862) its interim policy with respect to the administration of Section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended ["Interim Policy Statement"]. On January 22, 1976, EPA published in the FEDERAL REGISTER a document entitled "Registration of a Pesticide Product—Consideration of Data by the Administrator in Support of an Application" (41 FR 3339). This document described the changes in the Agency's procedures for implementing section 3(c)(1)(D) of FIFRA, as set out in the Interim Policy Statement, which were effectuated by the enactment of the recent amendments to FIFRA on November 28, 1975 (Pub. L. 94–140), and the new regulations governing the registration and reregistration of pesticides which became effective on August 4, 1975 (40 CFR Part 162).

Pursuant to the procedures set forth in these FEDERAL REGISTER documents, EPA hereby gives notice of the applications for pesticide registration listed below. In some cases these applications have recently been received; in other cases, applications have been amended by the submission of additional supporting data, the election of a new method of support, or the submission of new "offer to pay" statements.

In the case of all applications, the labeling furnished by the applicant for the product will be available for inspection at the Environmental Protection Agency, Room 209, East Tower, 401 M Street, S.W., Washington, D.C. 20460. In the case of applications subject to the new section 3 regulations, and applications not subject to the new section 3 regulations which utilize either the 2(a) or 2(b) method of support specified in the Interim Policy Statement, all data citations submitted or referenced by the applicant in support of the application will be made available for inspection at the above address. This information (proposed labeling and, where applicable, data citations) will also be supplied by mail, upon request. However, such a request should be made only when circumstances make it inconvenient for the inspection to be made at the Agency offices.

Any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after January 1, 1970, is being used to support an application described in this notice, (c) desires to assert a claim under section 3(c)(1)(D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data or the status of such data under section 10 must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Product Control Branch, Registration Division (WH–567), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW., Washington, D.C. 20460. Every such claimant must include, at a minimum, the information listed in the Interim Policy Statement of November 19, 1973.

Specific questions concerning applications made to the agency should be addressed to the designated Product Manager (PM), Registration Division (WH–567), Office of Pesticide Programs, at the above address, or by telephone as follows:

PM 11, 12, & 13—202/755–9315
PM 21 & 22—202/426–2454
PM 24—202/755–2196
PM 31—202/426–2635
PM 33—202/755–9041
PM 15, 16, & 17—202/426–9425
PM 23—202/755–1397
PM 25—202/426–2632
PM 32—202/426–9486
PM 34—202/426–9490

The Interim Policy Statement requires that claims for compensation be filed on or before March 7, 1977. With the exception of 2(c) applications not subject to the new Section 3 regulations, and for which a sixty-day hold period for claims is provided, EPA will not delay any registration pending the assertion of claims for compensation or the determination of reasonable compensation. Inquiries and assertions that data relied upon are subject to protection under Section 10 of FIFRA, as amended, should be made within 30 days subsequent to publication of this notice.

Dated: December 27, 1976.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

APPLICATIONS RECEIVED (OPP–33000/488)

EPA File Symbol 400–RGG. Uniroyal Chemical, Div. of Uniroyal, Inc., Naugatuck CT 06770. 2,4-D BUTYL ESTER TECHNICAL. Active Ingredients: Butyl ester of 2,4-dichlorophenoxyacetic acid 92%. Method of Support: Application proceeds under 2(a) of interim policy. PM23

EPA Reg. No. 635–154. E–Z Flo Chemical Co., Div. of Kirsto Co., Box 18037, Lansing MI 48901. MALATHION 25 WP. Active Ingredients: Malathion (0,0-dimethyl dithiophosphate of diethyl mercaptosuccinate) 25%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM16

EPA Reg. No. 635–430. E–Z Flo Chemical Co. 5% MALATHION DUST. Active Ingredients: Malathion (0,0-dimethyl dithiophosphate of diethyl mercaptosuccinate) 5.0%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM16.

EPA File Symbol 1022–LNN. Chapman Chemical Co., PO Box 9158, Memphis TN 38109. PERMATOX 20–S. Active Ingredients: Borax 28.5%; Sodium pentachlorophenate 15.8%; Sodium salts other chlorophenols 2.2%. Method of Support: Application proceeds under 2(b) of interim policy. PM22

EPA Reg. No. 2342–897. Kerr-McGee Chemical Corp., Kerr-McGee Center, PO Box 25861, Oklahoma City, OK 73125. KM SODIUM CHLORATE. Active Ingredients: Sodium Chlorate 99.5%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM25

EPA Reg. No. 2342–964. Kerr-McGee Chemical Corp. KM GRAIN SORGHUM HARVEST AID. Active Ingredients: Sodium Chlorate 56%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM25

EPA File Symbol 3286–UI. Ferd Staffel Co., Inc., PO Box 2380, San Antonio TX 78206. 20–20 INDOOR CONCENTRATE. Active Ingredients: (5-Benzyl-3-furyl) methyl 2,2-dimethyl - 3 - (2 - methylpropenyl) cyclopropanecarboxylate 0.200%; Related compounds 0.028%; d-trans allethrin (allyl homolog of Cinerin I) 0.150%; Related compounds 0.011%. Method of Support: Application proceeds under 2(b) of interim policy. PM17

EPA Reg. No. 4581–89. Pennwalt Corp., Three Parksway, Philadelphia PA 19102. SODIUM CHLORATE. Active Ingredients: Sodium Chlorate 99.5%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM25

EPA Reg. No. 4581–283. Pennwalt Corp., Agchem Div., PO Box C, King of Prussia PA 19406. WEED BLITZ. Active Ingredients: Sodium Metaborate Tetrahydrate ($Na_2B_2O_4 \cdot 4H_2O$) (Boron Trioxide (B_2O_3) Equivalent 23.3%) 68.0%; Sodium Chlorate ($NaClO_3$) 30.0%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM25

EPA File Symbol 7182–T. 3M Co., 3M Center, Bldg. 223–6SE, St. Paul MN 55101. EMBARK 2–S PLANT GROWTH REGULATOR. Active Ingredients: Diethanolamine salt of mefluidide [*N* - [2,4 - dimethyl - 5 - [[(trifluoromethyl) sulfonyl] amino] phenyl] acetamide] 28%. Method of Support: Application proceeds under 2(a) of interim policy. Application for reregistration. PM25

EPA File Symbol 7774–0. Erny Supply Co., 5406 N 59th St., Tampa FL 53610. ESCO 128M DISINFECTANT. Active Ingredients: Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 10.00%; Isopropanol 10.00%; Methyl salicylate 2.50%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 8590-UTL. Agway, Inc., Fertilizer-Chemical Div., Box 1333, Syracuse NY 13201. BLUE RIBBON RAT PACK. Active Ingredients: Warfarin (3-Alpha-Acetonylbenzyl)-4-Hydroxycoumarin 0.025%. Method of Support: Application proceeds under 2(b) of interim policy. PM11

EPA File Symbol 8660-I. Sta-Green Plant Food Co., Div. of Parker Fertilizer Co., PO Box 540, Sylacauga AL 35150. PREEMERGENCE CRABGRASS PREVENTER WITH BALAN. Active Ingredients: N-buytl-N-ethyl-a,a,a-Trifluro-2,6-dinitro-p-toluidine 2.30%. Method of Support: Application proceeds under 2(b) of interim policy. PM25

EPA File Symbol 8780-LN. High Point Mills, Inc., 1225 Lehigh Station Rd., Henrietta NY 14467. DURSBAN 2.32 G GRANULAR INSECTICIDE. Active Ingredients: Chlorpyrifos [O,O diethyl 0-(3,5,6-trichloro-2-pyridyl) phosphorothioate 2.32%. Method of Support: Application proceeds under 2(b) of interim policy. PM12

EPA File Symbol 38438-R. Dane Pool Service, 8348 Griffin Rd., Davie FL 33328. DANE POOL GUARD. Active Ingredients: Sodium Hypochlorite 9.2%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 38547-R. Riviera Pool Service, Inc., 4215 N. Federal Highway, Fort Lauderdale FL 33308. OQUA PURE. Active Ingredients: Sodium Hypochlorite 9.2%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 39149-E. Homestead Pools, Inc., PO Box 1178, Homestead FL 33030. HP-100. Active Ingredients: Sodium Hypochlorite 9.2%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 39766-R. Leisure Northwest, Div. of Northwest Pool & Patio Supply, Inc., 17720 Southcenter Parkway, Seattle WA 98188. LEISURE NORTHWEST. Active Ingredients: Sodium Hypochlorite 12.5%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 39768-R. Everglades Pool Supplies, 4226 N.W. 12th St., Lauderhill FL 33313. EVERGLADES POOL SUPPLIES. Active Ingredients: Sodium Hypochlorite 9.2%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 39770-R. Oceanside Pools, Inc., 2615 S. Dixie Highway, Delray Beach FL 33444. OCEANSIDE POOL GUARD. Active Ingredients: Sodium Hypochlorite 9.2%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 39771-R. Paragon Pools, 999 N.W. Midway, Port Charlotte FL 33952. AQUARIAN POOLS SANITIZER. Active Ingredients: Sodium Hypochlorite 9.2%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 39772-R. Ruskin Pool Service, 307 Shell Point Rd., NW, Ruskin FL 33570. AQUA-KLEER. Active Ingredients: Sodium Hypochlorite 9.2%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 39773-R. Van Bower Pool & Patio, 1181 71st St., Miami Beach FL 33141. V B 1000. Active Ingredients: Sodium Hypochlorite 9.2%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

[FR Doc.77-142 Filed 1-3-77;8:45 am]

[FRL 665-6; OPP—33000/487]

DATA TO BE CONSIDERED IN SUPPORT OF APPLICATIONS

Receipt of Application for Pesticide Registration

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (39 FR 31862) its interim policy with respect to the administration of section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended ("Interim Policy Statement"). On January 22, 1976, EPA published in the FEDERAL REGISTER a document entitled "Registration of a Pesticide Product—Consideration of Data by the Administrator in Support of an Application" (41 FR 3339). This document described the changes in the Agency's procedures for implementing section 3(c)(1)(D) of FIFRA, as set out in the Interim Policy Statement, which were effectuated by the enactment of the recent amendments to FIFRA on November 28, 1975 (Pub. L. 94-140), and the new regulations governing the registration and re-registration of pesticides which became effective on August 4, 1975 (40 CFR Part 162).

Pursuant to the procedures set forth in these FEDERAL REGISTER documents, EPA hereby gives notice of the applications for pesticide registration listed below. In some cases these applications have recently been received; in other cases, applications have been amended by the submission of additional supporting data, the election of a new method of support, or the submission of new "offer to pay" statements.

In the case of all applications, the labeling furnished by the applicant for the product will be available for inspection at the Environmental Protection Agency, Room 209, East Tower, 401 M Street, S.W., Washington, DC 24060. In the case of applications subject to the new section 3 regulations, and applications not subject to the new section 3 regulations which utilize either the 2(a) or 2(b) method of support specified in the Interim Policy Statement, all data citations submitted or referenced by the applicant in support of the application will be made available for inspection at the above address. This information (proposed labeling and, where applicable, data citations) will also be supplied by mail, upon request. However, such a request should be made only when circumstances make it inconvenient for the inspection to be made at the Agency offices.

Any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after January 1, 1970, is being used to support an application described in this notice, (c) desires to assert a claim under section 3(c)(1)(D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data or the status of such data under section 10 must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Product Control Branch, Registration Division (WH-567), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW, Washington, DC 20460. Every such claimant must include, at a minimum, the information listed in the Interim Policy Statement of November 19, 1973.

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PM 25—202/426-2632
PM 32—202/426-9486
PM 34—202/426-9490

The Interim Policy Statement requires that claims for compensation be filed on or before March 7, 1977. With the exception of 2(c) applications not subject to the new section 3 regulations, and for which a sixty-day hold period for claims is provided, EPA will not delay any registration pending the assertion of claims for compensation or the determination of reasonable compensation. Inquiries and assertions that data relied upon are subject to protection under Section 10 of FIFRA, as amended, should be made within 30 days subsequent to publication of this notice.

Dated: December 27, 1976.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

APPLICATIONS RECEIVED (OPP—33000/487)

EPA Reg. No. 52-188. West Chemical Products, Inc., 42-16 West St., Long Island City NY 11101. PHENOLA DETERGENT-GERMICIDE. Active Ingredients: Isopropanol 4.78%; Potassium dodecyl benzene sulfonate 4.10%; Potassium 4 and 6-chloro-2-phenylphenate 3.90%; Potassium-tertiary amylphenate 2.92%; Potassium-o-benzyl-p-chlorophenate 2.82%; Potassium xylene sulfonate 2.53%; Potassium toluene sulfonate 2.37%; Triethanolamine 0.80%; Tetrasodium ethylenediamine tetraacetate 0.32%. Method of Support: Ap- N,N-Diethyl-meta-toluamide 28.5%; Other published: New use patterns. PM25

EPA File Symbol 99-RRT. Watkins Products, Inc., 150 Liberty St., Winona MN 55987. WATKINS HIGH INTENSITY INSECT REPELLENT LOTION. Active Ingredients: N,N-Diethyl-meta-toluamide 28.5%; Other isomers 1.5%. Method of Support: Application proceeds under 2(b) of interim policy. PM17

EPA Reg. No. 201–281. Shell Chemical Co., Suite 200, 1025 Conn. Ave. N.W., Washington DC 20036. BLADEX 4 WATER DISPERSIBLE SUSPENSION. Active Ingredients: 2-[[4-chloro-6-(ethylamino)-s-triazin-2-yl]amino]-2-methylpropionitrile 43%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: New use paterns. PM25

EPA Reg. No. 201–342. Shell Chemical Co. 5 AZODRIN INSECTICIDE SOLUTION. Active Ingredients: Dimethyl phosphate of 3 hydroxy-N-methyl-cis-crotonamide 55%. Method of Support: Application proceeds under 2(b) of interim policy Republished: Added claims. PM16

EPA Reg. No. 239–2406. Chevron Chemical Co., 940 Hensley St., Richmond CA 94804. ORTHENE SYSTEMIC INSECT SPRAY. Active Ingredients: Acephate (O,S-Dimethylacetylphosphoramidothioate) 75%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Added uses. PM16

EPA Reg. No. 241–250. American Cyanamid Co., Agricultural Div., PO Box 400, Princeton NJ 08540. AVENGE WILD OAT HERBICIDE. Active Ingredients: Difenzoquat (1,2-dimethyl-3,5-diphenyl-1H-pyrazolium methyl sulfate) 31.8%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Added use. PM23

EPA Reg. No. 279–555. FMC Corp., Agricultural Chemical Div., 100 Niagara St., Middleport, NY 14105. KOLODUST–100. Active Ingredients: Dichlone 0.50%; Sulfur 83.15%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM21

EPA Reg. No. 279–1380. FMC Corp. THIODAN 50 WP. Active Ingredients: Endosulfan; (Hexachlorohexahydromethano-2,4,3-benzodioxathlepin oxide 50%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: New uses. PM15

EPA File Symbol 334–UGO. Hysan Corp., 919 W. 38th St., Chicago IL 60609. MED-O-PYNE 13. Active Ingredients: Isopropanol 9.50%; Pine oil 7.90%; Alkyl (C_{14}, 58%; C_{16}, 28%; C_{12}, 14%) dimethyl benzyl ammonium choirde 3.95%. Method of Support: Application proceeds under 2(b) of interim policy. PM32

EPA File Symbol 334–UGI. Hysan Corp. MED-O-PYNE 6. Active Ingredients: Isopropanol 4.75%; Pine oil 3.95%, Alkyl (C_{14}, 58%; C_{16}, 28%; C_{12}, 14%) dimethyl benzyl ammonium chloride 1.97%. Method of Support: Application proceeds under 2(b) of interim policy. PM32

EPA File Symbol 334–UUG Hysan Corp. LEN-O-QUAT 22. Active Ingredients: Alkyl (C_{14}, 58%; C_{16}, 28%; C_{12}, 14%) dimethyl benzyl ammonium chloride 2.50%; Essentials oils 0.25%; Ethylene diamine tetraacetic acid, tetrasodium salt 2.50%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 334–UUD. Hysan Corp. Q-MINT 22. Active Ingredients: Alkyl (C_{14}, 58%; C_{16}, 28%; C_{12}, 14%) dimethyl benzyl ammonium chloride 2.5%; Isopropanol 2.0%; Methyl salicylate 0.5%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 334–UUL. Hysan Corp. Q-MINT 44. Active Ingredients: Alkyl (C_{14}, 58%; C_{16}, 28%; C_{12}, 14%) dimethyl benzyl ammonium chloride 5.00%; Isopropanol 4.00%; Methyl salicylate 1.00%. Method of Support: Application proceeds under 2(b) interim policy. PM31

EPA File Symbol 400–RGG. Uniroyal Chemical, Div. of Uniroyal, Inc., 74 Amity Rd., Bethany CN 06525. 2,4-D BUTYL ESTER TECHNICAL. Active Ingredients: Butyl ester of 2,4-dichlorophenoxyacetic acid 95%. Method of Support: Application proceeds under 2(b) of interim policy. PM23.

EPA File Symbol 400–RGU. Uniroyal Chemical. 2,4-D ISOOCTYL ESTER TECHNICAL. Active Ingredients: Isooctyl ester of 2,4-dichlorophenoxyacetic acid 92%. Method of Support: Application proceeds under 2(b) of interim policy. PM23.

EPA Reg. No. 476–1633. Stauffer Chemical Co., 1200 S. 47th St., Richmond CA 94804. TRITHION 8-E. Active Ingredients: Carbophenothion 79.1%; Xylene 6.5%. Method of Support: Application proceeds under 2(a) of interim policy. PM16.

EPA Reg. No. 538–126. O. M. Scott & Sons, Marysville OH 43040. SCOTTS STOP INSECTICIDE. Active Ingredients: O,O-diethyl-O-(2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate 12.50%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM15.

EPA Reg. No. 675–25. Lehn & Fink Industrial Products, Div. of Sterling Drug Inc., Montvale NJ 07645. AMPHYL SPRAY. Active Ingredients: o-Phenylphenol 0.136%; 3,4,5 Tribromosalicylanlide 0.019%; 3,5 Dibromasalicylanlide 0.005%; Alcohol 76.500%. Method of Support: Application proceeds under 2(c) of interim policy. PM32.

EPA Reg. No. 984–46. Whitmoyer Laboratories, Inc., 19 North Railroad St., Myerstown PA 17067. AFFILIATED MITONE. Active Ingredients: Benzyl Benzoate 20.0%; Benzocaine 2.0%; Rotenone 0.3%. Method of Support: Application proceeds under 2(b) of interim policy. PM17.

EPA Reg. No. 1016–43. Union Carbide Corp., Agricultural Products Div., 1730 Pennsylvania Ave., NW, Washington DC 20006. SEVIN SPRAYABLE CARBARYL INSECTICIDE. Active Ingredients: Carbaryl (1-naphthyl methylcarbamate) 80%. Method of Support: Application proceeds under 2(b) of interim policy. PM12

EPA Reg. No. 1459–42. Bullen Chemical Co., Folcroft PA 19032. FAST ACTING RESIDUAL INSECT SPRAY. Active Ingredients: O-O-Diethyl O-(2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate 0.500%; Pyrethrins 0.052%; Piperonyl Butoxide, Technical 0.261%; Petroleum Distillate 98.608%. Method of Support: Application proceeds under 2(c) of interim policy. PM15.

EPA File Symbol 1706–RLN. Nalco Chemical Co., 6216 W. 66th Pl., Chicago IL 60638. NALCLEAN 8970 SANITIZER. Active Ingredients: N-Alkyl (60% C_{14}, 30% C_{16}, 5% C_{18}) dimethyl benzyl ammonium chlorides 5% N-Alkyl (60% C_{12}, 32% C_{14}) dimethyl ethylbenzylammonium chlorides 5%. Method of Support: Application proceeds under 2(b) of interim policy. PM31.

EPA File Symbol 2620–TE. Chemical Co., Inc., Beloit WI 53511. ADVANCE MINT. Active Ingredients: n-Alkyl (60% C_{14}, 30% C_{16}, 5% C_{12}, 5% C_{18}) dimethyl benzyl ammonium chlorides 1.6%; n-Alkyl (68% C_{12}, 32% C_{14}) dimethyl ethylbenzyl ammonium chlorides 1.6%; Sodium Carbonate 93.8%. Method of Support: Application proceeds under 2(b) of interim policy. PM31.

EPA File Symbol: 2620–TG. Chemical Co., Inc. ADVANCE PINE. Active Ingredients: n-Alkyl (60% C_{14}, 30% C_{16}, 5% C_{12}, 5% C_{18}) dimethyl benzyl ammonium chlorides 1.6%; n-Alkyl (68% C_{12}, 32% C_{14}) dimethyl ethylbenzyl ammonium chlorides 1.6%; Sodium Carbonate 3.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM31.

EPA File Symbol: 2829–RRA. Ventron Corp., Chemicals Div., Congress St., Beverly MA 01915. VINYZENE SB–13. Active Ingredients: 2,3,5,6-tetrachloro-4-(methylsulfonyl) pyridine 43.5%; Other Chlorinated pyridines 4.2%. Method of Support: Application proceeds under 2(b) of interim policy. PM33.

EPA Reg. No. 3125–210. Chemagro Agricultural Div., Mobay Chemical Corp., Box 4913, Kansas City MO 64120. DYLOX 4 INSECTICIDE. Active Ingredients: Dimethyl (2,2,2-trichloro-1-hydroxyethyl phosphonate 39%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Method of Support changed. PM16.

EPA Reg. No. 3125–236. Chemagro Agricultural Div. NEMACUR 15% GRANULAR. Active Ingredients: Ethyl-3-methyl-4-(methylthio) phenyl 1-methylethyl) phosphoramidate 15%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Added uses. PM16.

EPA Reg. No. 3125–237. Chemagro Agricultural Div. NEMACUR 10% GRANULAR. Active Ingredients: Ethyl-3-methyl-4-(methyl-thio) phenyl (1-methylethyl) phosphoramidate 10%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Added uses. PM21.

EPA Reg. No. 3125–83. Chemagro Agricultural Div. NEMACUR 3 EMULSIFIABLE NEMATICIDE. Active Ingredients: Ethyl 3-methyl-4-(methylthio) phenyl (1-methylethyl) phosphoramidate 35%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Added uses. PM21.

EPA Reg. No. 4476–43. Morton Pharmaceuticals, Inc., 1625 N. Highland St., Memphis TN 38108. EUREKA DOG MANGE TREATMENT LIQUID. Active Ingredients: Benzyl Benzoate 36.3%. Method of Support: Application proceeds under 2(b) of interim policy. PM17.

EPA File Symbol 5736–AR. DuBois Chemicals, Div. of Chemed Corp., DuBois Tower, Cincinnati OH 45241. DUBOIS CHEMICALS SUPER LAUNDRY BACTERIOSTAT-SANITIZER. Active Ingredients: -Octyl dimethyl ammonium chloride 3.50%; Dioctyl dimethyl ammonium chloride 1.75%; Didecyl dimethyl ammonium chloride 1.75%; Isopropyl alcohol 2.80%. Method of Support: Application proceeds under 2(b) of interim policy. PM31.

EPA File Symbol 7115–RN. Midland Chemical Corp., 400 W. 107th St., Chicago 28 IL. PINE–B. Active Ingredients: (26.10%) Isopropanol, Pine Oil, Vegetable Soap, Potassium Salt of 2-Benzyl-4-Chlorophenol, Tetrasodium Ethylenediamine Tetraacetate. Method of Support: Application proceeds under 2(b) of interim policy. PM32.

EPA File Symbol 8133–RU. Champion Chemicals, Inc., PO Box 45509, Houston TX 77045. BACTRON KM–7. Active Ingredients: Alkyl-dimethyl-benzyl Ammonium Chloride 10%; Isopropyl Alcohol 12%. Method of Support. Application proceeds under 2(b) of interim policy. PM31.

EPA Reg. No. 8238–31. Barrier Chemicals, Inc., Rt. 515, Vernon NJ 07462. JON-Q-PUBLIK DISINFECTANT TOILET BOWL CLEANER. Active Ingredients: Octyl decyl dimethyl ammonium chloride 1.250%; Dioctyl dimethyl ammonium chloride 0.625%; Didecyl dimethyl ammonium chloride 0.625%; Alkyl amino betaine 1.000%; Hydrogen chloride 8.000%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted. PM32.

EPA Reg. No. 8343-50. Gabriel Chemicals Ltd., 204 21st Ave., Robbinsville NJ 06891. MALATHION 4—PYRETHRUM 0.1 DUST. Active Ingredients: Malathion (0,0-Dimethyl Dithiophosphate of Diethyl Mercaptosuccinate 4.0%, Pyrethrins 0.1%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM16.

EPA Reg. 8343-74. Gabriel Chemicals Ltd. MALATHION 4—PYRETHRUM 0.2 DUST. Active Ingredients Malathion (0,0-Dimethyl Dithiophosphate of Diethyl Mercaptosuccinate) 4.0%; Pyrethrins 0.2%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM16.

EPA File Symbol 9829-G. Champion Chemical Co., 8319 S. Greenleaf Ave., Whittier CA 90602. PINE ODOR DISINFECTANT. Active Ingredients: Isopropanol 4.75%; Pine Oil 3.95%; Alkyl (C_{14}, 58%; C_{16}, 28%; C_{12}, 14%) dimethyl benzyl ammonium chloride 1.97%. Method of Support: Application proceeds under 2(b) of interim policy. PM32.

EPA Reg No. 9829-U. Champion Chemical Co AERO-PHEEN 200. Active Ingredients: Alkyl (C_{14}, 58%; C_{16}, 28%; C_{12}, 14%) dimethyl benzyl ammonium chloride 5.00%; Essential oils 0.50%; Ethylenediamine tetraacetic acid, tetrasodium salt 0.38%. Method of Support: Application proceeds under 2(b) of interim policy. PM31.

EPA File Symbol 9829-L. Champion Chemical Co. AERO-PHEEN DISINFECTANT-DEODORIZER. Active Ingredients: Alkyl (C_{14}, 58%; C_{16}, 28%; C_{12}, 14%) dimethyl benzyl ammonium chloride 5.00%; Essential Oils 0.50%; Ethylenediamine tetraacetic acid, tetrasodium salt 0.38%. Method of Support: Application proceeds under 2(b) of interim policy. PM31.

EPA File Symbol 11014-R. Fast Products, 455-10th St., San Francisco CA 94103. POWER SUPREME CLEANER & DISINFECTANT. Active Ingredients: Didecyl dimethyl ammonium chloride 4.5%; Tetrasodium ethylenediamine tetraacetate 2.0%; Sodium carbonate 1.0%; Sodium metasilicate, anhydrous 0.5%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted. PM33.

EPA File Symbol 11853-L. Biscayne Chemical Laboratories, Inc., Miami FL 33152. C-T WATER TREATMENT MICROBIOCIDE. Active Ingredients: Didecyl dimethyl ammonium chloride 50%; Isopropyl alcohol 20%. Method of Support: Application proceeds under 2(b) of interim policy. PM31.

EPA File Symbol 19605-O. Gulf Chemicals Co., 6840 Piccadilly, Houston, TX 77061. LEMON DISINFECTANT. Active Ingredients: Didecyl dimethyl ammonium chloride 2.5%; Tetrasodium ethylenediamine tetraacetate 2.0%; Sodium Carbonate 1.5%. Method of Support: Application proceeds under 2(b) of interim policy. PM31.

EPA File Symbol 19605-RE. Gulf Chemicals Co. MINT DISINFECTANT. Active Ingredients: Didecyl dimethyl ammonium chloride 2.5%; Tetrasodium ethylenediamine tetraacetate 2.0%; Sodium Carbonate 1.5%. Method of Support: Application proceeds under 2(b) of interim policy. PM31.

EPA File Symbol 20954-T. Zoecon Corp., 975 California Ave., Palo Alto CA 94304. YOUR BRAND INSECT AND MITE HOUSEPLANT MIST. Active Ingredients: methoprene [Isopropyl (E,E-11-methoxy-3,7,11-trimethyl-2-4-dodecadienoate] 0.100%; hexadecylcylopropanecarboxylate 0.075%; resmethrin [(5-benezyl-3-furyl) methyl 2,2-dimethyl-3-(2-methylpropenyl) cyclopropanecarboxylate] Min. 70% (±) trans, Max. 30% (±) cis isomers 0.050%; related compounds 0.007% Method of Support: Application proceeds under 2(b) of interim policy. PM17.

EPA Reg. No. 29780-7. Centennial Chemicals, Inc., 1094 Huff Rd., NW, Atlanta GA 30318. (RC-4). Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 2.25%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 2.25%; Sodium Carbonate 3.00%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted. PM31.

EPA File Symbol 30944-E. Erickson Chemical Co., 2800 Shermer Rd., Northbrook IL 60062. ERICKSON ALGAECIDE 270. Active Ingredients: Disodium cyanodithioimidocarbonate 4.90%; Potassium N-methyldithiocarbamate 6.76%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted. PM33.

EPA File Symbol 38053-L. Leo Ind., Inc., 1750 W. 75th Pl., Chicago IL 60620. LEO QUAT 160 LEMON DISINFECTANT CLEANER. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 0.8%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 0.8%; Sodium Metasilicate 2.4%; Tetrasodium ethylenediamine tetraacetate 1.0%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 38053-O. Leo Ind., Inc. LEO QUAT 160 DISINFECTANT CLEANER PINE ODOR. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 0.8%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 0.8%, Sodium Metasilicate 2.4%; Tetrasodium ethylenediamine tetraacetate 1.0%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 39240-I. Xonex Chemicals. Atlanta GA. XONEX MINT ODOR DISINFECTANT. Active Ingredients: Alkyl (C_{14}, 58%; C_{16}, 28%; C_{12}, 14%) dimethyl benzyl ammonium chloride 2.0%; Isoprepanol 2.0%; Methyl salicylate 0.5%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 39359-R. Roy D. Book, Mifflintown PA. RAT AND MOUSE BAIT. Active Ingredients: Warfarin (3-a-acelonyl-benzyl) 4-Prydroxy coumarin 3.00%; 3-(Alpha-acetonylfurfury) 4 Hydroxy coumarin 0.45%. Method of Support: Application proceeds under 2(a) of interim policy. PM11.

EPA File Symbol 39709-R. Camaco Chemical Co., Dogwood Dr., PO Box U-31, Chester NJ 07930. CAMECO SWIMMING POOL ALGAECIDE. Active Ingredients: Alkyl Dimethyl Benzyl Ammonium Chloride (C_{14}, 60%; C_{12}, 25%; C_{16}, 15%) 10%. Method of Support: Application proceeds under 2(b) of interim policy. PM24.

[FR Doc.77-141 Filed 1-3-77;8:45 am]

[FRL 665-7]

MARINE SANITATION DEVICE STANDARD FOR THE MISSISSIPPI AND ST. CROIX RIVERS AND FOR LAKE SUPERIOR WATERS WITHIN MINNESOTA AND WISCONSIN

Receipt of Petition

Notice is hereby given that a joint petition has been received from the States of Minnesota and Wisconsin for a determination pursuant to section 312 (f)(3) of Public Law 92-500, that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available for the Minnesota-Wisconsin portions of the Mississippi River and the St. Croix River and for the Minnesota-Wisconsin portions of Lake Superior. In an earlier action (41 FR 11875, March 22, 1976) the Administrator of the Environmental Protection Agency determined for the waters of Lake Superior, the Mississippi River, and the St. Croix River to North Hudson, all within the State of Wisconsin, that facilities to remove sanitary wastes from commercial vessels are not reasonably available and that pump-out facilities for recreational craft are sparsely located and would involve travel distances between such locations of as much as 50 or 60 miles in some areas. In this joint petition from the two States, the information and public comments relating to the March 22, 1976, determination were requested by the State of Wisconsin to be made a part of the record, and that request is granted. The Governors of the States of Minnesota and Wisconsin requested that the petition for Lake Superior be considered separately from the petition for the Mississippi and St. Croix Rivers, and on its own merits.

Section 312(f)(3) states that "After the effective date of the initial standards and regulations promulgated under this section, if any State determines that the protection and enhancement of the quality of some or all of the waters within such State require greater environmental protection, such State may completely prohibit the discharge from all vessels of any sewage, whether treated or not, into such waters, except that no such prohibition shall apply until the Administrator determines that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available for such water to which such prohibition would apply."

For the waters of Lake Superior, including Superior Bay and St. Louis Bay, the state of Minnesota certifies that pump-out facilities are located at the Municipal Tourist Park, Grand Marais; the Knife River Marina, Knife River; Drills Marina, Duluth; and Lakehead Boat Basin, Duluth. The Municipal Tourist Park facility operates from April 15 until October 15, 8 a.m. to 9 p.m., 7 days per week. The Knife River Marina operates 7 days per week from 8 a.m. to 8 p.m. Drills Marina operates from 8 a.m. to 5 p.m. and the Lakehead Boat Basin operates from 8 a.m. until 4:30 p.m. In addition to the stationary pump-out facilities for recreational vessels, the petition states that septic tank pump-out facilities are available at Grand Marais, Beaver Bay, Two Harbors, Duluth and Cloquet. The State certifies that although the stationary pump-out facilities handle only recreational craft, the combination of septic tank pumpers and stationary pump-outs preeludes no vessel because of insufficient water depth adjacent to the facility. The State certifies that all waste removed from all vessels are required to be disposed of either at a National Pollut-

ant Discharge Elimination System's permitted facility or on land in conformance with applicable Federal, State and local requirements.

The State of Wisconsin certified that shore-based licensed septic tank pump-out trucks are available for recreational craft at both Superior and Ashland on Lake Superior and that fixed pump-out facilities are available for recreational vessels at Bayfield and LaPointe. There are no fixed pump-out facilities for recreational vessels at Superior. The State certified further that licensed septic tank trucks are available to service commercial vessels at Ashland and that the non-ore-carrying ships at Superior can be serviced by licensed septic tank pump-out trucks. In commenting on this earlier individual petition from the State of Wisconsin, the Lake Carriers' Association contended that there is no reasonable way that a truck can be driven over the docks at Superior to reach a vessel because of the configuration of the various loading and unloading docks. The State of Wisconsin stated that it is possible for ore boats to be serviced by shore-based trucks from the grain docks, either prior to being loaded or prior to leaving the Superior Harbor. The State of Wisconsin certifies that waste collected by all such pump-out facilities are treated in conformance with both State and Federal law.

The State of Minnesota petition addresses the waters of the Mississippi River from the Iowa border to Lock and Dam No. 2 at Hastings, Minnesota, and the waters of the St. Croix River from its mouth to Taylor Falls, Minnesota. The State certifies that pump-out facilities are located at Muller Boat Works, Stillwater; Port of Sunnyside, Stillwater; Afton Chris Craft Marina, Afton; Windmill Marina, Afton; Hastings Marina, Hastings; King's Cove, Hastings; Redwing Marina, Redwing; Lake City Marina, Lake City; Wabasha Marina, Wabasha; Wapashaw Resort, Wabasha; Trollens Marina, Wabasha; Bob's Marina, Wynona; Dick's Marina, Wynona; and Dresbach Standards Service, Dresbach. In addition, septic tank pumping facilities are available within 10 miles of docks and marinas in the metropolitan area, and within 20 miles outstate at 17 locations along these waterways for commercial vessels. The petition states that a majority of the commercial tugs use the commercial pump-out at St. Paul for fuel, repairs and pump-out facilities. The State of Minnesota certifies that the combination of stationary pump-outs and septic tank pumpers will exclude no vessel because of insufficient water depth. Although the stationary pump-out facilities service recreational vessels, the septic tank pumping facilities to the best of the State's knowledge are able to reach all docks, recreational and commercial. The State of Minnesota certifies that all wastes removed from vessels at stationary pump-out facilities and by septic tank pumping facilities are required to be disposed of at a National Pollutant Discharge Elimination System's permitted facility or applied on land in conformance with applicable Federal, State and local requirements.

The State of Wisconsin filing jointly with the State of Minnesota for the Minnesota-Wisconsin portions of the Mississippi River and the St. Croix River indicates that a total of 13 recreational pump-out facilities are located at La-Crosse, Alma, Pepin, Prescott and Hudson. The State certifies that towboats presently can be serviced by licensed septic tank pump-out trucks at LaCrosse, Wisconsin and, in correspondence filed with the petition, stated that on the Mississippi River most of the commercial traffic is handled at private docks owned and operated by the towing companies for their customers. Although there are no "in-place" pump-out facilities for commercial vessels along the Mississippi River, the State of Wisconsin claims that the river towboats have used facilities to the north and south of the State for the past year for the disposal of contained vessel wastes.

Comments and views regarding this joint request for action from the States of Minnesota and Wisconsin may be filed on or before February 18, 1977. Such communications, or request for a copy of the applicant's petition, should be addressed to the Director, Criteria and Standards Division (WH-585), Office of Water Planning and Standards, OWHM, U.S. Environmental Protection Agency, Washington, D.C. 20460. All comments made in response to the earlier petition from the State of Wisconsin for some of these waters (40 FR 37252, August 26, 1975) are a part of record in this action.

Dated: December 27, 1976.

ANDREW BREIDENBACH,
Assistant Administrator for Water and Hazardous Materials.

[FR Doc.77-140 Filed 1-3-77;8:45 am]

[FRL 566-2]

FEDERAL GUIDELINES—STATE AND LOCAL PRETREATMENT PROGRAMS

Availability

Pursuant to Section 304(f) of the Federal Water Pollution Control Act Amendments of 1972 (Public Law 92-500), notice is hereby given that the Environmental Protection Agency (EPA) has issued revised guidelines for pretreatment of wastewaters introduced into publicly owned treatment works. In accordance with Section 304(f), these guidelines do not establish regulatory requirements. They are designed to assist States and municipalities in carrying out programs under Section 402 of the Act including NPDES permit requirements, through establishing pretreatment requirements to control and prevent the discharge into navigable waters, the contiguous zone, or the ocean of any pollutant which interferes with, passes through, or otherwise is incompatible with publicly owned treatment works. The guidelines contain technical information to assist the States and municipalities in determining the need for, and establishing such pretreatment requirements, and will help them to impose requirements more stringent than the Federal standards when required to take account of local conditions.

The pretreatment guidelines are subject to modification as a result of EPA review of its policy on pretreatment. Nationally applicable regulations dealing with pretreatment under Section 307(b) of the Act were published in the FEDERAL REGISTER, November 8, 1973 (Vol. 38, p. 30982). They are currently under review for possible revision. Proposed changes to these regulations will be published in the FEDERAL REGISTER.

Copies of the guidelines can be obtained by submitting written requests to: General Services Administration (8 FSS), Director, Centralized Mailing Lists Services, Building 41, Denver Federal Center, Denver, CO 80225.

The EPA is required by Section 304(f) to review at least annually, and, if appropriate, revise the guidelines. Interested parties are encouraged to submit written comments, views, or data concerning the guidelines contained herein, to the Director, Municipal Construction Division WH-547, U.S. Environmental

Protection Agency, Washington, D.C. 20460. All such submissions will be considered in the next review of the guidelines.

Dated: December 22, 1976.

JOHN QUARLES,
Acting Administrator.

[FR Doc.77-144 Filed 1-3-77;8:45 am]

[FRL 664-1; OPP-42037]

STATE OF COLORADO

Submission of State Plan for Certification of Pesticide Applicators

In accordance with the provisions of section 4(a)(2) of the Federal Insecticide, fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136) and 40 CFR Part 171, the Honorable Richard D. Lamm, Governor of the State of Colorado, has submitted a State Plan for the Certification of Commercial and Private Applicators of Restricted Use Pesticides to the Evironmental Protection Agency (EPA), for approval on a contingency basis. Contingency approval is being requested pending enactment of appropriate legislation and promulgation of implementing regulations. Copies of present legislation and regulations and proposed changes are attached to the Plan.

Notice is hereby given of the intention of the Regional Administrator, EPA, Region VIII, to approve this Plan on a contingency basis.

A summary of this Plan follows. The entire Plan, together with all attached appendices, except sample examination questions, may be examined during normal business hours at the following locations:

1. 406 State Services Building, 1525 Sherman Street, Denver, Colorado 80203, Division of Plant Industry, Department of Agriculture, telephone (303) 892-2838.

2. Room 2013, 1860 Lincoln Street, Denver, Colorado 80295, Pesticides Branch, Air and Hazardous Materials Division, EPA, Region VIII, telephone (303) 837-3926.

3. Room 401, East Tower, Waterside Mall, 401 M Street, S.W., Washington, D.C. 20460, Federal Register Section, Technical Services Division, WH 569, Office of Pesticide Programs, EPA, telephone (202) 755-4854.

SUMMARY OF STATE PLAN

The Colorado Department of Agriculture has been designated the State lead agency for the administration of the pesticide applicator certification program, with the Division of Plan Industry responsible for the program's implementation coordination. The Colorado State University Cooperative Extension Service is the only State cooperating agency. The State Cooperative Extension Service has overall responsibility for the State-wide pesticide applicator training program, including preparing and conducting training courses and preparing and distributing training materials. The State lead agency will review training materials and courses to ensure they meet all the requirements of the State Plan.

Legal authority for the certification program is contained in Article 10 Application of Pesticides and Article 11 Structural Pest Control Act, proposed amendments thereto, and proposed Rules and Regulations under Article 10. Copies of these legal autorities are attached to the State Plan.

The Plan lists the personnel available in the Department of Agriculture and the Cooperative Extension Service to carry out the certification program and the approximate percentage of their time that will be devoted to the pesticide program. The Plan also includes a budget for the pesticide program for the Department of Agriculture and the Cooperative Extension Service.

The Department of Agriculture will submit an annual report to EPA on or before May 1 of each year and other reasonable reports requested by the Administrator of EPA.

Colorado estimates that approximately 2,763 commercial and 15,000 to 20,000 private applicators will need to be certified. Both certified commercial and private applicators will be issued certification credentials indicating the category(s) or limitations.

The commercial applicator categories proposed in the Plan are the same as those in 40 CFR 171.3. No new categories are proposed. New subcategories proposed are as follows:

1. Agricultural Pest Control—(a) Plant: (1) Insect Control, (2) Plant Disease Control, (3) Weed Control. (b) Animal: (1) Insect Control.

2. Forest Pest Control—(1) Insect Pest Control, (2) Weed Control, (3) Disease Control.

3. Ornamental and Turf Pest Control—(1) Insect Control, (2) Weed Control, (3) Disease Control.

4. Seed Treatment—(1) Disease Control.

5. Aquatic Pest Control—(1) Insect Control, (2) Aquatic Weed Control, (3) Disease Control.

6. Right-of-Way Pest Control—(1) Weed Control, (2) Disease Control.

7. Industrial, Institutional, Structural, and Health Related—(1) Insect Pest Control, (2) Weed Control, (3) Wood Destroying Organisms, (a) Insects, (b) Pathogens, (4) Fumigation, (5) Disease Conrtol, (6) Rodent and Predator Control, (7) Bird Control.

8. Public Health Pest Control—(1) Insect Pest Control, (2) Aquatic Weed Control. (3) Rodent and Bird Pest Control.

9. Regulatory Pest Control—(1) Insecticides, (a) Forest Lands, (b) Rangeland, (c) Crop Land.

(2) Weed Control—(a) Forest, (b) Farmland, (c) Aquatic, (d) Urban.

(3) Rodent and Predator Control—(a) Rodent and Bird, (b) Predator.

(4) Disease Control—(a) Forest, (b) Agriculture, (c) Turf and Ornamental.

10. Demonstration and Research Pest Control—(1) Plant, (a) Insect Pest Control, (b) Weed Control, (c) Disease Control.

(2) Livestock—(a) Insect Pest Control.

The standards of competency for commercial applicators in Colorado will be the same as those in 40 CFR 171.4(b) and (c) and 171.6.

All commercial applicators will be required to pass a written examination prior to being certified. This examination will cover the general standards in 40 CFR 171.3(b) and 171.6 and the standards for the particular category or subcategory the applicator wishes to be certified in. All commercial applicators shall renew their certification by either passing a written examination or by attendance at an approved training course every two years.

The standards of competency for private applicators are the same as those listed in 40 CFR 171.5(a) and 171.6. Private applicators will be certified by one of five options.

1. Submitting to the Commissioner a certification of evidence of attendance at, or completion of, an approved workshop, training course, or educational program. Each approved workshop, training course, or educational program will include at a minimum: (a) Coverage of the private applicator standards, and (b) Each applicator will complete a no pass/no fail written questionnaire or have received a passing grade for a course offered by secondary vocational agricultural programs in Colorado or other recognized educational institution.

2. Submitting to the Commissioner a completed questionnaire provided with an approved programmed text. Upon completion of the written questionnaire and programmed text the applicator will sign a statement verifying that he completed such work himself. The Department of Agriculture will use the EPA developed programmed text "Apply Pesticides Correctly."

3. Satisfactorily completing a written examination given by the Commissioner. This examination will cover the private applicator standards. An applicator must have a score of 70% or better for passage.

4. Submitting evidence of certification or licensing as a private applicator in any other state pursuant to an approved United States Environmental Protection Agency applicator certification program with which the Commissioner has entered into a reciprocal agreement.

5. Any person who has not been certified as a private applicator may obtain a

point of purchase emergency certification by completing a questionnaire at any location of any licensed pesticide dealer who is certified to sell restricted use pesticides. The questionnaires shall be made available to the dealers by the Commissioner and when completed shall be evidence of emergency certification as a private applicator for the single purchase and single use of the restricted use pesticide purchased. The private applicator and the dealer shall certify to the Commissioner that they have discussed the subject matter of the questionnaire and its answers.

Private applicators shall not be certified for a period of more than five years. Private applicators who have not been convicted of a violation of the Colorado pesticide act shall be recertified by completion of a recertification form, unless the Commissioner determines that changes in technology or state or federal laws require the applicator to redemonstrate his competency.

Applicators who have been convicted of a violation of Colorado's pesticide act shall be recertified by completion of one of the original methods of certification. Applicators will be encouraged to maintain their competency by participating in on-going state educational programs. No method to certify private applicators who cannot read English will be employed within Colorado.

Sample examinations for commercial and private applicators are attached to the Plan, as provided by 40 CFR 171.7 (e) (1) (i) (D) and (ii) (E). However, in view of the need to preserve the confidentiality of the examination format, the State of Colorado has requested that the examinations not be made available for public inspection. The Agency agrees with this position, and has removed the sample examinations from the public inspection copies of the Plan.

The Plan requests the approval of EPA to certify those commercial applicators who have passed written examinations administered under the State's present licensing program. EPA has reviewed and evaluated these examinations and will accept as certified those applicators who have passed the required examinations. A copy of this evaluation and determination is attached to the State Plan.

The Plan provides for a statement concerning the Government Agency Plan (GAP) to be forwarded to EPA within 60 days after the approval of GAP by EPA.

The Colorado Department of Agriculture has not entered into any agreements with any Indian reservations. The Plan provides that any cooperative agreements entered into will be forwarded to EPA within 30 days. Colorado has not entered into reciprocity agreements. However, in the event Colorado does, any reciprocity agreements entered into by the State will be forwarded to EPA as a part of the State Plan. Colorado will provide available information on integrated pest management (IPM) to applicators upon their request.

Other Colorado pesticide regulatory activities and authorities include pesticide product registration, dealer licensing and regulation, equipment registration and inspection, and product sampling and analysis. A regular program of inspection, product sampling, and follow up investigations of accidents and complaints will be conducted by Department of Agriculture personnel.

PUBLIC COMMENTS

Interested persons are invited to submit written comments on the proposed State Plan for the State of Colorado to the Chief, Pesticides Branch (8AH–P), Environmental Protection Agency, Region VIII, 1860 Lincoln Street, Suite 103, Denver, Colorado 80295. The comments must be received on or before February 3, 1977 and should bear the identifying notation (OPP–42037). All written comments filed pursuant to this notice will be available for public inspection at the above mentioned locations from 8:30 a.m. to 3:30 p.m., Monday through Friday.

Dated: December 14, 1976.

JOHN A. GREEN,
Regional Administrator.

[FR Doc.77–145 Filed 1–3–77;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

RADIO TECHNICAL COMMISSION FOR MARINE SERVICES

Meetings

In accordance with Pub. L. 92–463, "Federal Advisory Committee Act," the schedule of future Radio Technical Commission for Marine Services (RTCM) meetings is as follows:

SC–65—SHIP RADAR

NOTICE OF 51ST MEETING

Wednesday, January 19, 1977—1:30 p.m., Conference Room 8210, 2025 M Street, N.W., Washington, D.C.

SC–65 Working Group schedule. To be held at 2025 M Street, N.W., Washington, D.C.

Working group	Room	Date	Time
Collision avoidance	8210	Jan. 18	9:30 a.m.
Reliability	8210	Jan. 19	Do.

AGENDA

1. Call to Order; Chairman's Report; Adoption of Agenda.
2. Acceptance of SC–65 Summary Records; Appointment of Rapporteur.
3. Progress Reports of Collision Avoidance WG and Reliability WG.
4. Status Reports on Other Working Groups.
5. Report of Action of Executive Committee on RTCM Paper 103–74/EC–139 "Licensing for Radar Service"
6. Discussion of Resubmission to Executive Committee of RTCM Paper 145–76/SC 65–220. "Performance Specification for a Computer Aided Collision Avoidance System for Merchant Ships"
7. Approval of RTCM Paper 183–76/SC 65–226 (REWG–25) "Resources Required for On-Board Preventive and Corrective Maintenance of Radar Equipment"
8. Other business.
9. Establishment of next meeting date, February 16, 1977.

Irvin Hurwitz, Chairman, SC–65, Federal Communications Commission, Washington, D.C. 20554, Phone: (202) 632–7197.

RTCM SC 69/FCC WARC–79 ADVISORY COMMITTEE FOR MARITIME MOBILE SERVICE

TWELFTH MEETING

2025 M Street, N.W., Washington, D.C.
Room 8210, 9:30 a.m. to 4:30 p.m.

Tuesday, January 25, 1977

AGENDA

1. Call of the Agenda.
2. Chairman's Opening Remarks.
3. Reports of the Task Forces.
4. Review work to be accomplished.
5. Further Business.
6. Set date for next meeting.
7. Adjournment.

Charles Dorian Chairman SC 69, COMSAT General, 950 L'Enfant Plaza, S.W., Washington, D.C, 20024. Phone: (202) 554–6829.

SPECIAL COMMITTEE No. 66.—"RECEIVER STANDARDS FOR THE MARITIME MOBILE SERVICE"

Tuesday, January 26, 9:30 a.m. (All-day meeting)
Conference Room A–205
1229–20th Street, N.W.
Washington, D.C.

AGENDA

1. Call to Order; Chairman's Report.
2. Adoption of Agenda; Appointment of Rapporteur.
3. Acceptance of SC–66 Summary Record.
4. Continue preparation of MMS R–5, Standard for "General Purpose Marine Receivers." Review work assignments.
5. Discussion of problem areas.
6. Solicitation of Work Assignments.
7. Other business.
8. Establishment of next meeting date.

H. R. Smith, Chairman, SC–66, ITT Mackay Marine, 441 US Highway No. 1, Elizabeth, N.J. 07202. Phone: (201) 527–0300.

EXECUTIVE COMMITTEE MEETING

Thursday, January 27, 1977

The next Executive Committee Meeting will be in Thursday, January 27, 1977, at 9:30 a.m. in Conference Room 847, 1919 M Street, N.W., Washington, D.C.

AGENDA

1. Call to Order; Chairman's Report.
2. Introduction of Attendees; Adoption of Agenda.
3. Acceptance of the Minutes of Executive Committee Meetings.
4. Progress Reports on Currently Active Committees.
5. Status Reports on Other Committes.
6. New Membership Applications for Executive Committee Approval.
7. Report on 1977 Philadelphia Assembly Meeting.
8. Approval of SC–65 "Ship Radar" Papers.
9. Administrative Action Items.
10. Summary Reports and Announcements.
11. New Business.
12. Establishment of next meeting date.

To comply with the advance notice requirements of Pub. L. 92–463, a comparatively long interval of time occurs between publication of this notice and the

actual meeting. Consequently, there is no absolute certainty that the listed meeting room will be available on the day of the meeting. Those planning to attend the meeting should report to the room listed in the notice. If a room substitution has been made, the new meeting room location will be posted at the room listed in this notice.

Agendas, working papers, and other appropriate documentation for the meeting is available at that meeting. Those desiring more specific information may contact either the designated Chairman or the RTCM Secretariat. (Phone (202) 632-6490)

The RTCM has acted as a coordinator for maritime telecommunications since its establishment in 1947. Problems are studied by Special Committees and the final report is approved by the RTCM Executive Committee. All RTCM meetings are open to the public. Written statements are preferred but by previous arrangement, oral presentations will be permitted within time and space limitations.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.77-180 Filed 1-3-77;8:45 am]

FEDERAL ENERGY ADMINISTRATION

CASES FILED WITH THE OFFICE OF EXCEPTIONS AND APPEALS

Week of December 10 through December 17, 1976

Notice is hereby given that during the week of December 10 through December 17, 1976, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Federal Energy Administration's Office of Exceptions and Appeals.

Under the FEA's procedural regulations, 10 CFR, Part 205, any person who will be aggrieved by the FEA action sought in such cases may file with the FEA written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of those regulations, the date of service of notice shall be deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first.

MICHAEL F. BUTLER,
General Counsel.

DECEMBER 23, 1976.

List of cases received by the Office of Exceptions and Appeals, Dec. 10-17, 1976

Date	Name and location of applicant	Case No.	Type of submission
Dec. 10, 1976	Air Transport Association of America, Washington, D.C. (If granted: The FEA's Sept. 17, 1976, and Nov. 8, 1976, information request denials would be rescinded and the Air Transport Association of America would receive access to information relating to the "bank" of unrecouped costs allocable to aviation jet fuel for the 14 major refiners listed in American Transport Association's requests.)	FFA-1075	Appeal of FEA's information request denials dated Sept. 17, 1976, and Nov. 8, 1976.
Do	Beacon Oil Co., Hanford, Calif. (If granted: The FEA's Nov. 5, 1976, decision and order would be rescinded and Beacon Oil Co. would not be required to purchase entitlements during the period November 1976 through October 1977 to offset the excessive exception relief which the firm received in 1975.)	FXA-1073	Appeal of decision and order in Beacon Oil Co., et al., 4 FEA par. ---- (Nov. 5, 1976).
Do	Independent Fuel Terminal Operators Association, et al. Washington, D.C. (If granted: The members of the Independent Fuel Terminal Operators Association and other independent resellers of refined petroleum products which operate deepwater terminals and own or control bulk storage of more than 100,000 bbl would be recognized by the FEA as a properly formed "class" for the purposes of granting exception relief.)	FXA-1076	Appeal of decision and order in retroactive application of the separate inventories amendment, 4 FEA par. 83,099 (Sept. 24, 1976).
Do	Kansas-Nebraska Natural Gas Co., Inc., Hastings, Nebr. (If granted: The Kansas-Nebraska Natural Gas Co., Inc., would be permitted to increase its prices to reflect nonproduct cost increases in excess of $0.005 per gallon for natural gas liquid products produced at its Flat Top and Venter plants.	FEE-3512 FEE-3513	Price exception. (Sec. 212.165.)
Do	National LP-Gas Association, Arlington, Va. (If granted: The members of the National LP-Gas Association which are propane sellers who have multiple bulk plant locations would be recognized by the FEA as a properly formed class for the purposes of granting exception relief.)	FXA-1077	Appeal of decision and order in Retroactive Application of the Separate Inventories Amendment, 4 FEA par. 83,099 (Sept. 24, 1976).
Do	Palm Petroleum Corp., Amarillo, Tex. (If granted: Crude oil produced from the Breedlove H Lease located in Martin County, Tex., would be sold at upper tier ceiling prices.)	FEE-3511	Price exception. (Sec. 212.73.)
Do	Petrolane, Inc., Washington, D.C. (If granted: The FEA's Sept. 24, 1976, decision and order would be rescinded and Petrolane, Inc., would be permitted to calculate its prices on the basis of multiple inventories.)	FXA-1078	Appeal of decision and order in retroactive Application of the Separate Inventories Amendment, 4 FEA par. 83,099 (Sept. 24, 1976).
Do	Powerine Oil Co., Washington, D.C. (If granted: The FEA's Nov. 5, 1976, decision and order would be rescinded and Powerine Oil Co., would receive exception relief which would excuse it from the obligation to purchase entitlements for the months of July and August 1975.)	FXA-1074	Appeal of decision and order in Beacon Oil Co., et al., 4 FEA par. ---- (Nov. 5, 1976).
Do	Rock Island Refining Corp., Indianapolis, Ind. (If granted: The FEA's Nov. 5, 1976, decision and order would be rescinded and Rock Island Refining Corp. would not be required to purchase entitlements during the period November 1976 through October 1977 to offset the excessive exception relief which the firm received in 1975.)	FXA-1072	Do.

Date	Name and location of applicant	Case No.	Type of submission
Do	Southland Oil Co. (VGS Corp.), Jackson, Miss. (If granted: Southland Oil Co. would receive a stay of the FEA's Nov. 5, 1976, decision and order which requires Southland to purchase entitlements during the period November 1976 through October 1977 pending a final determination of its appeal from that order.)	FES-1068	Stay request. Decision and order in Beacon Oil Co., et al., 4 FEA par. ---- (Nov. 5, 1976).
Dec. 13, 1976	Glenn Mitchell, Breckenridge, Tex. (If granted: Glenn Mitchell would be assigned to new, lower priced supplier of motor gasoline to replace his base period supplier, Amtel, Inc.)	FEE-3514	Exception to change supplier. (Sec. 211.9.)
Do	Skelly Oil Co., Tulsa, Okla. (If granted: Skelly Oil Co. would receive a stay of the requirements of the remedial order issued to the firm on Dec. 6, 1976, pending a final determination of an appeal from that order which it intends to file. The stay would relieve the firm of the requirement that it compute the imputed May 15, 1973, selling price for unleaded motor gasoline in compliance with 10 CFR 212.112(b)(1).)	FES-1076	Stay request.
Do	Union Oil Co. of California, Los Angeles, Calif. (If granted: The FEA's Nov. 5, 1976, order would be rescinded and the Union Oil Co. of California would continue to be supplied motor gasoline by Gulf Oil Corp.)	FEA-1079 FES-1079	Appeal of FEA's Nov. 5, 1976, order. Stay request.
Dec. 14, 1976	Abco Fuel Oil Service, Inc., Plainview, N.Y. (If granted: The FEA's Nov. 29, 1976, remedial order would be rescinded.)	FRA-1070 FES-1070	Appeal of remedial order dated Nov. 29, 1976. Stay request.
Do	Caribou Four Corners, Inc., Afton, Wyo. (If granted: Caribou Four Corners, Inc., would be issued additional entitlements for the month of September 1976 in order to eliminate the effects of an error in reporting the quantity of its old oil receipts during the months of February and March 1976 when the statutory entitlement purchase exemption was in effect.)	FEE-3516	Exception to old oil entitlements program. (Sec. 211.67.)
Do	Jack W. Grigsby, d/b/a Grigsby Gas & Oil, Shreveport, La. (If granted: The FEA's Nov. 29, 1976, remedial order would be rescinded and Grigsby would not be required to make refunds for overcharges made in sales of crude oil produced from the Heywood Unit and the WLP 41 7600' SU during the period September 1, 1973 through July 31, 1975.	FRA-1083 FES-1083	Appeal of remedial order dated Nov. 29, 1976. Stay request.
Do	Harbor Enterprises, Inc., Seward, Alaska. (If granted: Harbor Enterprises, Inc., would not be required to file form P112-M-1 (No. 2 heating oil/price monitoring report) with the FEA.)	FEE-3517	Exception to reporting requirement. (Sec. 211.-127.)
Do	Pride Utilities, Inc., Plainview, N.Y. (If granted: The FEA's Nov. 29, 1976, remedial order would be rescinded.)	FRA-1080 FES-1080	Appeal of remedial order dated Nov. 29, 1976. Stay request.
Do	Ruthven, Inc., Russell, Kans. (If granted: The FEA's Nov. 15, 1976, decision and order would be rescinded and Ruthven, Inc.'s, Ben Rien lease located in Russell County, Kans., would be classified as a stripper well property during the period Dec. 1, 1973, through Dec. 31, 1975. Ruthven would thereby be relieved of any obligation to refund revenues which it may have realized as a result of charging unlawful prices for the crude oil produced and sold from the lease during that period.)	FXA-1081	Appeal of decision and order in Ruthven, Inc., 4 FEA par. ---- (Nov. 15, 1976).
Dec. 15, 1976	Caldo Oil Co., Curtesy Oil Co., Rameo Oil Co., and Rinehart Oil Co., San Francisco, Calif. (If granted: The FEA's Nov. 5, 1976, order relieving Gulf Oil Corp. of supply requirements in the western region would be rescinded and Caldo Oil Co., Curtesy Oil Co., Rameo Oil Co., and Rinehart Oil Co. would continue to receive their base period use of petroleum products from Gulf Oil Corp.)	FEA-1064— FEA-1067	Appeal of FEA's Nov. 5, 1976 order.
Do	Continental Oil Co., Houston, Tex. (If granted: Continental Oil Corp. would be granted an exception which would permit it to recalculate the passthrough of increased nonproduct costs on a proportional basis for 1975.)	FEE-3520	Exception to nonproduct cost passthrough.
Do	EDG, Inc., Los Angeles, Calif. (If granted: The FEA's Nov. 5, 1976, decision and order would be rescinded and EDG, Inc., would not be required to purchase entitlements during the period November 1976 through October 1977 to offset the excessive exception relief which the firm received in 1975.)	FXA-1082	Appeal of FEA's decision and order in Beacon Oil Co., et al., 4 FEA par. ---- (Nov. 5, 1976).
Do	Great Atlantic & Pacific Aeroplane Co., Van Nuys, Calif. (If granted: The Great Atlantic & Pacific Aeroplane Co., would receive an increase in its base period use of aviation fuel and kerosene jet fuel.)	FEE-3518— FEE-3519	Exception to increase base period use.
Do	Major Oil Co., Miles Oil Co., and Olympian Oil Co., San Francisco, Calif. (If granted: The FEA's Nov. 5, 1976, order relieving Gulf Oil Corp. of supply requirements in the western region would be rescinded and Major Oil Co., Miles Oil Co., and Olympian Oil Co. would continue to receive their base period use of petroleum products from Gulf Oil Corp.)	FEA-1088— FEA-1090	Appeals of FEA's Nov. 5, 1976, order.
Dec. 16, 1976	B. & D. Oil Co., Inc., Iron Range Propane Co., Inc., Hibbing, Minn. (If granted: The remedial order dated Dec. 1, 1976, would be rescinded and B. & D. Oil Co., and Iron Range Propane Co., Inc., would not be required to make refunds for overcharges in their sales of propane during the period Nov. 1, 1973, through Dec. 26, 1974.)	FRA-1000— FES-1091	Appeal of remedial order dated Dec. 1, 1976. Stay request.
Do	Gulf Energy & Development Corp. (Intrastate Gathering Corp.), Washington, D.C. (If granted: Gulf Energy & Development Corp., on behalf of its wholly owned subsidiary, the Intrastate Gathering Corp., would be permitted to (i) increase prices to reflect nonproduct cost increases in excess of $0.005 per gallon for natural gas liquid products produced at its Rio and Runge gas processing plants; (ii) increase prices to reflect nonproduct cost increases retroactive to August 1973; and (iii) receive a retroactive adjustment to its May 15, 1973, selling price for the period April through December 1974.)	FEE-3521 FEE-3522	Price exception. (Sec. 212.165.)

Date	Name and location of applicant	Case No.	Type of submission
Do.....	Perrault Production Co., Tulsa, Okla. (If granted: Perrault Production Co. would receive an exception from the 2-mo adjustment rule which would permit the upper tier ceiling price to be paid for crude oil produced in February 1976 from 2 wells located in Osage County, Okla.)	FEE-3524	Price exception. (Sec. 212.74.)
Do.....	Piedmont Associates, Inc., Warrenton, Va. (If granted: Piedmont Associates, Inc., would be assigned a new, lower priced supplier of motor gasoline to replace its base period supplier, BP Oil.)	FEE-3523	Exception to change suppliers.
Do.....	Power Test Corp., Washington, D.C. (If granted: Power Test Corp. would be permitted to import into districts I though IV on a fee-free basis 1,661,626 bbl of finished products (motor gasoline and No. 2 fuel oil).)	FPI-0106	Exception from the base fee requirements. (Sec. 213.35.)

[FR Doc.76-38294 Filed 12-27-76;1:24 pm]

ENERGY CONSERVATION PROGRAM FOR APPLIANCES

Notice of Delay in Prescription of Test Procedures

The Federal Energy Administration (FEA) hereby gives notice, pursuant to section 323(a)(6) of the Energy Policy and Conservation Act (Act) (Pub. L. 94-163), that it cannot within the statutory time period prescribe certain final test procedures.

Section 323(a)(4)(B) of the Act requires that, not later than December 31, 1976, FEA shall prescribe test procedures for the following types of covered products: home heating equipment (not including furnaces) and kitchen ranges and ovens. Section 323(a)(6) of the Act, however, provides that FEA may delay the prescription of test procedures for a type of covered product (or class thereof) beyond the required dates if it determines that it cannot, within the applicable time period, prescribe test procedures applicable to such type (or class thereof) that meet the requirements of subsection 323(b) and publishes such determination in the FEDERAL REGISTER.

FEA is today giving notice of its determination that it cannot by December 31, 1976 prescribe test procedures applicable to home heating equipment (not including furnaces) and kitchen ranges and ovens that meet the requirements of subsection 323(b). FEA will prescribe such test procedures as soon as practicable, unless it determines that test procedures cannot be developed which meet the requirements of subsection 323(b) and publishes such determination in the FEDERAL REGISTER, together with the reasons therefor.

Issued in Washington, D.C., December 28, 1976.

ERIC J. FYGI,
Acting General Counsel,
Federal Energy Administration.

[FR Doc.76-38482 Filed 12-29-76;3:03 pm]

BRYAN MOUND SALT DOME STORAGE SITE

Availability of Final Site—Specific Environmental Impact Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act, 42 U.S.C. 4332(2)(C) et seq., the Federal Energy Administration (FEA) has prepared a final site-specific environmental impact statement (EIS) for the Bryan Mound salt dome site, one of five storage sites that is being considered for the creation of a Strategic Petroleum Reserve. The Reserve is mandated by Part B of Title I, Energy Policy and Conservation Act, 42 U.S.C., Sections 6231-6242. The Reserve will be created for the storage of approximately 500 million barrels of crude oil and/or petroleum products for use in the event of a Presidential determination of a severe energy supply interruption or a requirement to meet the obligations of the United States under the international energy program.

The Bryan Mound salt dome site is located in Brazoria County, Texas. This site is currently under consideration for use in the Early Storage Reserve, i.e., for the first 150 million barrels of storage capacity. The final Bryan Mound EIS (FES-76/77-6) includes comments received by FEA on the draft EIS for the Bryan Mound site (DES-76-6) and FEA analyses and responses to those comments.

Single copies of the final Bryan Mound EIS may be obtained from the FEA Office of Communications and Public Affairs, Room 3138, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461. Copies of the final Bryan Mound EIS will also be available for public review in the FEA Information Access Reading Room, Room 2107, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461, between 8:00 a.m. and 4:30 p.m., e.s.t., Monday through Friday, except Federal holidays.

Interested persons are invited to submit data, views or arguments with respect to the final Bryan Mound EIS to Executive Communications, Box JZ, Room 3309, Federal Energy Administration, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461.

Comments should be identified on the outside of the envelope and on the document submitted to FEA Executive Communications with the designation, "Final Bryan Mound EIS." Fifteen copies should be submitted. All comments should be received by FEA by January 28, 1977, in order to receive full consideration.

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

Issued in Washington, D.C., on December 28, 1976.

ERIC J. FYGI,
Acting General Counsel,
Federal Energy Administration.

[FR Doc.76-38481 Filed 12-29-76;3:05 pm]

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License No. 1534]

S. H. MOULTON CO.

Order of Revocation of License

By letter dated November 23, 1976, Mr. Steven H. Moulton, S. H. Moulton Company, 6999 Metroplex Drive, Romulus, Michigan 48174 was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 1534 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission on or before December 22, 1976.

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4, further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

S. H. Moulton Company has failed to furnish a valid surety bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised) Section 5.01 (c) dated June 30, 1975;

It is ordered, That Independent Ocean Freight Forwarder License No. 1534 issued to S. H. Moulton Company be returned to the Commission for cancellation.

It is further ordered, That Independent Ocean Freight Forwarder License No. 1534 be and is hereby revoked effective December 22, 1976.

It is further ordered, That a copy of this Order be published in the FEDERAL REGISTER and served upon S. H. Moulton Company.

LEROY F. FULLER,
Director, Bureau of
Certification and Licensing.

[FR Doc.77-272 Filed 1-3-77;8:45 am]

[Independent Ocean Freight Forwarder License No. 38]

SAFEWAY SHIPPING CO., INC.

Order of Revocation of License

By letter dated November 22, 1976, Mr. Roy Slack, President, Safeway Shipping Co., Inc., 114 Liberty Street, New York, NY 10006 was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 38 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission on or before December 22, 1976.

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force

unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4, further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

Safeway Shipping Co., Inc., has failed to furnish a valid surety bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised) Section 5.01(c) dated June 30, 1975;

It is ordered, That Independent Ocean Freight Forwarder License No. 38 issued to Safeway Shipping Co., Inc., be returned to the Commission for cancellation.

It is further ordered, That Independent Ocean Freight Forwarder License No. 38 be and is hereby revoked effective December 22, 1976.

It is further ordered, That a copy of this Order be published in the FEDERAL REGISTER and served upon Safeway Shipping Co., Inc.

LEROY F. FULLER,
Director, Bureau of Certification and Licensing.

[FR Doc.77-271 Filed 1-3-77;8:45 am]

[Docket No. 72-41; General Order 35]

ATLANTIC CONTAINER LINE

Truck Detention at Port of New York

The following constitutes an addition to the list of Parties Responsible For Receipt And Settlement of Claims in this proceeding published September 21, 1976, [41 FR 41162].

ATLANTIC CONTAINER LINE

Mr. James Mella and Mr. William Cynes, 80 Pine Street, New York, N.Y. 10005 (201) 289-3000. Elizabeth Terminal, Port Newark, N.J., Berths 68 and 70, buildings 2180 and 3000.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.77-273 Filed 1-3-77;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. G-17478, et al., issued November 30, 1976]

COASTAL STATES GAS PRODUCING CO., ET AL.

Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates; Correction

DECEMBER 21, 1976.

In FR Doc. 76-35862 published in the FEDERAL REGISTER on December 8, 1976, at 41 FR 53703, in the tabulation on page 53703, in the entry for Docket Number C177-68, Pioneer Production Co., under the column headed "Docket and Date Filed" change "C177-68" to read: C177-60.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-276 Filed 1-3-77;8:45 am]

[Docket No. RP75-91]

CONSOLIDATED GAS SUPPLY CORP.

Order Granting Motion To Sever and Consolidate Proceedings and To Omit Initial Decision

DECEMBER 27, 1976.

On December 1, 1976, Consolidated Gas Supply Corporation (Consolidated) filed a Motion to Sever and Consolidate Proceedings and to Omit Initial Decision in the instant docket. Consolidated seeks to sever from its pending rate case, Docket No. RP75-91, the depreciation issue and consolidate it with four other depreciation proceedings currently consolidated and before the Commission.[1]

Consolidated also moves the Commission to omit the initial decision in the current docket (RP75-91) which would allow the Commission to consider the five currently pending depreciation proceedings as a single unit. On December 6, 1976, the Rochester Gas and Electric Corporation filed a response in which it indicated that subject to certain understandings it supported Consolidated's motion. These understandings were that Consolidated's motion goes solely to the depreciation issue in Docket No. RP75-91 and that the evidence submitted in connection with the depreciation issue in Docket No. RP75-91 would continue to be a part of the record in the remainder of that docket. On December 15, 1976, the Commission Staff filed an answer opposing Consolidated's motion to sever, consolidate, and omit the initial decision.

A similar situation confronted the Commission on May 30, 1975, when the Commission issued an order "Granting Motion to Sever and Consolidate Depreciation Issues and Extend Procedural Dates" in Docket Nos. RP71-77, RP72-104, RP73-107, and RP74-90. In that order we stated:

> We have no doubt that there are many similarities among Docket Nos. RP71-77, RP72-104, RP73-107 and RP74-90 and that they contain many common questions of law and/or fact as incident to their embracing four successive rate filings by a single natural-gas company. Such common questions give us authority under § 1.20(b) of our Rules of Practice and Procedure to consolidate the proceedings or common parts of them. And while we can appreciate that different test periods and rate levels may be involved, and that there may be differences in the postures of the proceedings, we believe on balance that such differences are outweighted by the common veins among the proceedings and, consequently, that it is appropriate and in the public interest to sever the depreciation issues from Docket Nos. RP72-104, RP73-107 and RP74-90 and to consolidate those severed issues with the depreciation issue in Docket No. RP71-77 for the purposes of hearing and decision.

For the same reasons we are inclined to sever the depreciation issue in Docket No. RP75-91 and consolidate it with the current consolidated depreciation proceeding.

[1] These proceedings are Docket Nos. RP71-77 (remand), RP72-104, RP73-107, and RP 74-90, which are the subject of an initial decision of the Presiding Administrative Law Judge issued April 12, 1976.

As noted above, the consolidated depreciation proceeding is the subject of an initial decision issued by Presiding Administrative Law Judge Benkin, issued April 12, 1976, and currently before the Commission on exceptions. Owing to the status of that proceeding, it would be a hollow gesture to consolidate the RP75-91 proceeding with it and not omit the initial decision in RP75-91. Owing to the commonality of the facts and/or law of the five depreciation proceedings, we feel that it would be administratively expedient to omit the initial decision in RP75-91 and thus allow the Commission to dispose of the entire package of pending depreciation issues relating to Consolidated.

Consolidated's motion also suggested that a short briefing schedule be established if the Commission were to grant its motion to sever, consolidate, and omit initial decision. The briefing schedule proffered by Consolidated was that initial briefs be submitted three weeks after the issuance of this order and reply briefs be due two weeks thereafter. Inasmuch as the omission of the initial decision will put this proceeding in the posture of any other proceeding before the Commission on exceptions, we feel that it is only proper to establish a briefing schedule analogous to that set forth in our Rules for briefs on exceptions and briefs opposing exceptions. Accordingly, we will adopt the filing requirements set forth in § 1.31 of the Commission's Rules of Practice and Procedure.

The Commission finds and orders:

(A) Consolidated's Motion to Sever and Consolidate Proceedings and to Omit Initial Decision should be and is hereby granted.

(B) The Presiding Administrative Law Judge should be and is hereby directed to certify the record in Docket No. RP75-91 to the Commission.

(C) Initial briefs in Docket No. RP75-91 shall be filed within thirty days after the issuance of this order and reply briefs shall be filed in response to initial briefs within twenty days after the filing of initial briefs.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc 77-279 Filed 1-3-77;8:45 am

[Project No. 2232]

DUKE POWER CO.

Application for Approval of Easement Over Project Lands

DECEMBER 27, 1976.

Public notice is hereby given that an application was filed on October 12, 1976, under the Federal Power Act, 16 U.S.C. 791a-825r, by Duke Power Company (Correspondence to: Mr. William L. Porter, Associate General Counsel, Duke Power Company, Box 2178, Charlotte, North Carolina 28242) for Commission approval of the grant of an easement over certain lands of the Mountain Island Development of the Catawba-

Wateree Project, FPC No. 2232, to the State of North Carolina for the construction and maintenance of a highway bridge and its approaches. The affected project lands are located in Gaston County, North Carolina, on the Catawba River.

The proposed bridge would replace the existing steel beam span bridge over which State Road 1909 crosses the Catawba River. Applicant states that the existing one-lane bridge is in poor structural condition and has a low capacity, and consequently is considered a public safety hazard. The new bridge would be 90 feet long and 26 feet wide, and would accommodate two lanes of traffic. The right-of-way for the bridge and approaches would be 60 feet wide.

Upon completion of the new bridge, the superstructure and a portion of the substructure of the old bridge would be removed, and the remaining portion of the substructure left intact. The new bridge would be located about eight feet upstream (north) of the old bridge.

Applicant has requested the shortened procedure provided for under § 1.32(b) of the Commission's Rules of Practice and Procedure, 18 CFR 1.32(b) (1976).

Any person desiring to be heard or to make any protest with reference to said application should, on or before February 10, 1977, file with the Federal Power Commission, 825 N. Capitol St. N.E., Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1976). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and conferred upon the Federal Power Commission by Sections 308 and 309 of the Federal Power Act, 16 U.S.C. 825g and 825h, and the Commission's Rules of Practice and Procedure, specifically § 1.32(b), a hearing on this application may be held before the Commission without further notice if no issue of substance is raised by any request to be heard, protest, or petition filed subsequent to this notice within the time required herein. If an issue of substance is so raised, further notice of hearing will be given.

Under the shortened procedure herein provided for, unless otherwise advised, it will not be necessary for Applicant to appear or be represented at the hearing before the Commission.

The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-283 Filed 1-3-77;8:45 am]

[Docket Nos ER76-716, ER76-792 and E-9329]

INDIANA & MICHIGAN POWER CO.

Electric Rates; Suspension

DECEMBER 28, 1976.

On December 1, 1976, Indiana & Michigan Electric Company (I & M) tendered for filing with the Commission a superseding service agreement with the Richmond Power & Light Company of the City of Richmond (RP & L), Indiana, containing tariff rate WS. The revised service agreement is proposed to become effective on January 1, 1977, the expiration date of the current rate schedule. RP & L filed a petition to intervene and objected to the terms of service under the proposed agreement. For the reasons set forth below, the Commission shall suspend the effectiveness of the service agreement for one day, consolidate the proceedings with ongoing consolidated Docket Nos. ER76-792 and E-9329,[1] and grant the petition to intervene.

RP & L is currently being served under I & M's Rate Schedule FPC No. 58,[2] which contains the company's tariff Rate IP. On December 15, 1976, RP & L filed a petition to intervene, stating its objection to certain terms of service of the proposed service agreement.

The proposed superseding service agreement would place RP & L on tariff rate WS and under new terms of service to which RP & L objects. Specifically, RP & L contends: (1) that I & M's proposed contract capacity of 76,000 kw does not conform to Tariff WS; (2) that the application to RP & L of I & M's minimum billing demand provision of 100 percent of contract capacity for partial requirements customers would constitute unlawful discrimination; and (3) that a price squeeze would result from imposition of the tendered service agreement on RP & L.

RP & L requests that we reject the filing and that we excise from I & M's Tariff WS the provision requiring partial requirements customers to pay a monthly minimum billing demand equal to 100 percent of contract capacity. In the alternative, RP & L requests a five month suspension. We note that there is no patent failure on the part of I & M to comply with the Commission's filing requirements, such as would require rejection of its filing under § 35.5 of our Regulations. The issues raised by Petitioners can most appropriately be addressed in a hearing.

The Commission's review of I & M's filing indicates that the terms and conditions of the proposed service agreement have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or otherwise unlawful. Accordingly, the Commission will accept I & M's proposal for filing and suspend its operation for one day, to become effective January 2, 1977, and grant RP & L's petition to intervene. Since a hearing on similar service agreements between I & M and the cities of Anderson, Indiana, and Mishawaka, Indiana, containing terms similar to those in dispute herein, has previously been ordered in consolidated Docket Nos. ER76-792 and E-9329, the Commission shall consolidated the instant docket with that ongoing proceeding for purposes of hearing and decision. The proposed rate level under tariff rate WS will of course be subject to refund pending the outcome of the proceedings in Docket Nos. ER76-714, et al.

I & M requested waiver of the cost support filing requirements of the Commission's Regulations for the instant filing, since it included cost support for tariff rate WS in its May 28, 1976, filing in Docket Nos. ER76-714, et al.

In view of the foregoing, it appears appropriate to grant the waiver requested by I&M. However, I&M should file in Docket No. ER76-716 support for the contract capacity specified in the proposed service agreement for service to RP&L.

The Commission finds: (1) It is necessary and proper in the public interest and to aid in the enforcement of the Federal Power Act that the filing requirements be waived as requested by I&M and that the service agreement proposed in Docket No. ER76-716 be accepted for filing and suspended for one day, to become effective January 2, 1977, pending hearing and decision as to its lawfulness.

(2) Good cause does not exist to grant RP&L's motion to reject, a motion for rescission of tariff provision or its motion for a five month suspension.

(3) Intervention in this docket by the RP&L may be in the public interest.

(4) Good cause exists to consolidate with Docket Nos. ER76-792 and E-9329 the issues with respect to RP&L concerning the limitation of contract capacity and day to day service and to consider in the separate proceeding, Docket No ER76-716, all other issues relating to RP&L.

The Commission orders: (A) Pursuant to the authority contained in 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 (18 CFR Chapter I), a public hearing shall be held concerning the justness and reasonableness of the terms and conditions of I&M's proposed service agreement filed in Docket No. ER76-716. In connection therewith, I&M is hereby required to file therein, within 30 days of the issuance of this order, support for the contract capacity specified in the proposed service agreement for service to RP&L.

(B) I&M's request for waiver of certain filing requirements is hereby granted.

[1] Previously consolidated by Commission Order dated September 23, 1976.

[2] Designated as: Indiana & Michigan Electric Company Service Agreement under FPC Electric Tariff WS Volume No. 1 (Richmond).

(C) Pending a hearing and decision thereon, I&M's proposed service agreement tendered in Docket No. ER76–716 is hereby accepted for filing and suspended for one day, to become effective January 2, 1977, subject to refund.

(D) Richmond Power & Light is hereby permitted to intervene in Docket No. ER76–716, subject to the Rules and Regulations of the Commission: *Provided, however,* That the participation of this intervenor shall be limited to matters affecting the rights and interests specifically set forth in its petition to intervene; and *Provided, further,* That the admission of such intervenor shall not be construed as recognition that it might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(E) Nothing contained herein shall be construed as limiting the rights of parties to Docket No. ER76–716 regarding the convening of conferences or offers of settlement pursuant to § 1.18 of the Commission's Rules of Practice and Procedure, 18 CFR 1.18.

(F) The proceedings in Docket Nos. ER76–792 and E–9329, together with the related issues set forth in finding paragraph (4) above, are hereby consolidated for purposes of hearing and decision.

(G) The Presiding Administrative Law Judge in these proceedings is hereby authorized to convene any further prehearing conferences that may be necessary in view of the consolidation of Docket No. ER76–716 with Docket Nos. E–9329 and ER76–792. Said Presiding Law Judge is hereby authorized to establish and change all procedural dates, and to rule on all motions (with the sole exception of petitions to intervene, motions to consolidate and sever, and motions to dismiss, as provided for in the Rules of Practice and Procedure).

(H) RP&L's motion to reject, motion for rescission of tariff provision and motion for five month suspension are hereby denied.

(I) The Secretary shall cause prompt publication of the order in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77–281 Filed 1–3–77;8:45 am]

[Docket No. ER77–119]

IOWA PUBLIC SERVICE CO.

Filing of Termination Notice

DECEMBER 28, 1976.

Take notice that on December 13, 1976, Iowa Public Service Company (Iowa) filed notice of termination of the July 1, 1946 agreement with the town of Denver, Iowa for the sale of electric energy at wholesale (Rate Schedule FPC No. 27). The agreement provided for an initial term of ten years and for five-year terms thereafter unless cancelled by 90 days written notice prior to the end of any term.

Iowa states that notice of the termination was served upon the Mayor of Denver on March 29, 1976 and acknowledged by the Mayor on March 30, 1976.

The termination was effective on July 1, 1976.

Any person desiring to be heard or to protest said termination should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedures (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 10, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77–277 Filed 1–3–77;8:45 am]

[Docket No. ER77–120]

IOWA PUBLIC SERVICE CO.

Filing of Termination Notice

DECEMBER 28, 1976.

Take notice that on December 13, 1976, Iowa Public Service Company (Iowa) filed notice of termination of the December 10, 1956 agreement with the town of Hudson, Iowa for the sale of electric energy at wholesale (Rate Schedule FPC No. 31). The agreement provided for an initial term of five years and for five-year terms thereafter unless cancelled by 90 days written notice prior to the end of any term.

Iowa states that notice of the termination was served upon the Mayor of Hudson on August 16, 1976 and acknowledged by the Mayor on August 18, 1976.

The termination was effective on December 10, 1976.

Any person desiring to be heard or to protest said termination should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 10, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77–278 Filed 1–3–77;8:45 am]

[Project No. 2323]

NEW ENGLAND POWER CO.

Application for Authorization To Convey Interests in Project Lands

DECEMBER 27, 1976.

Public notice is hereby given that an application was filed on September 29, 1976, under the Federal Power Act, 16 U.S.C. 791a–825r, by New England Power Company (Correspondence to: Mr. Edward A. Plumley, Vice President, New England Power Company, Turnpike Road, Westboro, Massachusetts 01581) for Commission authorization to grant a fee simple deed to certain lands of the Deerfield Project, FPC No. 2323, to the Village of Readsboro, Vermont (Grantee) for the construction thereon of a sewage treatment plant. Applicant also seeks permission to grant several easements in connection with the proposed plant. The affected lands are located in the southeastern portion of the Harriman Development of Project No. 2323 in Bennington County, Vermont, on the Deerfield River.

The land to be conveyed in fee simple would comprise 20.44 acres. In addition, Applicant would grant the following: a permanent easement 200 feet long and 20 feet wide for an outfall pipeline; a permanent easement 250 feet long and 20 feet wide for a six-inch pressure sewer line; a 50-foot-wide temporary easement on each side of the above-mentioned permanent easements; an 85-foot-long, 30-foot-wide permanent easement for the construction of an access road and a 30-foot-wide temporary easement on each side of the roadway easement.

The proposed sewage treatment plant and appurtenant facilities would discharge up to 75,000 gpd of treated sewage into the Deerfield River. Applicant states that Grantee has obtained a Temporary Pollution Permit, as well as a Land Use Permit, from the State of Vermont Agency of Environmental Conservation. Further, Grantee will obtain a permit from the U.S. Department of the Army, Corps of Engineers, for any stream dredging and filling that is necessary.

Applicant has requested the shortened procedure provided for under § 1.32(b) of the Commission's Rules of Practice and Procedure, 18 CFR 1.32(b) (1976).

Any person desiring to be heard or to make any protest with reference to said application, should, on or before February 10, 1977, file with the Federal Power Commission, 825 N. Capitol St. N.E., Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1976). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and conferred

upon the Federal Power Commission by Sections 308 and 309 of the Federal Power Act, 16 U.S.C. 825g and 825h, and the Commission's Rules of Practice and Procedure, specifically § 1.32(b), a hearing on this application may be held before the Commission without further notice if no issue of substance is raised by any request to be heard, protest, or petition filed subsequent to this notice within the time required herein. If an issue of substance is so raised, further notice of hearing will be given.

Under the shortened procedure herein provided for, unless otherwise advised, it will not be necessary for Applicant to appear or be represented at the hearing before the Commission.

The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-280 Filed 1-3-77;8:45 am]

[Docket Nos. RP71-107 (Phase II) and RP72-127 (PGA77-1, 77-1a and R&D 77-1)]

NORTHERN NATURAL GAS CO.

Tariff Sheets Accepted for Filing

DECEMBER 23, 1976.

On October 27, 1976, as amended on November 24, 1976, Northern Natural Gas Company (Northern) tendered for filing proposed changes to its tariff.[1] These tariff sheets reflect a 15.69 cents per Mcf increase of which 14.91 cents per Mcf, or approximately $103 million per year relates to purchased gas costs attributable to Opinion No. 770-A.

The proposed increase is part of Northern's annual PGA rate increase, modified to give effect to producer increases resulting from Opinion No. 770-A. This filing does not include any emergency purchases in excess of the Opinion No. 770-A rates.

The proposed rate increase includes a 0.10 cent per Mcf increase related to increased research and development expenses. These expenses relate to seven research and development projects, the costs of which are reflected currently in Northern's rates. Five of these projects have been approved by the Commisison for rate treatment as R&D expenses. The remaining two projects, a coal gasification study and a coal slagging gasifier project, have been set for hearing in Docket No. RP72-127 (R&D 75-1). In view of this, the Commission believes that the proposed rate increase relating to the increased research and development expenses should be collected subject to refund pending a final determination of the propriety of including the costs of the two projects in Northern's rates.

The Commission orders: (A) The tariff sheets tendered by Northern on October 27, 1976, as modified by Northern's filing on November 24, 1976, are hereby accepted for filing and allowed to become effective on December 27, 1976; provided, however, the increased rates associated with Northern's research and development expenses be subject to refund pending final Commission determination in Docket No. RP72-127 (R&D 75-1).

(B) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc 77-282 Filed 1-3-77;8:45 am]

[Docket Nos. CP71-237; CI71-714]

PANHANDLE EASTERN PIPE LINE CO. AND PAN EASTERN EXPLORATION CO.

Order Approving Settlement and Terminating Procedures

DECEMBER 22, 1976.

Certificates; Pipeline Production; Abandonments; Transfer, Exploration and Development, Area Rates, National Rates Settlement, Court Remand. Before Commissioners: Richard L. Dunham, Chairman; Don S. Smith, and James G. Watt.

On August 24, 1976, Presiding Administrative Law Judge Thomas L. Howe certified to the Commission a document entitled "Stipulation and Agreement" [1] which provides for the settlement of all contested issues in these proceedings as well as other matters relating to the operations and future programs of Pan Eastern Exploration Company (Pan Eastern) and Panhandle Eastern Pipe Line Company (Panhandle). We find the Stipulation and Agreement to be in the public interest and hereby adopt and approve the same and terminate these proceedings.

In *Cities of Fulton and Macon, Missouri* v. *F.P.C.*,[2] the Court affirmed Commission Opinion Nos. 626 and 626-A [3] but "retain[ed] jurisdiction . . . for the purpose of allowing the FPC to seek a remand, if so advised, to examine the continued reasonableness of its orders in light of change circumstances." [4] By order issued May 19, 1975,[5] we directed the Solicitor to seek a remand of the record in these proceedings pursuant to § 19(b) of the Natural Gas Act [6] "to permit [the presentation of] additional evidence on the following issues:

(i) Whether $43,609,250 constitutes the "full difference" between Panhandle's cost of service and the applicable area rates or whether such figure should be increased to reflect certain rate increase in the applicable area rates;

(ii) Whether Panhandle should be required to maintain a certain level of expenditures for exploration and development in addition to the monies expended by Pan Eastern, and, if so, what that level should be;

(iii) Whether, in addition to the refunds required should Pan Eastern fail to find and dedicate 400,000,000 Mcf in new gas reserves to Panhandle's system, Panhandle should be required to repay some portion of the full difference between the cost of service and the applicable area rates; and

(iv) Whether some adjustment shoud be made to the amounts which Pan Eastern must credit to the fund to reflect the rates established by Opinion No. 699-H and other pending national rate proceedings, i.e., Docket Nos. R-478 and RM75-14."

The Commission's motion was granted by the Court of Appeals on June 19, 1975, and, on December 2, 1975, we issued an order reopening these proceedings and scheduling hearings on the above issues.[7] The Stipulation is the product of discussions held during the course of the reopened proceedings among Panhandle and Pan Eastern, the Commission Staff, and the parties to these proceedings.

Before reviewing the provisions of the Stipulation and Agreement, a brief review of the transactions approved in Opinion Nos. 626 and 626-A is appropriate. Opinion Nos. 626 and 626-A authorized Panhandle to abandon and transfer to Pan Eastern all of its gas pro-

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[1] On October 27, 1976, Northern tendered Twelfth Revised Sheet No. 4a and Eighth Revised Sheet No. 4b to its FPC Gas Tariff, Third Revised Volume No. 1 and Thirteenth Revised Sheet No. 1c to Original Volume No. 2.

On November 24, 1976, Northern filed Substitute Twelfth Revised Sheet No. 4a and Substitute Eighth Revised Sheet No. 4b to Third Revised Volume No. 1 and Substitute Thirteenth Revised Sheet No. 1c to Original Volume No. 2.

[1] The Stipulation and Agreement consisting of 17 pages of text and an Appendix A of 10 pages is attached hereto as Appendix I.

[2] 512 F. 2d 947 (D. C. Cir. 1975).

[3] 48 F.P.C. 518 (1972), reh. denied, 48 FPC 1102 (1972).

[4] 512 F. 2d 947, 955. The change circumstances which "troubled" the Court included the issuance of the opinions establishing national rates for new gas Just and Reasonable National Rates For Sale of Natural Gas From Which Wells Commenced On Or After January 1, 1973, And New Dedications of Natural Gas To Interstate Commerce On Or After January 1, 1973, 51 F.P.C. 2212, reh. denied, 52 F.P.C. 1604 (1974), aff'd sub nom. *Shell Oil Company, et al.* v. *F.P.C.*, 520 F. 2d 1061 (5th Cir. 1975), cert. denied sub nom. *Chevron Oil Co., et al.* v. *F.P.C.*, 44 U.S. L.W. 3719 (June 14, 1976). Subsequent to those opinions, national rates were established for flowing gas. Just and Reasonable Rates For Sales of Natural Gas From Wells Commenced Prior to January 1, 1973, Opinion No. 749, ---- F.P.C., ------ (December 31, 1975), reh. denied, Opinion No. 749-C, ---- F.P.C. ------ (July 19, 1976), appeal pending sub nom. *Tenneco Oil Company, et al.* v. *F.P.C.*, No. 76-2960 (5th Cir., filed July 19, 1976). In addition, the national rates established in Opinion Nos. 699 and 699-H were partially modified and superseded by the rates established in Opinion Nos. 770 and 770-A. National Rates For Judicial Sales of Natural Gas dedicated To Interstate Commerce On Or After January 1, 1973, For The Period January 1, 1975, To December 31, 1976, ---- F.P.C. ------ (July 27, 1976), reh. denied, ---- F.P.C. ------ (November 5, 1976), appeals pending sub nom. As hereinafter set forth, the Stipulation and Agreement accounts for all of these rate changes.

[5] "Supplemental Order", ---- F.P.C. ------.

[6] "Order Reopening Proceedings and Scheduling Formal Hearing on Limited Issues", ---- F.P.C. ------.

duction properties and related production facilities. Concurrently, Pan Eastern was authorized to sell to Panhandle the gas produced from the transferred properties at the applicable area rates instead of at Panhandle's cost of service. Pan Eastern's collection of these increased rates was expressly conditioned on its establishment of an exploration and development fund equivalent to the difference in rates (stated to be $43,609,205) plus 3.0 cents per Mcf and 50.0 cents per barrel for all recoverable gas and oil reserves, respectively, discovered by Pan Eastern. Pan Eastern was also required to dedicate 400,000,000 Mcf of new gas reserves to Panhandle within seven (7) years of the commencement of the program or to reimburse Panhandle 11.0 cents per Mcf for each Mcf of the difference between 400,000,000 Mcf and the gas reserves actually dedicated.

The Stipulation and Agreement substantially modifies the original proposal approved by the Commission. The pricing provisions take into account the source of funds used to develop the new gas reserves and recognize the higher prices of gas, crude oil and other liquid hydrocarbons now prevailing. The term of the agreement is extended to 1968. The requirement that Pan Eastern dedicate a specific volume of gas to Panhandle is deleted, but Pan Eastern is still required to sell all new gas reserves to Panhandle except volumes which cannot be feasibly made available.[1] A general description of the provisions of the Stipulation and Agreement is set forth below.

Article I states that the Stipulation and Agreement is a negotiated settlement which settles all contested issues and additional matters relating to Pan Eastern's operation and future programs as set forth therein.

Article II provides that Pan Eastern shall sell "Flowing Gas" and "New Gas" to Panhandle. Flowing Gas is defined as all gas produced from wells commenced prior to January 1, 1973, which were connected to Panhandle's system and transferred to Pan Eastern on or before January 1, 1973. New Gas is defined as all gas produced by Pan Eastern from wells commenced on or after January 1, 1973, except for volumes which cannot feasibly be made available to Panhandle.

Article III defines the funds which Pan Eastern shall invest in gas lease acquisition, exploration, development and production activities. The funds are:

1. The amount by which the revenues for Flowing Gas exceed the cost of service (computed in accordance with Appendix A to the Stipulation and Agreement) for each calendar year commencing January 1, 1973. (This amount is referred to as the Differential Amount.);

2. For each Mcf of New Gas, an amount equal to the sum of (i) the Base Price multiplied by the percentage equal to 25% less 25% times the Source Factor and (ii) the Supply Refund Price multiplied by 10% times the Source Factor. (The Supply Refund Price is equal to the difference between the Base Price and the bracketed quantity set forth in Article IV(B)(1).);

3. One-seventh of the amount received from the sale of oil, condensate, and liquid hydrocarbons produced from Pan Eastern's interest in gas leases;

4. The amount received by Pan Eastern upon conveying oil-only leases in accordance with Article VII(C), which shall be equal to Pan Eastern's share of lease acquisition, exploration, development, and any other expenditures on such leases; and

5. One-seventh of the amount received by Pan Eastern's transferee or subsequent assigns from the sale of that portion of oil and liquid hydrocarbons produced from Pan Eastern's former interest in oil-only leases acquired after the approval date and conveyed in accordance with Article VII(C).

Article IV specifies the price provisions to be included in contracts or rate schedules for the sale of gas by Pan Eastern to Panhandle as follows:

1. For Flowing Gas, the Base Price shall be the currently effective area rate, national rate or other rate authorized by the Commission for similar vintage gas sold by independent producers, subject to the price adjustments permitted for such gas;

2. For New Gas, the Base Price shall be the currently effective area rate, national rate or other rate authorized by the Commission for similar vintage gas sold by independent producers including Btu adjustments and periodic adjustments, subject to other price adjustments permitted for such gas and to the Supply Refund Adjustment.

The Source Factor is defined as a fraction which is deemed to be unity on the date the order approving the Stipulation and Agreement becomes final and nonappealable and which is to be recomputed each succeeding December 31, but which is never to exceed unity. The numerator is the sum of the cumulative differential amounts computed under Article III (A) for the period from the date the order becomes final and nonappealable, and Pan Eastern's cumulative gross investment as of the date the order becomes final and nonappealable in properties other than the producing properties acquired from Panhandle on or before January 1, 1973. (This investment is referred to as the Phase I investment.) The denominator is the greater of:

1. The sum of (i) Pan Eastern's Phase I Investment; and (ii) the portion of the differential amount computed under Article III(A) for the period from the date the order becomes final and nonappealable until such December 31; and (iii) the cumulative amounts required to be invested pursuant to Article III(C), (E) as of such December 31; or

2. Pan Eastern's cumulative gross investment in properties other than the producing properties acquired from Panhandle on or before January 1, 1973.

The Supply Refund Adjustment Provisions in the Pan Eastern-Panhandle contracts are not to operate during any period in which the cumulative total of Supply Refund Adjustment dollars for volumes sold after January 1, 1973, exceeds the cumulative Differential Amount computed under Article III(A). Article IV also provides for the determination of the Supply Refund Adjustment in the event of certain specified changes in the Commission's regulation of pipeline or pipeline affiliate owned gas or the termination of the program pursuant to Article VIII.

Article V states that the Stipulation and Agreement is made in recognition of present governmental policies and that any party or the Commission Staff may request a prospective review and revision of the pricing formula in Article IV if there is a major change in these policies not covered by a provision of the Stipulation and Agreement.

Article VI requires Pan Eastern to file annual reports with the Commission and any party which requests copies of such reports. This report is to be filed on Appendix A to the Stipulation and Agreement and is to include cumulative data in addition to the prior calendar year's operations. In addition, Pan Eastern is to file quarterly reports during any suspension of the Supply Refund Adjustment provisions pursuant to Article IV (B)(3).

Article VII states that the purpose of the Stipulation and Agreement is to augment the gas supplies available for sale to the customers served by Panhandle's pipeline system and places certain constraints on Pan Eastern's operations.

Pan Eastern may not sell or otherwise transfer properties acquired from Panhandle on or before January 1, 1973, without prior Commission authorization.

Pan Eastern is required to engage in exploration, development, and production activities on a continuous basis and to endeavor to utilize the funds required to be invested pursuant to Article III in an expeditious manner consistent with prudent and reasonable management judgment. Furthermore, Pan Eastern is to maintain a balanced program of lease acquisition, exploration, and development in order to connect new supplies of gas to Panhandle's system as soon as reasonably possible and, during the next three years, to give primary emphasis to the development of existing leases.

Pan Eastern is to transfer to an affiliate the explored and developed portions of leases which will produce primarily oil and the wells on such leases have been designated as oil wells by the responsible governmental agency. The affiliate is to pay Pan Eastern an amount equal to all of Pan Eastern's expenditures on the properties transferred.

Finally, any property acquired subsequent to January 1, 1973, may, under certain conditions, be transferred free and clear of the Stipulation and Agreement other than the commitment of any gas ultimately discovered on such lease to Panhandle upon payment of the

[1] This provision recognizes that Pan Eastern might be required to relinquish certain volumes for compressor fuel or to sell a portion of the volumes to the transporting pipeline to facilitate the delivery of the gas to Panhandle's system.

greater of the amount of consideration received for the sale or transfer or the amount of Pan Eastern's expenditures on such lease.

Article VIII states that the Stipulation and Agreement is effective as of January 1, 1973, and shall continue in effect until December 31, 1986, and year to year thereafter. Pan Eastern and Panhandle have the right to terminate the Stipulation and Agreement subject to certain conditions if any jurisdictional customer of Panhandle, party to the proceeding, or the Commission, at least six months prior to December 31, 1986, or any subsequent December 31, initiates a review for purposes of modifying the Stipulation and Agreement.

Article IX provides that the Stipulation and Agreement will not become effective until each of three conditions have occurred. First, the Commission has entered a final order approving the Stipulation and Agreement, or, if modified or conditioned, such modifications or conditions are accepted by Pan Eastern and Panhandle and acquiesced in by any party within 15 days of the order, and no person files a petition for rehearing of the Commission's order. Second, Pan Eastern is permitted to collect without suspension or refund obligation the amounts provided for in the Agreement and Panhandle is permitted to include without suspension or refund obligation such amounts in its cost of purchased gas for all purposes. Third, the Commission terminates the proceedings instituted by the December 2, 1975 order and substitutes the provisions of the Stipulation and Agreement for the terms and conditions set forth in Paragraph (B) of the ordering paragraphs of Opinion No. 626.

Article X states that no person will be bound or prejudiced by any part of the Stipulation and Agreement until it is accepted by the Commission and provides that, if it is accepted, Pan Eastern's compliance with its obligations thereunder may be contested by the filing of a complaint or petition for a declaratory order specifying the act of alleged noncompliance and the relief sought.

After a careful review of the Stipulation and Agreement, the comments submitted in support of the Stipulation and Agreement, and the record developed pursuant to our December 2, 1975 order in these proceedings, we find the Stipulation and Agreement to be in the public interest and hereby adopt and approve the same as set forth below. In reviewing the Stipulation and Agreement, we found what appear to be inadvertent typographical errors. The copy of the Stipulation and Agreement attached as Appendix I has the Commission's proposed corrections underlined. These corrections do not change the meaning of the Stipulation and Agreement, and we believe that they are acceptable to all parties.

As previously set forth in the summary of Articles III and IV, the reinvestment provisions are based on complex formulae which take into account the higher prices received for gas, crude oil, condensate, and other liquid hydrocarbons and the source of the funds used to develop new reserves of gas and oil. Under these formulae, the amounts required to be reinvested in exploration, development and production activities increase proportionately wtih the price received for new supplies of gas and any liquid hydrocarbons discovered through the use of fund monies. This provision is in the public interest and it is substantially more beneficial to Panhandle's customers than the provisions of Opinion Nos. 626 and 626–A which require the reinvestment of only fixed amounts per Mcf and barrel regardless of the price received by Pan Eastern for new reserves of gas and oil.

The pricing formula for new gas sold by Pan Eastern to Panhandle also provides for specific reductions in the prices received which are designed to return in whole or in part the capital contributed by Panhandle's customers through payment of the Differential Amounts. This pricing provision suitably balances the interests of Panhandle and its customers, and we find the same to be in the public interest.

We take note of one matter which is not reflected in the Stipulation and Agreement. On November 9 and 18, 1976, in *American Public Gas Association, et al.* v. *F.D.C.*, No. 76–2000 (D.C. Cir., filed November 5, 1976), the Court entered a stay of rates prescribed by Opinion Nos. 770 and 770–A, except "as to gas produced from onshore wells commenced, 'spudded,' or drilled after July 27, 1976." This "stay is inapplicable if the producer's filing contains an acknowledgment of refund obligation in the event the Commission's rate increase orders are held invalid, in whole or in part." We will require Pan Eastern to include such an acknowledgment in any contracts or rate schedules which provides for the collection of the rates prescribed in Opinion Nos. 770 and 770–A, except to the extent the production is from "onshore wells commenced * * * after July 27, 1976."

The Commission finds: (1) The Stipulation and Agreement as set forth in Appendix I hereto is in the public interest and should be accepted and approved by the Commission.

(2) Pan Eastern Exploration Company should be permitted to charge and collect without suspension or refund obligation the amount provided for in the Stipulation and Agreement subject to the orders entered November 9 and November 18, 1976, in *American Public Gas Association, et al.* v. *F.P.C.*, No. 76–2000 (D. C. Cir., filed November 5, 1976).

(3) Panhandle Eastern Pipe Line Company should be permitted to include without suspension or refund obligation all amounts paid to Pan Eastern pursuant to the Stipulation and Agreement in its cost of purchased gas for all purposes including tracking and purchase gas adjustment or any superseding rate adjustment provisions.

(4) The proceeding instituted by the Commission's order of December 2, 1975, in these dockets should be terminated.

(5) Pan Eastern and Panhandle should be relieved of the terms and conditions imposed by Paragraph (B) of the Ordering Paragraphs of Opinion No. 626 and should be subject to and bound by the provisions of the Stipulation and Agreement as set forth in Appendix I hereto.

The Commission orders: (A) The Stipulation and Agreement set forth in Appendix I hereto is adopted and approved by the Commission and all authorizations, limitations and conditions contained in the Stipulation and Agreement are hereby adopted by the Commission as authorizations, limitations and conditions imposed by the Commission with respect to the transactions approved herein.

(B) Pan Eastern Exploration Company is hereby permitted to charge and collect without suspension or refund obligation the amounts provided for in the Stipulation and Agreement subject to the orders entered November 9 and 18, 1976, in *American Public Gas Association, et al.* v. *F.P.C.*, No. 76–2000 (D.C. Cir., filed November 5, 1976).

(C) Panhandle Eastern Pipe Line Company is hereby permitted to include without suspension or refund obligation all amounts paid to Pan Eastern Exploration Company pursuant to the Stipulation and Agreement in its cost of purchased gas for all purposes including tracking and purchased gas adjustment provisions.

(D) Pan Eastern Exploration Company and Panhandle Eastern Pipe Line Company are hereby relieved of the terms and conditions imposed by Paragraph (B) of the ordering paragraphs of Opinion No. 626 and are hereby subject to and bound by the provisions of the Stipulation and Agreement as set forth in Appendix I hereto.

(E) The proceedings instituted by the Commission's December 2, 1975 order in these dockets are hereby terminated.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-104 Filed 1-3-77;8:45 am]

APPENDIX I.—UNITED STATES OF AMERICA
FEDERAL POWER COMMISSION

Panhandle Eastern Pipe Line Company; Docket No. CP71–237.
Pan Eastern Exploration Company; Docket No. CI71–714.

STIPULATION AND AGREEMENT

August 20, 1976

ARTICLE I

On January 1, 1973, Panhandle Eastern Pipe Line Company (Panhandle) commenced purchasing from Pan Eastern Exploration Company (Pan Eastern) natural gas from leases which had been transferred to Pan Eastern by Panhandle pursuant to Commission Opinion No. 626 issued September 20, 1972, in the above-styled proceedings. Following judicial review of Opinion No. 626 by the United States Court of Appeals for the District of Columbia Circuit, *Cities of Fulton and Macon, Missouri et al.* v. *FPC*, 512 F.2d 947, the Commission issued orders providing for further proceedings. During the course

of the hearings, discussions were held among representatives of Panhandle, Pan Eastern, the Commission Staff and the parties hereto with reference to the contested issues as well as additional matters relating to Pan Eastern's operations and future programs and the rate treatment applicable thereto in this and future Panhandle and Pan Eastern rate proceedings and filings. This Stipulation and Agreement is the product of such discussions and constitutes a negotiated settlement not only of all contested issues herein but also of additional matters relating to Pan Eastern's operations and future programs, subject to the future provisions hereof.

ARTICLE II

Pan Eastern shall sell to Panhandle:

(A) "Flowing Gas" consisting of all Pan Eastern gas produced from wells commenced before January 1, 1973, that were connected to the Panhandle system and transferred to Pan Eastern on or before January 1, 1973; and

(B) "New Gas" consisting of all Pan Eastern gas produced from wells commenced on or after January 1, 1973, except for volumes, if any, which cannot feasibly be made available to Panhandle directly, or through an affiliate pipeline or through exchange or transportation arrangements.

ARTICLE III

Pan Eastern shall invest in gas lease acquisition, exploration, development and production activities, as expeditiously as is reasonably practicable, the sum of the following:

(A) The amount by which the revenues from Flowing Gas sold during each calendar year commencing January 1, 1973 during the term hereof exceeds the cost of service for such year applicable to the producing properties transferred to it by Panhandle, computed in accordance with the provisions of Appendix A hereto (hereinafter referred to as the differential amount) except for any year or portion thereof following the effective date of a statutory, judicial or regulatory determination not subsequently reversed, permitting on an industry-wide basis pipeline or affiliate owned production of the vintage of the Flowing Gas to be priced in the same manner as similar gas produced and sold by independent producers; and

[B] For each Mcf of New Gas Produced and sold under each contract by Pan Eastern during the term hereof, except volumes produced during suspension periods under Article IV (B) (3), the sum of (1) Base Price multiplied by a percentage equal to 25% minus 25% of the Source Factor (SF) and (2) Supply Refund Price[1] multiplied by 10% of the Source Factor (SF); and

[C] One-seventh of the amount Pan Eastern received from the sale of oil, condensate and liquid hydrocarbons produced during the term hereof from its interest in gas leases; and

[D] The amount received during the term hereof by Pan Eastern upon conveying oil-only leases in accordance with Article VII (C), which shall be equal to all amounts expended by Pan Eastern for its share of lease acquisition, exploration, development or any other expenditures on such leases;

[E] One-seventh of the amount received by Pan Eastern's transferee of subsequent assigns from the sale of that portion of oil and liquid hydrocarbons produced during the term hereof from Pan Eastern's former interest in oil-only leases acquired after the approval date and conveyed in accordance with Article VII (C).

ARTICLE IV

The price provisions of contracts or rate schedules for the sale of gas by Pan Eastern to Panhandle shall specify that:

[A] For Flowing Gas, the Base Price shall be the currently effective area rate, national rate or other rate authorized by the Commission for similar vintage gas sold by independent producers, and such Base Price shall be subject to the price adjustments permitted for such gas subject to Commission Regulations applicable to filing and notice.

[B] For New Gas, the Base Price shall be the currently effective area rate, national rate or other rate authorized by the Commission for similar vintage gas sold by independent producers including Btu adjustments and periodic adjustments, and such Base Price shall be subject to other price adjustments permitted for such gas subject to Commission Regulations applicable to filing and notice and unless otherwise provided herein, to the Supply Refund Adjustment as follows:

(1) *When base price (P) is—*	*Supply refund adjustment is—*
$.52/1,000 ft³ or less	SF [20% x P]
More than $.52/1,000 ft³ but less than $1.01 1,000 ft³	SF [$.104 + .325 (P — $.52)]
More than $1.00/1,000 ft³	SF [$.26 + .45 (P — $1.00)].

(2) The Source Factor (SF) shall be unity as of the date the order approving this Stipulation and Agreement becomes final and nonappealable and shall be recomputed as of each succeeding December 31 to be the fraction (never greater than unity) whose numerator is the sum of the cumulative differential amounts computed under Article III (A) for the period from the date such approval order becomes final and nonappealable, and Pan Eastern's Phase I Investment, consisting of its cumulative gross investment as of the date such approval order becomes final and nonappealable in properties other than the producing properties it acquired from Panhandle on or before January 1, 1973, and whose denominator shall be the greater of:

(a) The sum of (i) Pan Eastern's Phase I Investment; and (ii) the portion of the differential amount computed under Article III (A) for the period from the date such approval order became final and nonappealable until such December 31; and (iii) the cumulative amounts required to be invested pursuant to Article III (C) and (F) as of such December 31; or

(b) Pan Eastern's cumulative gross investment in properties other than the producing properties it acquired from Panhandle on or before January 1, 1973.

(3) Supply Refund Adjustment provisions of contracts between Pan Eastern and Panhandle shall be suspended and inoperative during the period in which the cumulative total of Supply Refund Adjustment dollars for volumes sold after January 1, 1973 exceeds the cumulative differential amount computed under Article III (A).

(4) In the event of statutory, judicial or regulatory determination permitting on an industry-wide basis pipeline or affiliate owned production of the vintage of the Flowing Gas to be priced in the same manner as similar gas produced and sold by independent producers, as to Pan Eastern's gas from leases on which exploration or development by Pan Eastern had commenced, but no gas sales contract covering the well had been executed as of the date such industry-wide determination became effective, the Supply Refund Adjustment in cents per Mcf shall be determined as of such date, to be included in the gas sales contract to be entered into in the event of commercial production, and such amount shall be fixed and remain at that level for the duration of the sale subject to the provisions hereof.

(5) In the event of termination pursuant to Article VIII of this Stipulation and Agreement:

(a) As to Pan Eastern's gas for which a gas sales contract with Panhandle is in effect at the date of such termination, the amount of the Supply Refund Adjustment in cents per Mcf applicable to such contract as of such date shall become fixed and remain at that level for the duration of the sale, subject to the provisions hereof; and

(b) As to Pan Eastern's gas from leases on which exploration or development by Pan Eastern had commenced, but no gas sales contract covering the well had been executed as of the date of such termination, the Supply Refund Adjustment in cents per Mcf shall be determined as of such date, to be included in the gas sales contract to be entered into in the event of commercial production, and such amount shall be fixed and remain at that level for the duration of the sale, subject to the provisions hereof.

ARTICE V

This Stipulation and Agreement is made in recognition of present governmental agency policies, practices and procedures, including inter alia, statutes and laws, tax regulations, and methods of leasing Federal acreage. The Commission Staff or any party to this proceeding may request of the Commission review and revision prospectively of the pricing provisions of Article IV of there is major revision in practices, procedures and policies referred to in the preceding sentence, other than a revision which has been dealt with in other Articles hereof.

ARTICLE VI

[A] Pan Eastern shall file with the Commission by April 15th of each calendar year a Status Report with respect to the prior calendar year's operations as well as cumulative data, in the manner and format set forth in Appendix A hereto, and shall furnish a copy of each Status Report to any party to this proceeding which has notified Pan Eastern that it wishes to receive such Reports.

[B] At the commencement of any period of suspension of Supply Refund Adjustment provisions permitted under Article IV(B)(3), and for each quarter during such period, Pan Eastern shall file with the Commission and furnish to each party requesting Status Reports under paragraph [A] of this Article, a Special Report setting forth the current cumulative total of Supply Refund Adjustment dollars and the cumulative differential amount, together with a summary of the computation thereof.

ARTICLE VII

An underlying purpose of this Stipulation and Agreement is to augment gas supplies available for sale by Panhandle to customers served by its pipeline system and accordingly, Pan Eastern's efforts shall be specifically directed toward the search for gas to be made available to Panhandle for such purpose, subject to the provisions hereof. Unless otherwise provided by statute or governmental order:

[A] Pan Eastern shall not sell or transfer the properties acquired from Panhandle on or before January 1, 1973 unless so authorized by the Commission.

[1] Supply Refund Price is equal to the difference between the Base Price and the bracketed quantity in the tabulation set forth in Article IV(B)(1) hereof.

(B) Pan Eastern shall carry out the exploration, development and production activities provided for herein on a continuous basis during the term hereof, and shall (1) endeavor to apply or commit the amounts it is obliged to invest under Article III as expeditiously as is reasonably practicable under standards of prudence and normal managerial judgment; and (2) maintain a balanced program in its expeditures for lease acquisition, exploration and development so as to bring forth new gas supplies to be connected or made available to Panhandle's pipeline system as soon as reasonably possible, with primary emphasis during the next three years being given to the development of existing leases; and (3) exercise its judgment with respect to the selection, retention, disposition, exploration, development and production of the leases acquired during the term hereof in accordance with the standards of a prudent operator and shall in connection with the disposition of any lease through farm-out or other similar arrangement, give priority in its objectives to the eliciting of gas supplies for the Panhandle system, but shall not be deemed to have guaranteed the results of programs undertaken during the term hereof.

(C) The explored and developed portions of oil-only leases shall be transferred and conveyed by Pan Eastern to an affiliate in the event exploration and development disclose that the production from such portions of the lease will be primarily oil and the wells are officially designated as oil wells on the records of the governmental regulatory or conservation agency, upon payment by such affiliate to Pan Eastern of all amounts expended by Pan Eastern for its share of lease acquisition, exploration, development and any other expenditures on such portions of such lease.

(D) Any lease acquired by Pan Eastern subsequent to January 1, 1973 on which exploration or development by Pan Eastern had not commenced as of the date of (1) effectiveness of a statutory, judicial or regulatory determination as specified in Article IV(B)(4); or (2) termination pursuant to Article VIII, shall be transferred by Pan Eastern free and clear of any obligation under this Stipulation and Agreement other than the commitment of gas found on such lease to Panhandle, upon the payment to Pan Eastern of the total amount Pan Eastern had expended on such lease at the date of conveyance, or the amount received as consideration from the sale or transfer, whichever is greater.

ARTICLE VIII

This Stipulation and Agreement shall be effective as of January 1, 1973 and shall continue until December 31, 1986, and from year to year thereafter unless six months prior to December 31, 1986 or any subsequent December 31, any jurisdictional customer of Panhandle or party to this proceeding requests in writing, or the Commission orders, as the case may be, a review for the purpose of revising the terms covered by this Stipulation of Agreement, in which event Pan Eastern and Panhandle shall have the right to terminate this Stipulation and Agreement as of such December 31, subject, however, to the provisions of Articles IV (B) (3), IV (B) (5) and VII (D) hereof. Such termination shall not preclude any party to this proceeding from pursuing a pending proceeding which it had initiated under the provisions of Article X (C) hereof.

ARTICLE IX

Neither this Stipulation and Agreement nor any of the provisions hereof shall become effective unless each of the following has occurred:

(A) The Commission shall have entered a final order approving this Stipulation and Agreement without modification or condition (or if conditioned or modified, subject to acceptance by Panhandle and Pan Eastern and acquiescence by any party adversely affected by such condition or modification for a period of fifteen days from the date of such order), and no person or party shall, within 30 days of the date of such order, have filed a petition for rehearing thereof (unless following disposition of such rehearing petition Panhandle and Pan Eastern nevertheless elect to be governed by its terms).

(B) The Commission order referred to in paragraph [A] of this Article shall have provided that Pan Eastern will be permitted to charge and collect without suspension or refund obligation the amounts provided for in the Agreement and Panhandle will be permitted to include without suspension or refund all such amounts in its cost of purchased gas for all purposes including tracking and purchased gas adjustment or any superseding rate adjustment provisions.

(C) Such Commission order shall have terminated the proceedings initiated by its order dated December 2, 1975 herein, and shall expressly relieve Panhandle and Pan Eastern of the terms and conditions imposed by paragraph (B) of the ordering paragraphs of Opinion No. 626, substituting in lieu thereof, the provisions of this Stipulation and Agreement.

ARTICLE X

(A) Neither Panhandle or Pan Eastern, the Commission Staff, nor any party to this proceeding shall be bound or prejudiced by any part of this Stipulation and Agreement unless it is approved and made effective as to all of its terms and conditions without modification in accordance with Article IX.

(B) This Stipulation and Agreement is made upon the express understanding that it constitutes a negotiated settlement of the above-captioned proceeding as well as the additional matters relating to Pan Eastern's operations and future programs.

(C) In the event this Stipulation and Agreement becomes effective in accordance with Article IX, Pan Eastern's compliance with its obligations hereunder may be contested by any party to this proceeding, or any jurisdictional customer of Panhandle, by filing with the Commission during the term hereof, a complaint or petition for declaratory order in which such party or customer specifies the particular act or omission claimed to constitute a violation of the Stipulation and Agreement, and the relief sought.

APPENDIX A.—*Pan Eastern Exploration Co.*

Item	*Basis*
Cost of Service Old Properties	
Operating expenses	Per books.
Depreciation, depletion, and amortization.	Computed on unit of production method.
Taxes:	
Other	Per books.
Federal and State income.	Computed on return basis.
Return	Ultimately approved pipeline return in effect during the year.
Miscellaneous gas revenues—Credit.	Per books.
Subtotal	
Less: Cost applicable to off-system sales.	Percentage of off-system sales to total gas delivered times cost of service before deduction.
Total cost of service	
Rate Base [1] Old Properties	
Gas plant	Per books.
Less: Provision for D, D. & A.	Accumulated provision based on unit of production method.
Provision for deferred income tax.	Per books.
Subtotal	
Working capital:	
Operating expense	⅛ operating expenses less royalties.
Material and supplies	Per books.
Prepayments	Do.
Total working capital.	
Total rate base	
Federal Income Taxes	
Return	As computed.
Additions: Book D, D. & A.	Do.
Deductions:	
Tax depreciation	Per tax return applicable to old properties.
Interest expense	As computed.[2]
Statutory deductions	Per tax return applicable to old properties.
Net adjustments	
Federal income tax base	
Federal income tax at statutory rate.	
State Income Taxes	
Taxable net income	Sum of Federal income tax base and Federal taxes.
Adjustment to exclude liberalized tax depreciation and other tax adjustments not applicable for State income taxes.	Computed.
Taxable net income as adjusted.	
State income tax at percentage allowed in last pipeline rate case.	

[1] Balance as of Jan. 1.
[2] Ratio of debt and cost allowed in pipeline rate of return applied to rate base for old production properties.

APPENDIX A.—*Pan Eastern Exploration Co.—Gas sales and revenues, old properties, year ____*

Field	FPC gas rate schedule	Volume (thousand cubic feet)	Amount
Sales to Panhandle Eastern:			
Greenwood Field	1		
West Panhandle Field	2		
Adams West Field, et al	3		
Panoma Gas Area	4		
Camrick Field, et al	5		
Hugoton Field (Kansas)	6		
Hugoton Field (Oklahoma)	7		
Total sales to Panhandle			
Sales to others:			
Hugoton Field (Northern Nat.)	8		
West Panhandle (Col. Interstate)	9		
Mocane Tonkama (Northern Nat.)	10		
Total sales to others			
Other gas sales			
Total gas sales			
Miscellaneous revenues			
Total revenues			

APPENDIX A.—Pan Eastern Exploration Co.—Reserve and expenditure report for the year——

		Total expenditures	Hugoton-Anadarko area	Texas gulf coast area	Southern Louisiana area	Rocky Mountain area
1	Recoverable hydrocarbon reserves:					
2	Balance, beginning of year:					
3	Reserves added during year					
4	Reserves produced during year					
5	Changes in reserve estimates					
6	Other changes (specify)					
7	Net change					
8	Balance, end of year					
9						
10						
11	Exploration and development expenditures:					
12	Exploration:					
13	Drilling and equipping exploratory wells					
14	Exploratory dry holes					
15	Acquiring undeveloped acreage					
16	Lease rentals and related expenditures					
17	Geological and geophysical expenditures					
18	Land dept.; leasing and scouting					
19	Test well and bottomhole contributions					
20	Net of contributions received (dollars)					
21	Other—Specify					
22	Total exploration expenditures					
23						
24						
25	Development:					
26	Drilling and equipping developmental wells					
27	Separation and storage facilities, offshore production platforms					
28	Developmental dry holes					
29	Other—Specify					
30	Total developmental expenditures					
31	Total exploration and developmental expenditures					

PAN EASTERN EXPLORATION COMPANY (PEEC)

Prospect Name
County State
Field
Well(s) Drilled (If more than one well see attachment):
Well Name:
Depth (ft.):
Results and/or tests:
Completion date:
PEEC Interest:
Total acres in prospect area:
PEEC gross (surface) acres PEEC net (mineral) acres:
Date interest in prospect was obtained:

Total costs

Year	Lease	Exploration	Development
1973			
1974			
1975			
1976			
Total to date			

APPENDIX A.—*Pan Eastern Exploration Co.—Revenue and production report*

		Volumes	Amounts
1	Revenues received from properties dedicated to sales to Panhandle Eastern Pipe Line Co.:		
2	From date of order to Dec. 31, 1976		
3	1977		
4	Total to date		
5			
6	Revenues received from properties acquired subsequent to Jan. 1, 1973:		
7	From date of order to Dec. 31, 1976:		
8	Oil		
9	Gas		
10	1977:		
11	Oil		
12	Gas		
13	Total:		
14	Oil		
15	Gas		

APPENDIX A.—*Pan Eastern Exploration Co.—Year ____*

	Annual	Cumulative
SOURCE FUND DATA		
Pan Eastern phase I investment		
Differential computed under article III A of stipulation and agreement		
Amounts pursuant to article III C and III E		
Pan Eastern's gross investment in properties (excluding properties acquired from Panhandle on or before Jan. 1, 1973)		
GAS SALES AND GAS SUPPLY REFUND ADJUSTMENT		
New gas sales to Panhandle Eastern (thousand cubic feet)		
Gas supply refund adjustment		

[FR Doc.77-104 Filed 1-3-77;8:45 am]

[Docket No. RP77-20]

RATON NATURAL GAS CO.

Approving Pipeline Rate Increase

DECEMBER 27, 1976.

On November 30, 1976, Raton Natural Gas Company (Raton) tendered for filing [1] a proposed rate increase of $11,219 annually for natural gas sales and services for its sole jurisdictional customer, Midwest Energies, Inc. Raton requests the increase be permitted to become effective on January 1, 1977. For the reasons stated below, the proposed rate increase shall be approved.

In support of its proposed rate increase, Raton submitted a jurisdictional cost of service totalling $1,196,665 based on actual operations for the 12 months ended June 30, 1976, and as adjusted only for a claimed rate of return of 9.35 percent. The proposed rate of return is based on a total capitalization of $946,659 comprised of 38.9 percent debt and 61.1 percent equity, and results in a return on common equity of 11 percent.

Notice of Raton's filing was issued on December 14, 1976, providing for protests or petitions to intervene to be filed on or before December 27, 1976. No comments have been received in response to the notice.

Based on a review of Raton's rate increase application, the Commission finds that the proposed rates have been shown to be just and reasonable and should therefore be approved.

The Commission orders: (A) Raton's proposed rate increase filed herein on November 30, 1976, is accepted for filing and approved, effective January 1, 1977.

(B) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-284 Filed 1-3-77;8:45 am]

[1] Fourteenth Revised Tariff Sheet No. 3a to Raton's FPC Gas Tariff, Original Volume No. 1.

FEDERAL RESERVE SYSTEM

AMERIBANC, INC.

Order Approving Merger of Bank Holding Companies

Ameribanc, Inc., St. Joseph, Missouri ("Applicant"), a registered bank holding company within the meaning of the Bank Holding Company Act, has applied for approval under section 3(a)(5) of the Act (12 U.S.C. 1842(a)(5)) to merge with Consolidated Bancshares of Missouri, Inc., St. Joseph, Missouri, under the charter and title of Ameribanc, Inc.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Reserve Bank has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act.

Applicant, the ninth largest banking organization in Missouri, controls 13 operating banks with aggregate deposits of approximately $266.4 million, representing 1.54 percent of the commercial bank deposits in the State.[1] Consolidated Bancshares of Missouri, Inc., is a one-bank holding company owning 89.4 percent of the voting shares of First State Bank, Rolla, Missouri ("Bank"). Acquisition of Bank would increase Applicant's share of State deposits only slightly, and would not result in a significant increase in the concentration of banking resources in Missouri. Applicant's ranking among banking organizations in the State would be unchanged.

Bank (deposits: $18.7 million) is the second largest of five banking organizations in the Phelps County banking market and holds 29.4 percent of the deposits in commercial banks therein.[2] None of Applicant's banks are located in the relevant market area. Applicant's nearest subsidiary is located in Higginsville, Missouri, approximately 140 miles from Bank. The record indicates that there is no significant existing competition between Bank and any of Applicant's subsidiaries, and it is not likely that significant competition will develop in view of the distances involved and Missouri's restrictive branching laws. Furthermore, the possibility that approval would eliminate some potential competition is considered remote. The ratio of deposits per bank in the market suggests that de novo entry is unattractive and unlikely at this time. Competitive considerations are, therefore, consistent with approval.

The financial and managerial resources and future prospects of Applicant and its subsidiaries appear satisfactory. The financial condition and prospects of Bank are consistent with approval. Affiliation with Applicant should enable Bank to offer expanded or improved banking services. These factors, as they relate to the convenience and needs of the community to be served, lend some weight for approval of the application. It is the Reserve Bank's judgment that consummation of the proposed acquisition is in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the thirtieth day following the effective date of this Order, or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board of Governors or by the Federal Reserve Bank of Kansas City, pursuant to delegated authority.

WILBUR T. BILLINGTON,
Senior Vice President.

DECEMBER 21, 1976.

[FR Doc.77-181 Filed 1-3-77;8:45 am]

[1] All banking data are as of December 31, 1975, and reflect bank holding Company formations and acquisitions approved by the Board to November 12, 1976.

[2] The relevant market is approximated by Phelps County, excluding the southernmost portion.

FALSBUILDING, INC.

Order Approving Acquisition of Stock Interests in Bank

Falsbuilding, Inc., Columbia Falls, Montana ("Applicant"), a bank holding company within the meaning of the Bank Holding Company Act ("Act"), has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire an additional 18.7 per cent of the outstanding voting shares of Bank of Columbia Falls, Columbia Falls, Montana ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

In July of 1971, Applicant, a one-bank holding company by virtue of its ownership of 33.3 per cent of the outstanding voting shares of Bank, acquired an additional 18.7 per cent of Bank's shares without the Board's prior approval. In 1972 Applicant sought to divest itself of the shares and is now seeking to acquire them by cash purchase.[1] Bank ($13.4 million in deposits) is the 38th largest banking organization in Montana, controlling 0.46 per cent of the total deposits in commercial banks in the State.[2] Bank ranks fifth in the Flathead County banking market (which is approximated by Flathead County and the northern third of Lake County) and holds 7.8 per cent of market deposits. As Applicant has no other banking subsidiaries, and the proposal involves only the acquisition of additional stock interests in Bank, approval of the application will not result in any adverse competitive effects. It will eliminate neither existing nor potential competition, nor will it increase the concentration of banking resources in any relevant area. Thus, competitive considerations are consistent with approval of the application.

The financial and managerial resources and future prospects of Applicant and Bank are satisfactory and it appears that Applicant will be able to service the debt associated with this application while adequately maintaining Bank's capital position. Thus, banking factors are consistent with approval.

There is no indication that the convenience and needs of the community to be served are not currently being met. Although there will be no immediate increase in the services offered by Bank, convenience and needs considerations are consistent with approval. Therefore, it is the Board's judgment that acquisition of the shares of Bank would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. Acquisition of the shares of Bank shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Minneapolis pursuant to authority hereby delegated.

By order of the Board of Governors,[3] effective December 22, 1976.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77-189 Filed 1-3-77;8:45 am]

[1] It appears from the facts of record that the acquisition of the shares of Bank was based on a misunderstanding of the applicable statutes and regulations relating to the acquisition of the voting stock of banks by bank holding companies. Applicant sought to take prompt corrective action to comply with the Act. In accord with the Board's position with respect to violations of the Act, the Board has scrutinized the underlying facts surrounding the acquisition of the shares of Bank. Upon examination of all the facts of record, the Board is of the view that the facts surrounding the violation are not such as would call for denial of the application.

[2] All banking data are as of December 31, 1975.

[3] Voting for this action: Governors Gardner, Wallich, Coldwell, Jackson, Partee and Lilly. Absent and not voting: Chairman Burns.

NORTHWEST BANCORP.

Order Approving Acquisition of Bank

Northwest Bancorporation, Minneapolis, Minnesota, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under Section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 90 percent or more of the voting shares of First National Bank of Ottumwa, Ottumwa, Iowa ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given

in accordance with Section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in Section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant controls 81 banks located in seven upper midwestern States,[1] including Iowa, with total deposits of $6.1 billion.[2] Applicant is the largest banking organization in Iowa, controlling six banks with total deposits of $603.1 million, representing approximately 5.5 percent of the total commercial bank deposits in the State.[3] Acquisition of Bank ($34.5 million in deposits) would increase Applicant's share of Statewide deposits by only 0.3 percent and would have no appreciable effect upon the concentration of banking resources in Iowa.[4]

Bank is the second largest of five banking organizations operating in the Ottumwa banking market,[5] controlling approximately 25.4 percent of market deposits. Two of Bank's competitors are also located in the city of Ottumwa, including the market's largest banking organization, with 49.9 percent of total market deposits. Applicant's two closest banking subsidiaries are located in Des Moines and Keokuk, respectively, 85 and 90 miles from Ottumwa. In view of the distances between Bank and Applicant's banking subsidiaries, and other facts of record, no significant competition exists or is likely to develop in the future between Bank and Applicant's banking subsidiaries. Although Applicant has the financial capability to enter the market "de novo," demographic data suggest that this is not a likely means of entry by Applicant. Consummation of the proposal would not eliminate any significant existing competition, nor have an adverse effect upon the development of future competition in this market. Accordingly, based on the above and other facts of record, the Board has determined that competitive considerations are consistent with approval of the application.

The financial and managerial resources and future prospects of Applicant, its subsidiary banks, and Bank are regarded as satisfactory and consistent with approval, particularly in light of Applicant's proposal to inject additional capital into Bank upon approval of this application. Affiliation with Applicant will allow Bank to use Applicant's financial and managerial resources to strengthen and expand the services provided by Bank, including expansion of Bank's trust, commercial and agricultural credit services, as well as extending Bank's hours. Accordingly, the Board regards considerations relating to the convenience and needs of the community to be served as lending some weight toward approval of the application. It is the Board's judgment that the proposed acquisition is in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Minneapolis pursuant to delegated authority.

By order of the Board of Governors,[6] effective December 27, 1976.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77-188 Filed 1-3-77;8:45 am]

[1] Minnesota, Montana, North Dakota, South Dakota, Wisconsin, Nebraska, and Iowa.

[2] As of December 31, 1975.

[3] All banking data are as of June 30, 1975, unless otherwise indicated.

[4] As of December 31, 1975.

[5] The relevant market is approximated by Wapello County.

[6] Voting for this action: Vice Chairman Gardner and Governors Wallich and Jackson. Present and abstaining: Governor Lilly. Absent and not voting: Chairman Burns and Governors Coldwell and Partee.

PACESETTER FINANCIAL CORP.

Acquisition of Bank

Pacesetter Financial Corporation, Grand Haven, Michigan, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent of the voting shares of the successor by consolidation to First Security Bank of Grand Blanc, Grand Blanc, Michigan. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than January 21, 1977.

Board of Governors of the Federal Reserve System, December 27, 1976.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77-179 Filed 1-3-77;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. 76F-0490]

DEXTER CORP.

Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 6B3187) has been filed by the Dexter Corp., Midland Division, E. Water St., Waukegan, IL 60085, proposing that § 121.2514 *Resinous and polymeric coatings* (21 CFR 121.2514) be amended to provide for the safe use of a butyl acrylate/styrene/methacrylic acid/methyl methacrylate/*N*-(isobutoxy methyl) acramide polymer containing dimethylethanolamine as a component of coatings intended to contact all foods except those containing more than 8 percent alcohol.

The environmental impact analysis report and other relevant material have been reviewed, and it has been determined that the proposed use of the additive will not have a significant environmental impact. Copies of the environmental impact analysis report may be seen in the office of the Assistant Commissioner for Public Affairs, Rm. 15B-42 or the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857, between the hours of 9 a.m. and 4 p.m., Monday through Friday.

Dated: December 21, 1976.

HOWARD R. ROBERTS,
Acting Director,
Bureau of Foods.

[FR Doc.77-165 Filed 1-3-77;8:45 am]

[Docket No. 76D-0444]

EXPORT OF NEW ANIMAL DRUGS FOR INVESTIGATIONAL USE

Availability of Policy and Procedure Guideline

The Food and Drug Administration (FDA) announces the availability of a policy and procedure guideline developed by the Bureau of Veterinary Medicine (BVM). The policy guideline is used to establish the basis upon which new animal drugs for investigational use (INAD's) can be legally exported.

Section 801(d) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381(d)) establishes the requirements for the export of drugs, including a proviso that no drug that is unsafe within the meaning of section 512 of the act (21 U.S.C. 360b) may be exported. Section 512(j) of the act provides for the distribution of unapproved new animal drugs for investigational use. A new animal drug for investigation that conforms with the terms of an investigation exemption is not deemed unsafe by section 512(a)(3) of the act. Pursuant to this section of the act, § 511.1 *New animal drugs for investigational use exempt from section 512(a) of the act* (21 CFR 511.1) establishes the controls necessary for safe distribution of INAD's. Section 511.1, however, does not address the matter of export of INAD's, as indicated by § 510.200 *Export of new animal drug* (21 CFR 510.200).

The BVM policy and procedure guideline will result in a uniform interpretation and application of the regulations thus creating a consistent policy concerning the exportation of INAD's.

The guideline is available for public examination during working hours, Monday through Friday, in the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857. Written requests for single copies may be sent to Food

and Drug Administration, Bureau of Veterinary Medicine, Industry Information Branch (HFV-410), 5600 Fishers Lane, Rockville, MD 20857.

Dated: December 23, 1976.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.77-126 Filed 1-3-77;8:45 am]

[FDA-225-77-4000]

INSPECTION OF PENNSYLVANIA FOOD PROCESSING AND STORAGE FACILITIES

Memorandum of Understanding With Pennsylvania Department of Agriculture

Pursuant to the notice published in the FEDERAL REGISTER of October 3, 1974 (39 FR 35697), stating that future memoranda of understanding between the Food and Drug Administration and others would be published in the FEDERAL REGISTER, the Commissioner of Food and Drugs issues the following notice:

The Pennsylvania Department of Agriculture and the Food and Drug Administration have signed an agreement concerning certain related objectives in carrying out their respective responsibilities. The agreement, which initiates procedures to set forth working arrangements to be followed concerning inspection of Pennsylvania food processing and storage facilities of mutual obligation, reads as follows:

MEMORANDUM OF UNDERSTANDING BETWEEN THE PENNSYLVANIA DEPARTMENT OF AGRICULTURE AND THE PHILADELPHIA DISTRICT, FOOD AND DRUG ADMINISTRATION

I. *Purpose.* It will be the purpose of this understanding to provide more effective consumer protection through more efficient federal and state inspectional coverage of the Pennsylvania food processing and storage industries. This understanding will provide a format for formal discussion and planning in the development of a cooperative inspectional program between the Pennsylvania Department of Agriculture and the Food and Drug Administration, Philadelphia, more productively utilizing both agencies' manpower and eliminating inspectional duplication.

II. *Work-sharing program.*

A. Goals and Responsibilities: the Pennsylvania Department of Agriculture and the FDA Philadelphia District Investigations Branch will attempt to develop a formal program for sharing the responsibility of the inspection of all Pennsylvania food processors and storage facilities of mutual obligation. Close coordination and communication will be developed; there will be joint planning sessions to assure that manpower is most efficiently utilized and regulatory efforts are properly meshed to achieve a high level of industry compliance.

B. Inspectional Obligation:

1. Inspectional Inventory: An inventory of firms covered by this understanding, hereafter referred to as the Cooperative Establishment Inventory (CEI), will be developed by both agencies. Utilizing the CEI, a procedure, for work scheduling will be developed during the current term and set into operation during the second year of the program.

2. Joint Inspections: During the term of this understanding, joint inspections will be conducted to give each agency the opportunity to observe its partner's inspectional procedures. The inspections will be scheduled during the first planning session and discussed during the second and third session, as provided for in Section IV-A.

III. *General Provisions.*

A. Information Exchange: There will be an interchange of information between the agencies with respect to the CEI and to all areas of mutual obligation.

1. Inspection Reports: Reports will not be supplied routinely but copies will be made available upon request. In addition, a monthly list of inspections completed with classification and date of each inspection will be provided by each agency. Such information will be exchanged in a timely fashion.

2. Assay Reports: Reports of assay of products manufactured or stored by CEI firms will be made available upon request.

3. Correspondence: Copies of warning and regulatory letters between the agencies and CEI firms will be exchanged in a timely fashion.

B. Recall and Emergency: The agencies will cooperate to the fullest extent possible in handling emergency public health problems and in checking the effectiveness of product recalls.

C. Complaint Investigations: When indicated, each agency will assist its partner to the fullest extent possible in the investigation of complaints involving CEI firms.

D. Salvage Operations: During the term of this understanding, consideration will be given by both agencies to the development of a formalized joint salvage inspection program.

E. Cross Commissioning: Consideration will be given by both agencies to the possibility of commissioning each other's inspectors to operate under the authority of State and Federal Acts. The need and authority for such commissioning will be determined during the term of this understanding.

F. Training: Based on the results of the joint inspections, FDA and the State will identify training needs and, if needed, will develop several possible training activities (formal and/or on-the-job) designed to meet the needs of implementing this understanding.

G. Personnel Exchange: An exchange of personnel will be accomplished during the term of this understanding to permit closer program coordination, better understanding of mutual responsibilities, and in-sight into operational procedures and regulatory philosophies. An FDA official will be assigned for a two week period to the State's Bureau of Foods and Chemistry, and it will be determined which resident post personnel would benefit from similar assignment to State regional offices. During the term of this understanding, it will be determined which State personnel would benefit most from being assigned to the Philadelphia District FDA Office and/or resident offices for similar details. These details will be provided under the provision of the Federal Intergovernmental Personnel Act at federal expense.

IV. *Program Review.*

A. Planning Sessions: Two joint planning sessions will be held during the term of this understanding to discuss the cooperative program, establish effective communication, determine regulatory philosophy, and plan future objectives. The first session will be held within four months of the signing of the memorandum; and the second six months thereafter. The first session will be conducted in Harrisburg, PA; the second in Philadelphia, PA. Each session will be arranged for and moderated by FDA's Region III Assistant Food and Drug Director for Intergovernmental Affairs.

B. Orientation Sessions: Joint program orientation sessions will be conducted in Pittsburgh, Harrisburg, and Philadelphia areas to permit field personnel of both agencies to become familiar with the provisions of this understanding. Such sessions will be completed during the first three months of this understanding.

C. Performance Evaluation: During the term of this understanding, a procedure for evaluation of the quality of program performance will be developed. The evaluation procedure will be established during the current term and set into operation during the second year of the program.

V. *Term of Understanding.* This understanding will expire on the last day of the twelfth month following the month during which this memorandum is signed, unless renewed and signed by the heads of both cooperating agencies to continue in effect for another year.

This understanding in its entirety, or in part, may be revised by mutual consent or terminated upon 30 days written notice by either agency.

Approved and accepted for the Pennsylvania Department of Agriculture:

RAYMOND KERSTETTER,
Secretary, Pennsylvania Department of Agriculture.

Date: Septmeber 8, 1976.

Approved and accepted for the Food and Drug Administration:

LOREN Y. JOHNSON,
District Director, Food and Drug Administration, Philadelphia District.

Date: September 8, 1976.

Effective date: This memorandum of understanding became effective September 8, 1976.

Dated: December 23, 1976.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.77-125 Filed 1-3-77;8:45 am]

[Docket No. 76F-0461]

PHILLIPS PETROLEUM CO.

Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 6B3171) has been filed by Phillips Petroleum Co., Bartlesville, OK 74004, proposed that § 121.2622 *Styrene block polymers* (21 CFR 121.2622) be amended to provide for the safe use of additional analogous styrene block polymers as articles or components of articles intended for food-contact and to provide an alternative method for the determination of the glass transition points of styrene block polymers.

The environmental impact analysis report and other relevant material have been reviewed, and it has been determined that the proposed use of the additive will not have a significant environmental impact. Copies of the environmental impact analysis report may be seen in the Office of the Assistant Commissioner for Public Affairs, Rm. 15B-42 or the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857, be-

tween the hours of 9 a.m. and 4 p.m., Monday through Friday.

Dated: December 21, 1976.

HOWARD R. ROBERTS,
Acting Director,
Bureau of Foods.

[FR Doc.77-166 Filed 1-3-77;8:45 am]

PULMONARY FUNCTIONS AND RESPIRATORY THERAPY SUBCOMMITTEE OF THE ANESTHESIOLOGY PANEL

Meeting Cancellation

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), the Food and Drug Administration announced in a notice published in the FEDERAL REGISTER of December 21, 1976 (41 FR 55584), public advisory committee meetings and other required information in accordance with provisions set forth in section 10(a)(1) and (2) of the act.

Notice is hereby given that the meeting of the Pulmonary Functions and Respiratory Therapy Subcommittee of the Anesthesiology Panel scheduled for January 26, 1977, Rm. 1813, FB-8, 200 C St. SW., Washington, DC, is cancelled.

Dated: December 22, 1976.

WILLIAM F. RANDOLPH,
Acting Associate
Commissioner for Compliance.

[FR Doc.77-97 Filed 1-3-77;8:45 am]

[FDA-225-77-1000]

REGULATORY INVESTIGATIONS INVOLVING DRUG, PESTICIDE, AND INDUSTRIAL CHEMICAL RESIDUES IN ANIMAL FEEDS AND IN MEAT AND POULTRY

Memorandum of Understanding With the Oregon State Department of Agriculture

The Food and Drug Administration (FDA) is announcing that a Memorandum of Understanding has been executed with the Oregon State Department of Agriculture on November 1, 1976. The purpose of the memorandum is to establish an FDA/State cooperative program for their inspection and related activities to ensure the safety of foods for humans and animals.

Pursuant to the announcement published in the FEDERAL REGISTER of October 3, 1974 (39 FR 35697) that future memorandums of understanding between FDA and others would be published in the FEDERAL REGISTER, the Commissioner of Food and Drugs is issuing this notice. The Memorandum of Understanding with the Oregon State Department of Agriculture reads as follows:

MEMORANDUM OF UNDERSTANDING BETWEEN THE PLANT DIVISION, OREGON STATE DEPARTMENT OF AGRICULTURE AND THE SEATTLE FIELD OFFICE, FOOD AND DRUG ADMINISTRATION

REGULATORY INVESTIGATIONS INVOLVING DRUG, PESTICIDE, AND INDUSTRIAL CHEMICAL RESIDUES IN ANIMAL FEEDS AND IN MEAT AND POULTRY

The Food and Drug Administration (FDA) of the Department of Health, Education, and Welfare is charged with the enforcement of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301). In fulfilling its responsibilities under the act, FDA directs its activities toward the protection of the public health of the nation by ensuring that foods for humans and animals are safe and wholesome and that animal feeds are free of illegal drug, pesticide, and industrial chemical residues. This is accomplished by inspecting the processing and distribution of animal feeds and examining samples thereof to assure compliance with the act.

The Oregon Department of Agriculture, under its state authorities, conducts investigations and related activities to assure the safety and wholesomeness of foods and feeds.

Meat and poultry may become contaminated with illegal drug, pesticide, or industrial chemical residues from several sources, including the misuse of animal drugs, the use of animal feeds containing illegal drugs, pesticides, and industrial chemicals, or from the environment. As a result, the State agency and FDA have certain related objectives in carrying out their respective regulatory and service activities. Therefore, it is desirable from the standpoint of public interest to set forth in this Memorandum of Understanding, the work-sharing program being adopted to enable each agency to discharge, as effectively as possible, its responsibilities relative to the problem of illegal drug, pesticide, and industrial chemical residues in meat and poultry and in feeds for food-producing animals. This Memorandum of Understanding will augment the agreement between FDA and the Animal and Plant Inspection Service (APHIS) of the U.S. Department of Agriculture relative to their regulatory programs involving residues in animal feeds and in meat and poultry, which was published in the FEDERAL REGISTER of April 10, 1975 (40 FR 16228).

I. *Purpose.* It is the purpose of this understanding to establish an FDA/State cooperative program wherein the Plant Division, Oregon State Department of Agriculture (OSDA) will conduct followup inspections on Animal and Plant Health Inspection Service, U.S. Department of Agriculture (APHIS/USDA) residue findings and thus avoid duplicative inspections by the FDA Seattle Field Office and OSDA.

II. *Background.* Under the FDA/APHIS cooperative program formalized in the April 10 Memorandum of Understanding, the FDA Seattle Field Office is notified when violative residue findings are encountered in meat and poultry tissues under the APHIS National Residue Monitoring Program. APHIS also notifies the OSDA Director of Agriculture requesting his assistance in determining the cause of the residue. This procedure has, on occasion, resulted in both FDA Seattle Field Office and OSDA followup investigations of the same firm.

The Oregon State Department of Agriculture expressed interest in a joint FDA Seattle Field Office and OSDA program, which would avoid such duplicative investigations.

III. *Work-Sharing Program.* A. Goals and Responsibilities: The parties to this understanding will share the responsibility for the investigation of APHIS/USDA reports of illegal residues found in edible tissue samples of meat or poultry originating in the State of Oregon. Close liaison and communications will be maintained to assure that manpower is efficiently utilized and regulatory efforts are properly coordinated to achieve a high level of industry compliance.

B. The Food and Drug Administration, Region X (Seattle Field Office), will:

1. Designate a coordinator to accomplish the goals of this Memorandum of Understanding.

2. Coordinate with OSDA to determine whether APHIS/USDA residue findings represent a first, second, or subsequent violation.

3. Conduct the investigation when advised by OSDA that it appears that regulatory action can be supported on a first violation.

4. Conduct all second and subsequent violation followups in all cases where the investigation of the first violation resulted in evidence adequate to support regulatory action.

5. Issue the information letter in all cases where the FDA Seattle Field Office has been called in to complete the investigation for regulatory purposes.

6. Provide copies of all investigation reports, information letters, and responses from establishments to OSDA.

7. Provide training for OSDA personnel concerning the documentation of violations of the Federal Food, Drug, and Cosmetic Act to identify the probable cause and responsible individuals.

8. Be responsible for the analysis of samples collected during the investigation, and properly store the sample required under section 702(b) of the act (21 U.S.C. 372(b)) pending the outcome of the FDA or State investigations. This sample shall be retained for 3 years pending possible court action, unless the Seattle Field Office determines that culpability has not been established, or methodology is not adequate to support a violation. In the latter event, the sample will be discarded.

C. The Oregon State Department of Agriculture will:

1. Upon receipt of APHIS/USDA residue findings, determine if it is the first violation. If it is the first violation, OSDA shall advise the FDA coordinator that OSDA will conduct the investigation for the purpose of determining the probable cause of the violation and the culpable individual(s) and to promote voluntary compliance.

2. Immediately notify the FDA Seattle Field Office when their investigation identifies the probable cause and the responsible individual(s) and it appears that a regulatory action can be supported, so that FDA inspection can be conducted to develop supporting evidence.

3. Where regulatory action cannot be supported, develop investigational reports, including an endorsement of proposed or actual followup, which shall be promptly submitted to the FDA Seattle Field Office. OSDA shall take the responsibility for forwarding copies of the reports to regional FDA offices and the appropriate APHIS regional office.

4. Conduct investigations of second incidents where the first investigation failed to disclose sufficient evidence to support regulatory action. This second investigation will be conducted under the same conditions as described under paragraphs C.1 and 2 above.

5. Bring any action that may be indicated under the state law, whether or not a case may or may not be brought by the FDA Seattle Field Office.

6. Notify the FDA Coordinator of actions being initiated and final results.

7. Keep the FDA Coordinator fully informed of pertinent details relating to this program, including copies of correspondence to producers, shippers, etc.

IV. *Term of Understanding.* A. This understanding will expire on January 15, 1977, unless renewed and signed by both cooperating agencies to continue it in effect for another year.

B. A new Memorandum of Understanding will be prepared each year with asterisks included to indicate revision.

C. This understanding in its entirety, or in part, may be revised by mutual consent or terminated upon 30-day advance written notice by either agency.

Approved and accepted for the Oregon State Department of Agriculture:

Dated: November 9, 1976.

GENE KNUCKLE,
Assistant Director.

Approved and accepted for the Food and Drug Administration:

Dated: October 19, 1976.

JAMES W. SWANSON,
Regional Food and Drug Director, Food and Drug Administration, Seattle Regional Office.

Effective date. This Memorandum of Understanding became effective November 9, 1976.

Dated: December 22, 1976.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.77-1 Filed 1-3-77;8:45 am]

National Institutes of Health

NATIONAL CANCER INSTITUTE COMMITTEES

Renewals

The Director, National Institutes of Health, announces the renewal of charters on December 20, 1976, of the advisory committees indicated below by the Acting Director, National Cancer Institute. Such advisory committees shall be governed by the provisions of the Federal Advisory Committee Act (Pub. L. 92-463) setting forth standards governing the establishment and use of advisory committees. These committees will terminate on December 20, 1978, unless renewed by appropriate action as authorized by law.

Committees established under the authority of section 410(a)(3) of the Public Health Service Act (42 U.S.C. 286d) are:

Biometry and Epidemiology Contract Review Committee
Board of Scientific Counselors, Division of Cancer Biology and Diagnosis
Board of Scientific Counselors, Division of Cancer Treatment
Breast Cancer Diagnosis Committee
Breast Cancer Epidemiology Committee
Breast Cancer Experimental Biology Committee
Breast Cancer Treatment Committee
Committee on Cytology Automation
Committee on Cancer Immunobiology
Committee on Cancer Immunodiagnosis
Committee on Cancer Immunotherapy
Diagnostic Radiology Committee
Diagnostic Research Advisory Group
Diet, Nutrition and Cancer Program Advisory Committee
Tobacco Working Group

Committees established under the authority of section 410A(a) of the Public Health Service Act (42 U.S.C. 286e) are:

Cancer Clinical Investigation Review Committee
Cancer Special Program Advisory Committee

Dated: December 23, 1976.

DEWITT STETTEN, Jr., M.D., PH. D.,
Acting Director, National Institutes of Health.

[FR Doc.77-160 Filed 1-3-77;8:45 am]

ALLERGY AND INFECTIOUS DISEASES NATIONAL ADVISORY COUNCIL

Amended Meeting

Notice is hereby given of changes in the meeting dates and times of the "closed" and "open" portions of the meeting of the National Advisory Allergy and Infectious Diseases Council, National Institute of Allergy and Infectious Diseases, which was published in the FEDERAL REGISTER on December 15, 1976 (41 FR Doc. 76-36759-242).

The Council was to have convened on January 27 and adjourned on January 29. 1977 but has been changed to adjourn on January 28, 1977.

This meeting will be open to the public on January 27 from 1:30 p.m. until recess, and on January 28 from 9:00 a.m. until 12 noon, and will be closed to the public on January 27 from 9:00 a.m. until 12 noon, and on January 28 from 1:30 p.m. until adjournment.

Date: December 23, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.77-156 Filed 1-3-77;8:45 am]

NATIONAL SUBCOMMITTEES CANCER ADVISORY BOARD

Cancellation of Meetings

Notice is hereby given of the cancellation of meetings of the National Cancer Advisory Board's Subcommittee on Diagnosis and Treatment and Subcommittee on Carcinogenesis and Prevention, National Cancer Institute, National Institutes of Health, January 23, 1977, which was published in the FEDERAL REGISTER on December 15, 1976 (41 FR 54817).

Date: December 28, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.77-154 Filed 1-3-77;8:45 am]

DENTAL CARIES PROGRAM ADVISORY COMMITTEE

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Dental Caries Program Advisory Committee, National Institute of Dental Research, February 14-15, 1977, National Institutes of Health, Building 31-C, Conference Room 10, Bethesda, Md.

The entire meeting will be open to the public from 9 a.m. to 5 p.m. on February 14, and from 9 a.m. to adjournment on February 15, to discuss research progress and ongoing plans and programs of the National Caries Program. Attendance by the public will be limited to space available.

Dr. James P. Carlos, Associate Director, National Caries Program, National Institute of Dental Research, National Institutes of Health, Westwood Building, Room 528, Bethesda, Maryland 20014 (phone number 301-496-7239), will furnish rosters of committee members, a summary of the meeting, and other information pertaining to the meeting.

Dated: December 23, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.77-158 Filed 1-3-77;8:45 am]

MANPOWER SUBCOMMITTEE AND RESEARCH SUBCOMMITTEE OF THE NATIONAL HEART, LUNG, AND BLOOD ADVISORY COUNCIL

Meetings

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the National Heart, Lung, and Blood Advisory Council, National Heart, Lung, and Blood Institute, February 3-5, 1977, National Institutes of Health, Building 31, Conference Room 10, at 9 a.m. This meeting will be open to the public on February 3 from 9 a.m. to 2:30 p.m., to discuss program policies and issues. Attendance by the public is limited to space available. In addition, meetings of the Manpower Subcommittee and the Research Subcommittee of the above Council will be held on February 2, 1977 at 8 p.m. in Building 31, Conference Rooms 8 and 10 respectively.

In accordance with the provisions set forth in sections 552(b)(4) 552(b)(5) and 552(b)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting of the Council will be closed to the public on February 3 from 2:30 p.m. until recess, and on February 4 from 9 a.m. to adjournment on February 5 for the review, discussion and evaluation of individual initial pending, supplemental and renewal grant applications. The Manpower Subcommittee and the Research Subcommittee of the above Council will be closed from 8 p.m. to adjournment on February 2, also for the review, discussion, and evaluation of individual initial pending, supplemental and renewal grant applications. The closed portions of the meetings involve solely the internal expression of views and judgments of committee members on individual grant applications which contain information of a proprietary or confidential nature, including detailed research protocols, designs, and other technical information; financial data, such a salaries, and personal information concerning individuals associated with the applications.

Mr. York Onnen, Chief, Public Inquiries and Reports Branch, National Heart, Lung, and Blood Institute, Building 31, Room 5A03, National Institutes of Health, Bethesda, Maryland 20014, (301) 496-4236, will provide summaries of the meetings and rosters of the Council members.

Dr. Jerome G. Green, Director of Extramural Affairs, NHLBI, Westwood Building, Room 7A17, (301) 496-7416, will provide substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.837, 13.838, and 13.839, National Institutes of Health.)

Date: December 28, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.77-163 Filed 1-3-77;8:45 am]

NEUROLOGICAL DISORDERS PROGRAM-PROJECT REVIEW A COMMITTEE

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Neurological Disorders Program-Project Review A Committee, National Institute of Neurological and Communicative Disorders and Stroke, National Institutes of Health, February 17-19, 1977, in the De Soto Room, Holiday Inn, 1170 Northwest 11th Street, Miami, Fla. 33136.

This meeting will be open to the public from 8:30 p.m. until 10:30 p.m. on February 17th, to discuss program planning and program accomplishments. Attendance by the public will be limited to space available. In accordance with the provisions set forth in sections 552(b)(4), 552(b)(5) and 552(b)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on February 18th, from 8:30 a.m. to adjournment on February 19th, for the review, discussion and evaluation of individual initial pending and renewal grant applications. The closed portion of the meeting involves solely the internal expression of views and judgments of committee members on individual grant applications which contain information of a proprietary or confidential nature, including detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications.

Mrs. Ruth Dudley, Chief, Office of Scientific and Health Reports, Bldg. 31, Room 8A03, Bethesda, Md. 20014, (301) 496-5751, will provide summaries of the meeting and rosters of committe members.

Dr. Leon J. Greenbaum, Jr., Executive Secretary, Federal Bldg., Rm. 9C14B, Bethesda, Md. 20014, (301) 496-9223, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program 13.852, National Institutes of Health.)

Date: December 28, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.77-161 Filed 1-3-77;8:45 am]

NEUROLOGICAL DISORDERS PROGRAM-PROJECT REVIEW B COMMITTEE

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Neurological Disorders Program-Project Review B Committee, National Institute of Neurological and Communicative Disorders and Stroke, National Institutes of Health, February 17-19, 1977, in the Ponce de Leon Room, Holiday Inn, 1170 Northwest 11th Street, Miami, FL 33136.

This meeting will be open to the public from 8:30 p.m. until 10:30 p.m. on February 17th, to discuss program planning and program accomplishments. Attendance by the public will be limited to space available. In accordance with the provisions set forth in sections 552(b)(4), 552(b)(5) and 552(b)(6), Title 5, U.S. Code and section 10(d) of the Pub. L. 92-463, the meeting will be closed to the public on February 18th, from 8:30 a.m. to adjournment on February 19th, for the review, discussion and evaluation of individual initial pending and renewal grant applications. The closed portion of the meeting involves solely the internal expression of views and judgments of committee members on individual grant applications which contain information of a proprietary or confidential nature, including detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications.

Mrs. Ruth Dudley, Chief, Office of Scientific and Health Reports, Bldg. 31, Room 8A03, Bethesda, MD 20014, (301) 496-5751, will provide summaries of the meeting and rosters of committee members.

Dr. John W. Diggs, Executive Secretary, Federal Bldg., Rm. 9C10B, Bethesda, MD 20014, (301) 496-9223, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program 13.852, National Institutes of Health.)

Date: December 28, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.77-162 Filed 1-3-77;8:45 am]

RESEARCH CONTRACT PROPOSALS

Meetings Review

Pursuant to Pub. L. 92-463, notice is hereby given of the meetings of committees advisory to the National Cancer Institute.

These meetings will be open to the public to discuss administrative details or other issues relating to committee business as indicated in the notice. Attendance by the public will be limited to space available.

These meetings will be closed to the public as indicated below in accordance with the provisions set forth in sections 552(b)(4) and 552(b)(6) of Title 5, U.S. Code and section 10(d) of Pub. L. 92-463 for the review, discussion and evaluation of individual research contract proposals as indicated. The proposals contain information of a proprietary or confidential nature, including detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 4B43, National Institutes of Health, Bethesda, Maryland 20014 (301/496-5708) will furnish summaries of the meetings and rosters of committee members upon request. Other information pertaining to the meetings can be obtained from the Executive Secretary indicated. Meetings are held at the National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20014, unless otherwise stated.

COMBINED MODALITY COMMITTEE

Dates: February 3-4, 1977; 8:30 a.m.
Place: Building 31C, Conference Room 7, National Institutes of Health.
Times—Open: February 3, 8:30 a.m.-9:00 a.m.
Closed: February 3, 9:00 a.m.-5:00 p.m.
Closed: February 4, 8:30 a.m.-5:00 p.m.
Closure Reason: To review research contract proposals.
Executive Secretary: Dr. Harry Handelsman; Address: Building 37, Room 6D28, National Institutes of Health; Phone 301-496-1774.

(Catalog of Federal Domestic Assistance Number 13.395, National Institutes of Health.)

CARCINOGENESIS PROGRAM SCIENTIFIC REVIEW COMMITTEE A

Dates: February 4, 1977; 9:00 a.m.
Place: Landow Building, Room C418, 7910 Woodmont Avenue, Bethesda, Md. 20014.
Times—Open: February 4, 9:00 a.m.-9:30 a.m.
Closed: February 4, 9:30 a.m.—adjournment.
Closure Reason: To review research contract proposals.
Executive Secretary: Dr. Richard A. Pledger; Address: Landow Building, Room A306, National Institutes of Health; Phone: 301-496-4141.

(Catalog of Federal Domestic Assistance Number 13.393, National Institutes of Health.)

CARCINOGENESIS PROGRAM SCIENTIFIC REVIEW COMMITTEE B

Dates: February 11, 1977; 9:00 a.m.
Place: Landow Building, Room C418, 7910 Woodmont Avenue, Bethesda, Maryland 20014.
Times—Open: February 11, 9:00 a.m.-9:30 a.m. Closed: February 11, 9:30 a.m.—adjournment.
Closure reason: To review research contract proposals.
Executive secretary: Dr. Marcia D. Litwack; Address: Landow Building, Room A306, National Institutes of Health; Phone: 301-496-5988.

(Catalog of Federal Domestic Assistance Number 13.393, National Institutes of Health.)

COMMITTEE ON CANCER IMMUNOBIOLOGY

Dates: February 15, 1977; 2:00 p.m.
Place: Building 10, Room 4B14, National Institutes of Health.
Times—Open: February 15, 2:00 p.m.-2:30 p.m.
Closed: February 15, 2:30 p.m.—adjournment.
Closure Reason: To review research contract proposals.
Executive Secretary: Mrs. Judith M. Whalen; Address: Building 10, Room 4B17, National Institutes of Health; Phone: 301-496-1791.

(Catalog of Federal Domestic Assistance Number 13.396, National Institutes of Health.)

BIOMETRY AND EPIDEMIOLOGY CONTRACT REVIEW COMMITTEE

Dates: February 15–16, 1977; 7:00 p.m.
Place: Landow Building, Room C418, 7910 Woodmont Avenue, Bethesda, Maryland 20014.
Times—Open: February 15, 7:00 p.m.–11:00 p.m.
Closed: February 16, 9:00 a.m.—adjournment.
Closure Reason: To review research contract proposals.
Executive Secretary: Mr. H. Geller; Address: Landow Building, Room C519, National Institutes of Health; Phone: 301–496–6014.

(Catalog of Federal Domestic Assistance number 13.393, National Institutes of Health.)

DIAGNOSTIC RESEARCH ADVISORY GROUP

Dates: February 16, 1977; 8:30 a.m.
Place: Building 31 C, Conference Room 9, National Institutes of Health.
Times—Open: February 16, 8:30 a.m.–10:30 a.m.
Closed: February 16, 10:30 a.m.—adjournment.
Closure Reason: To review research contract proposals.
Executive Secretary: Mr. Louis P. Greenberg; Address: Building 31, Room 3A10, National Institutes of Health; Phone: 301–496–1591.

(Catalog of Federal Domestic Assistance Number 13.394, National Institutes of Health.)

DIAGNOSTIC RADIOLOGY COMMITTEE

Dates: February 23–24, 1977; 8:30 a.m.
Place: Building 31B, Conference Room 5, National Institutes of Health.
Times—Open: February 23, 8:30 a.m.–9:00 a.m.
Agenda/Open Portion: To discuss new areas of research.
Closed: February 23, 9:00 a.m.–5:00 p.m.
Closed: February 24, 8:30 a.m.-adjournment.
Closure Reason: To review research contract proposals.
Executive Secretary: Dr. R. Quentin Blackwell; Address: Building 31, Room 3A10, National Institutes of Health; Phone: 301–496–1591.

(Catalog of Federal Domestic Assistance Number 13.394, National Institutes of Health.)

VIRUS CANCER PROGRAM SCIENTIFIC REVIEW COMMITTEE B

Dates: February 23–25, 1977; 9:00 a.m.
Place: February 23–24; Building 426, Fort Detrick, Frederick, Md. 21791; February 25; Building 37, Room 1B04, National Institutes of Health.
Times—Open: February 23, 9:00 a.m.–10:00 a.m.
Closed: February 23, 10:00 a.m.–5:00 p.m.
Closed: February 24, 9:00 a.m.–5:00 p.m.
Closed: February 25, 9:00 a.m.—adjournment.
Closure reason: To review research contract proposals.
Executive Secretary: Dr. Wilna A. Woods; Address: Landow Building, Room C306, National Institutes of Health; Phone: 301–496–4533.

(Catalog of Federal Domestic Assistance Number 13.393, National Institutes of Health.)

COMMITTEE ON CANCER IMMUNODIAGNOSIS

Dates: February 28, March 1, 2, 3, 1977; 7:00 p.m.
Place: Building 1, Wilson Hall, National Institutes of Health.
Times—Open: February 28, 7:00 p.m.–7:30 p.m.
Closed: February 28, 7:30 p.m.—adjournment.
Closed: March 1, 8:30 a.m.–5:00 p.m.
Closed: March 2, 8:30 a.m.–5:00 p.m
Closed March 3, 8:30 am.—adjournment.
Closure Reason: To review research contract proposals.
Executive Secretary: Mrs. Judith M. Whalen; Address: Building 10, Room 4B17, National Institutes of Health; Phone: 301–496–1791.
(Catalog of Federal Domestic Assistance Number 13.394, National Institutes of Health.)

Dated: December 23, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.77-164 Filed 1-3-77;8:45 am]

RESEARCH GRANT APPLICATIONS

Meetings Review

Pursuant to Pub. L. 92–463, notice is hereby given of the meetings of committees advisory to the National Cancer Institute.

These meetings will be open to the public to discuss administrative details or other issues relating to committee business as indicated in the notice. Attendance by the public will be limited to space available.

These meetings will be closed to the public as indicated below in accordance with the provisions set forth in sections 552(b)(4), 552(b)(5) and 552(b)(6) of Title 5, U.S. Code and section 10(d) of Pub. L. 92–463, for the review, discussion and evaluation of individual initial pending, supplemental, and renewal grant applications. The closed portions of the meetings involve solely the internal expression of views and judgments of committee members on individual grant applications containing detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 4B43, National Institutes of Health, Bethesda, Maryland 20014 (301/496–5708) will furnish summaries of the meetings and rosters of committee members upon request. Other information pertaining to the meeting can be obtained from the Executive Secretary indicated. Meetings are held at the National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20014, unless otherwise stated.

CANCER SPECIAL PROGRAM ADVISORY COMMITTEE

Dates: February 10–12, 1977; 9:00 a.m.
Place: Building 31C, Conference Room 8.

NATIONAL INSTITUTES OF HEALTH

Times—Open: February 10, 9:00 a.m.–10:00 a.m.; Closed: February 10, 10:00 a.m.–5:00 p.m.; February 11, 8:30 a.m.–5:00 p.m.; February 12, 8:30 a.m.–adjournment.
Closure Reason: To review research grant applications.
Executive Secretary: Dr. William R. Sanslone. Address: Westwood Building, Room 805. Phone: 301/496–7565.

(Catalog of Federal Domestic Assistance Number 13.392 National Institutes of Health)

CLINICAL CANCER EDUCATION COMMITTEE

Dates: February 23–24, 1977; 8:30 a.m.
Place: Building 31C, Conference Room 7.
Times—Open: February 23, 8:30 a.m.–9:30 a.m. Closed: February 23, 9:30 a.m.—5:00 p.m. February 24, 8:30 a.m.–adjournment.
Closure Reason: To review research grant applications.
Executive Secretary: Dr. Margaret Edwards. Address: Westwood Building, Room 10A18. Phone: 301/496–7762.

(Catalog of Federal Domestic Assistance Number 13.398, National Institutes of Health)

CANCER CLINICAL INVESTIGATION REVIEW COMMITTEE

Dates: February 28, March 1–2, 1977; 8:00 a.m.
Place: Building 31C, Conference Room 10.
Times—Open: February 28, 8:00 a.m.–10:00 a.m. March 1, 8:00 a.m.–11:00 a.m.
Agenda Open Portions: February 28, to discuss administrative details. March 1, a mini-symposium on new developments in radiation therapy.
Closed: February 28, 10:00 a.m.–5:00 p.m. March 1, 11:00 a.m.–5:00 p.m. March 2, 8:00 a.m.—adjournment.
Closure Reason: To review research grant applications.
Executive Secretary: Mr. C. W. White. Address: Blair Building, Room 123. Phone: 301/427–8086.
(Catalog of Federal Domestic Assistance Number 13.395, National Institutes of Health)

Date: December 23, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer, NIH.

[FR Doc.77 159 Filed 1-3-77;8:45 am]

VIRUS CANCER PROGRAM ADVISORY COMMITTEE

Amended Notice of Meeting

Notice is hereby given of a change in the meeting place of the Virus Cancer Program Advisory Committee, Viral Oncology Program, Division of Cancer Cause and Prevention, National Cancer Institute, January 26, 1977, which was published in the FEDERAL REGISTER on December 8, 1976 (41 FR 53711). This meeting was to have convened at 9:30 a.m. on January 26 in Building 37, Room 1B04, NIH, but has been changed to 9:30 a.m. in Building 426, Conference Room, Frederick Cancer Research Center, Fort Detrick, Frederick, Maryland. The second day of the meeting, January 27, 1977 will be held as originally scheduled, convening at 9:30 a.m. in Building 37, Room 1B04, NIH.

The meeting will be open to the public from 9:30 a.m. to adjournment on January 26 and 27, 1977 to discuss the overall direction of the Virus Cancer Program. Attendance by the public will be limited to space available.

Dated: December 28, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.77–155 Filed 1–3–77;8:45 am]

VISION RESEARCH PROGRAM PLANNING SUBCOMMITTEE OF THE NATIONAL ADVISORY EYE COUNCIL

Meeting

Pursuant to Pub. L. 92–463 notice is hereby given of the meeting of the Vision Research Program Planning Subcommittee of the National Advisory Eye Council, National Eye Institute, on Sunday, January 23, 1977, National Institutes of Health, Building 31, Room 6A–21, Bethesda, Maryland.

The meeting will convene at 10 a.m., and will be open to the public until adjournment, approximately 4 p.m. The meeting will be devoted to review of the status of ongoing vision research program planning activities. Attendance by the public will be limited to space available.

Substantive information may be obtained from Mr. Julian Morris, Head, Office of Scientific Reports and Program Planning, National Eye Institute, National Institutes of Health, Bethesda, Maryland 20014, Building 31, room 6A–27, telephone (301) 496–5248.

(Catalog of Federal Domestic Assistance Program No. 13.331, National Institutes of Health.)

Dated: December 23, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.77–157 Filed 1–3–77;8:45 am]

Office of the Secretary

PAPERWORK BURDEN IN HIGHER EDUCATION

Availability of Report

Notice is hereby given that the Final Report of the Interagency Task Force on Higher Education Burden Reduction is available to interested persons. The report recommends 19 steps which are directed toward the lessening of reporting, recordkeeping and regulatory burdens imposed by the Federal Government on colleges and universities. Requests for single copies of the report should be sent to the Office of Regulatory Review, Department of Health, Education, and Welfare, Room 730E, South Portal Building, 200 Independence Avenue, S.W., Washington, D.C. 20201.

Dated: December 28, 1976.

DAVID MATHEWS,
Secretary.

[FR Doc.77–214 Filed 1–3–77;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. D–76–466]

ASSISTANT SECRETARY FOR POLICY DEVELOPMENT AND RESEARCH

Amendment to Delegation of Authority

On March 16, 1971 there was published in the FEDERAL REGISTER a delegation of authority from the Secretary to the Assistant Secretary for Research and Technology with respect to the exercise of the power of the Secretary in matters relating to programs of research, studies, testing and demonstration under sections 501, 502, 504 and 505 of Title V of the Housing and Urban Development Act (Pub. L. 91–609). (36 FR 5007).

On March 27, 1973 there was published in the FEDERAL REGISTER a delegation of authority from the Secretary of HUD to the Assistant Secretary for Policy Development and Research. In part the delegation transferred and consolidated the various powers, functions and responsibilities previously vested in the Assistant Secretary for Research and Technology. (38 FR 8012).

Sections 814 and 815 of the Housing and Community Development Act of 1974 (Pub. L. 93–383), provide amendments to Title V of the Housing Act of 1970 (12 U.S.C. 1701z–1) for grants and contracts for research and demonstrations relating to the mission and programs of the Department of Housing and Urban Development.

Section 814 adds a new section 506 to that title empowering the Secretary to undertake, after consultation with the National Science Foundation, research and demonstration projects to determine the economic and technical feasibility of utilizing solar energy for heating or cooling residential housing.

Section 815 amends Title V authorizing the Secretary to conduct additional research in carrying out activities under section 501 of the Act and to undertake special demonstrations, enter contracts, make grants and provide other assistance to determine the housing design and structure and the housing-related facilities and amenities most effective or appropriate to meet the needs of groups with special housing needs including the elderly, the handicapped, the displaced, single individuals, broken families and large households, and to utilize the contract and loan authority of any federally assisted housing program for special demonstrations. The Secretary is also authorized to set aside any development, construction, design and occupancy requirements for the purpose of the demonstration if in the Secretary's judgment they inhibit the testing of the housing designed to meet the special housing needs.

In addition section 441 of the Energy Conservation and Production Act of 1976 (Pub. L. 94–385) adds a new section 509 to Title V of the Housing Act of 1970 authorizing the Secretary to undertake a national demonstration program designed to test the feasibility and effectiveness of various forms of financial assistance for encouraging the installation or implementation of approved energy conservation measures and approved renewable resource energy measures in existing dwelling units with a view toward recommending a national program or programs designed to reduce significantly the consumption of energy in existing dwelling units.

The Secretary is hereby amending the existing delegations to indicate that all authority to undertake programs of research, study testing and demonstration authorized under Title V of the Housing and Urban Development Act of 1970 has been assigned to the Assistant Secretary for Policy Development and Research.

Accordingly, Section A Paragraph 1 of the Secretary's delegation of authority with respect to research and demonstrations dated March 16, 1971 (36 FR 5007), as that delegation is amended by the delegation appearing at 38 FR 8012, is revised to read as follows:

1. The programs of research, studies, testing and demonstration under: Title V of the Housing and Urban Development Act of 1970 (Pub. L. 91–609); section 3 (b) of the Department of Housing and Urban Development Act (42 U.S.C. 3532 (b)); section 301 of the Lead Based Paint Poisoning Prevention Act (Pub. L. 91–695); and sections 6(a) and (11) and authority incidental thereto of the Urban Mass Transportation Act of 1964 (49 U.S.C. 1605(a) and 1607(c)).

(Section 7(d), Department of HUD Act 42 U.S.C. 3535(d).)

Effective date: This amendment is effective December 31, 1976.

CARLA A. HILLS,
Secretary.

[FR Doc.77–169 Filed 1–3–77;8:45 am]

DEPARTMENT OF THE INTERIOR

Geological Survey

GENERAL COAL MINING ORDERS

Intention To Develop Order for Analysis of Overburden

Notice is hereby given that under Coal Mining Operating Regulations published in 30 CFR Part 211 (41 FR 20261, May 17, 1976), in particular § 211.3 (a) and (c) (12), the Chief, Conservation Division, intends to issue a General Coal Mining Order for analyses of overburden samples and solicits views of interested parties on the content of the order.

Section 211.10(c)(6)(xii) of the Coal Mining Operating Regulations requires that a mining plan shall include logs and analyses of overburden samples of each stratum from a number of drill holes sufficient to obtain a representative sample of the overburden overlying the coal and the stratum immediately below the coal to be mined which, unless specifically authorized by the Mining Supervisor, based upon data already known to the Geological Survey, or upon the nature of the coal seam and geological inferences which may be drawn therefrom, shall be not less than one hole on each 40 acres. Such logs and analyses shall identify each stratum penetrated, and shall contain an analysis of each such stratum for at least the following:

Nitrogen
Phosphorus
Potassium
pH
Specific conductance
Exchangeable sodium percentage
Sodium absorption ratio

Such analyses will be used to determine which materials shall be buried and

which materials are suitable for placement near the surface for favorable propagation of vegetation.

In order to implement more fully the purposes and objectives of the Coal Mining Operating Regulations, all concerned parties representing the coal mining industry and the general public are invited and encouraged to submit comments and suggestions as to the content of the proposed General Coal Mining Order for analyses of overburden samples.

Interested persons may submit written comments and suggestions to the Chief, Conservation Division, U.S. Geological Survey, National Center, Mail Stop 600, 12201 Sunrise Valley Drive, Reston, Virginia 22092, on or before January 31, 1977.

W. A. RADLINSKI,
Acting Director.

[FR Doc.77-148 Filed 1-3-77;8:45 am]

NATIONAL REGISTER OF HISTORIC PLACES

Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before Dec. 27, 1976. Pursuant to § 60.13(a) of 36 CFR Part 60, published in final form on January 9, 1976, written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the Keeper of the National Register, National Park Service, U.S. Department of the Interior, Washington, D.C. 20240. Written comments or a request for additional time to prepare comments should be submitted on or before January 14, 1977.

JERRY L. ROGERS,
Acting Chief, Office of Archeology and Historic Preservation.

ARIZONA

Pima County

Lukeville vicinity, *Camino del Diablo*, NW of Lukeville (also in Yuma County).

COLORADO

El Paso County

Colorado Springs, *Claremont*, 21 Broadmoor Ave.

Gunnison County

Marble, *Marble Mill Site*, Park and W. 3rd Sts.

GEORGIA

Clarke County

Athens, *Parrott Insurance Building*, 283 E. Broad St.

Fulton County

Atlanta, *Swan House*, 3099 Andrews Dr. NW.

Elbert County

Elberton vicinity, *Banks, Ralph, Place*, N of Elberton off GA 77.

Elberton vicinity, *Gains, Ralph, House*, N of Elberton on GA 368.

Ruckersville vicinity, *Alexander–Cleveland House*, 3.5 mi. NE of Ruckersville.

Fayette County

Fayetteville vicinity, *King, Tandy, House*, 2 mi. S of Fayetteville on GA 92.

KANSAS

Chase County

Matfield Green vicinity, *Crocker Ranch*, 1.5 mi. N of Matfield Green on KS 177.

Cloud County

Concordia, *Bankers Loan and Trust Company Building*, 101 E 6th St.

Douglas County

Lawrence, *Riggs, Samuel A., House*, 1501 Pennsylvania.

Lane County

Healy vicinity, *Pottorff Site*, N of Healy.

Leavenworth County

Leavenworth vicinity, *Powers, David W. House*, 2 mi. NW of Leavenworth off U.S. 73.

Shawnee County

Topeka, *Hicks Block*, 600 W. 6th.

MAINE

Lincoln County

Boothbay Harbor vicinity, *Burnt Island Light Station*, S of Boothbay Harbor on Burnt Island.

MINNESOTA

St. Louis County

Kabetogama vicinity, *Kettle Falls*, NE of Kabetogama on Voyageurs National Park.

MISSISSIPPI

Lee County

Tupelo vicinity, *Chickasaw Village Site*, 2 mi. NW of Tupelo on Natchez Trace Pkwy.

MONTANA

Carroll County

Carrollton, *U.S. Post Office*, 101 N. Folger St.

NEVADA

Churchill County

Frenchman vicinity, *Cold Springs Pony Express Station Ruins*, 25 mi. NE of Frenchman off U.S. 50.

NEW MEXICO

Valencia County

Grants vicinity, *Dittert Site (LA-11723)* S of Grants.

NEW YORK

Hamilton County

Blue Mountain Lake vicinity, *Church of the Transfiguration*, N of Blue Mountain Lake on NY 30.

Oneida County

Waterville, *Waterville Triangle Historic District*, Strafford Ave., Main and White Sts.

Rensselaer County

Schodack Landing, *Schodack Landing Historic District*, NY 9J.

NORTH DAKOTA

Burke County

Flaxton, *Flaxton Hotel*, Davis St.

Burleigh County

Bismarck, *Northern Pacific Railway Depot*, 410 E. Main Ave.

Grand Forks County

Grand Forks, *Grand Forks Street Railway Car No. 114*, Belmont Rd.

Slope County

Marmarth, *Mystic Theatre*, Main St.

Stutsman County

Jamestown, *Voorhees Chapel*, Jamestown College campus.

TENNESSEE

Davidson County

Nashville, *Eighth Avenue South Reservoir*, 8th Ave.

Sumner County

Goodlettsville vicinity, *Bowen–Campbell–House*, E of Goodlettsville on Jackson Rd.

TEXAS

Sabine County

Milam vicinity, *Oliphant House*, 7 mi. E of Milam off TX 21.

UTAH

Carbon County

Price vicinity, *Flat Canyon Archeological District*, 40 mi. E of Price.

VERMONT

Chittenden County

Burlington, *Battery Street Historic District*, roughly bounded by Lake Champlain, Main, Maple, St. Pauls Sts. (includes both sides).

[FR Doc.77-123 Filed 1-3-77;8:45 am]

National Park Service

[Int Des 76-52]

TUSKEGEE INSTITUTE NATIONAL HISTORIC SITE

Availability of Draft Environmental Statement Regarding Proposed General Management Plan

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a Draft Environmental Impact Statement on the proposed General Management Plan for Tuskegee Institute National Historic Site.

The statement discusses proposals for the operation, preservation and interpretation of Tuskegee Institute National Historic Site.

Written comments on the Environmental Statement are invited and will be accepted for a period of on or before February 18, 1977. Comments should be addressed to the Regional Director, Southeast Region, or the Superintendent, Horseshoe Bend National Military Park at the addresses given below.

Copies are available from or for inspection at the following locations:

Southeast Regional Office, National Park Service, 1895 Phoenix Boulevard, Atlanta, Georgia 30349.

Dr. Douglas Covington, Vice-President for Development, Tuskegee Institute, Alabama 36088.

Superintendent, Horseshoe Bend National Military Park, Route 1, Box 63, Daviston, Alabama 36256.

Dated: December 23, 1976.

STANLEY D. DOREMUS,
Deputy Assistant Secretary of the Interior.

[FR Doc.77-150 Filed 1-3-77;8:45 am]

[Int FES 76-65]

MOUNT McKINLEY NATIONAL PARK, ALASKA

Availability of Final Environmental Statement Regarding Electric Distribution Line Extension

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final environmental statement for the electric distribution line extension to McKinley Park, Mount McKinley National Park, Alaska.

The statement refers to a proposal to grant a right-of-way to Golden Valley Electric Association, Inc., for an electric distribution line. The purpose of the proposed action is to provide commercial electric power to McKinley Park to extend service south to Cantwell and Summit, Alaska.

Copies of the statement are available from, or for inspection at, the following locations:

Pacific Northwest Region, National Park Service, Fourth and Pike Building, Seattle, Washington 98101.
Alaska Area Office, National Park Service, 540 West Fifth Avenue, Room 202, Anchorage, Alaska 99501.
Superintendent, Mount McKinley National Park, Box 9, McKinley Park, Alaska 99755.

STANLEY D. DOREMUS,
Deputy Assistant Secretary of the Interior.

[FR Doc.77-149 Filed 1-3-77;8:45 am]

DEPARTMENT OF LABOR

Employment and Training Administration

[Field Memorandum No. 30-77]

GRANT CYCLE SCHEDULE FOR TITLES I AND II OF THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT OF 1973, AS AMENDED

Schedule for Fiscal Year 1978

In order to ensure an effective implementation of titles I and II of the Comprehensive Employment and Training Act (CETA) of 1973, as amended, in Fiscal Year (FY) 1978, the Department of Labor has developed a grant cycle schedule. The schedule is a management tool to assist the Department and CETA prime sponsors in timely completion of major tasks related to the grant process.

The entire text of Field Memorandum No. 30-77, with the exception of the graphic presentation, is published here to inform all interested parties of the Department's implementing procedures. While these procedures are effective immediately, comments are invited and should be submitted to Mr. Pierce A. Quinlan, Administrator, Office of Comprehensive Employment Development, Room 6000, 6th and D Streets, NW., Washington, D.C. 20213.

Directive: Field memorandum No. 30-77.
To: All Regional Administrators.
From: Floyd E. Edwards, Administrator, Field Operations.
Subject: Grant Cycle Schedule for Fiscal Year 1978 Programs Under titles I and II of CETA.

1. *Purpose.* To provide the grant cycle schedule for implementing Fiscal Year (FY) 1978 CETA titles I and II programs.

2. *Background.* The attached grant cycle schedule should afford appropriate general guidance to ensure an effective implementation of the FY '78 CETA titles I and II programs. The schedule is provided in both a graphic presentation and a narrative description. Any modifications to the schedule will be communicated to you.

You will note a limited number of major changes in procedure from the schedule for FY '77. Summer youth program regulations will be incorporated with title I and title II regulations. The schedule for title II program planning and grant application submittal have been adjusted to reflect a realistic appraisal of the time required to collect and analyze data and prepare allocations. Alternatives on this latter item are under consideration, and no final decision has yet been made.

3. *Action Required.* RAs should distribute the attached schedule to prime sponsors so they can anticipate requisite inputs to their grants and plan the activities necessary to complete their grants in accordance with the established schedule.

4. *Inquiries.* Questions should be directed to Nan Beckley 8-376-6575 or Tom McCallion 8-376-6560.

5. *Attachments.* FY '78 Grant Cycle Schedule, both chart and narrative explanation.

FISCAL YEAR 1978 GRANT CYCLE SCHEDULE FOR TITLES I AND II OF CETA

I. PERFORMANCE MEASUREMENT DEVELOPMENT

	Date
A. Formal assessment of 1977 performance	
1. Development of criteria and instructions	Oct. 1 to Nov. 30, 1976.
2. Revision and clearance	Nov. 30 to Jan. 31.
3. Issuance and publication in FEDERAL REGISTER	Feb. 11, 1977.
4. Training of regional office (RO) staff	Feb. 11 to Feb. 28, 1977.
5. Implementation	Apr. 1 to Aug. 15, 1977.
a. Initial assessment results provided to prime sponsors	June 1, 1977.
b. Final assessment results based on review of 3d quarter data provided to prime sponsors.	Aug. 15, 1977.
B. Grant application review guidelines for fiscal year 1978	
1. Development	Nov. 29 to May 24.
2. Revision and clearance	Feb. 14 to Apr. 29.
3. Issuance and publication in FEDERAL REGISTER	Apr. 29.
4. Training of RO staff	May 2 to May 24.
C. Performance indicators for fiscal year 1978	
1. Development	Oct. 1 to Dec. 31, 1976.
2. Revision and clearance	Jan. 1 to Feb. 28.
3. Issuance and publication in FEDERAL REGISTER	Mar. 1, 1977.
4. Training of RO staff	Mar. 1 to Mar. 31, 1977.
D. Grant application review checklist	
1. Development	Dec. 1, 1976 to Jan. 15, 1977.
2. Revision and clearance	Jan. 15 to Feb. 28, 1977.
3. Issuance	Mar. 1, 1977.
4. Modification, if necessitated by regulation changes	June 1 to June 31, 1977.
5. Reissuance	July 1, 1977.

II. REGULATIONS, FORMS, GRANT INSTRUCTIONS

A. Regulations	
Summer program (fiscal year 1977)	
1. Development and clearance	Nov. 1, 1976 to Jan. 31, 1977.
2. Publication in FEDERAL REGISTER	Feb. 1, 1977.
Title I, II, summer (fiscal year 1978)	
1. Development and clearance	Dec. 1, 1976 to Mar. 31, 1977.
2. Publication in FEDERAL REGISTER	Apr. 1, 1977.
3. Revision and clearance	Apr. 1 to May 31, 1977.
4. Final publication in FEDERAL REGISTER	June 1, 1977.
B. Forms preparation handbook	
1. Development and issuance for comment	Jan. 1 to Mar. 31, 1977.
2. Revision and clearance	Apr. 1 to May 30, 1977.
3. Final issuance	June 1, 1977.
C. Final instructions on policy and procedures grant implementation process for fiscal year 1978	
1. Development of field memorandum	Apr. 1 to Apr. 30, 1977.
2. Revision and clearance	May 1 to May 31, 1977.
3. Issuance	June 1, 1977.

III. PRIME SPONSOR DESIGNATION

A. *Preapplication submittal and review*

1. National office (NO) requests and receives population data from Census Bureau.	Jan. 1 to Feb. 15, 1977.
2. NO develops and issues instructions to RO on preapplications, consortia, exceptional circumstances, and incentive bonuses.	Feb. 1 to Mar. 1, 1977.
3. NO publishes list of eligibles for preapplication in FEDERAL REGISTER.	Mar. 1, 1977.
4. Preapplications submitted to RO, Governors and A-95 State and areawide clearinghouses.	Mar. 1 to Apr. 1, 1977.
5. Governor and A-95 clearinghouses comment to RO and preapplicants.	Apr. 1 to Apr. 30, 1977.
6. RO reviews preapplications and related comments	Apr. 1 to Apr. 30, 1977.

B. *Preapplication approval*

Regular [102(a) (1) and (2)]

1. RO transmits preliminary list of fiscal year 1978 prime sponsors to NO.	May 1, 1977.

Consortia [102(a) (3)]

1. RO transmits preliminary list of consortia to NO	May 1, 1977.
2 RO notifies NO of any changes in consortia composition. in receipt of final consortia agreements.	May 15. 1977.

Exceptional circumstances [102(a) (4) and (5)]

1. RO makes recommendations on preapplications and transmits recommendations to NO.	May 1, 1977.
2. NO reviews RO recommendations	May 1 to May 15, 1977.
3. NO notifies RO of preliminary designation of exceptional circumstance.	May 16, 1977.

C. *Notification of approval*

1. NO provides data collection and allocation staff with final prime sponsor list, including consortia composition and exceptional circumstance sponsor.	May 16, 1977.
2. NO prepares and publishes list of approved sponsors in FEDERAL REGISTER.	May 16 to June 1, 1977.
3. RO notifies prime sponsors, except exceptional circumstances, of designation and responds to Governor and A-95 clearinghouse.	June 1, 1977.
4. RO notifies exceptional circumstances prime sponsors of designation.	Aug. 15, 1977.

IV. DATA COLLECTION AND ALLOCATIONS

A. *Title I*

1. Calculation and clearance of planning estimates (based on hold harmless and minimum guarantee).	May 1 to May 31, 1977.
2. Release of planning estimates	June 1, 1977.
3. Data collection, calculation of actual allocations, and issuance.	Dependent on appropriation.

B. *Title II*

1. Data collection and analysis	May 16 to June 10, 1977.
2. Calculations and clearance of planning estimates	July 11 to July 31, 1977.
3. Release of planning estimates	Aug. 1, 1977.
4. Final calculation and release of actual allocations	Dependent on appropriation.

V. GRANT DEVELOPMENT PROCESS

(Regional Office and Prime sponsor)

A. *Title I*

1. Prime sponsor preliminary planning	Mar. 1 to June 15, 1977.
2. Grant application development	June 15 to July 15, 1977.
3. Preliminary grant application due to RO, Governor, A-95 State and areawide clearinghouse; summary to newspaper, appropriate units of local government, Indian sponsors, and labor organizations.	July 15, 1977.
4. Preliminary grant application review and revision, including comments.	July 15 to Aug. 31, 1977.
5. Final grant application and appropriate comments and responses due to RO.	Sept. 1, 1977.
6. Review, finalization, grant approval, notification to Governor and A-95 clearinghouse.	Sept. 1 to Oct. 1, 1977.

B. *Title II*

1. Prime sponsor preliminary planning	June 1 to July 31, 1977.
2. Grant application development	Aug. 1 to Aug. 31, 1977.
3. Grant application due to RO, simultaneous submission for comment to Governor and A–95 State and areawide clearinghouse; summary to newspaper, appropriate units of local government, Indian sponsors, and labor organizations.	Sept. 1, 1977.
4. Review, revision, finalization, grant approval, notification to Governor and A–95 clearinghouse.	Sept. 1 to Oct. 1, 1977.

Signed at Washington, D.C., this 22nd day of December, 1976.

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

[FR Doc.77-4 Filed 1-3-77;8:45 am]

INDIAN AND ALASKAN NATIVE PRIME SPONSORS

Fiscal Year 1977 Allocations Under Title VI of the Comprehensive Employment and Training Act

Notice is hereby given that the Employment and Training Administration is allocating Fiscal Year 1977 funds to designated Indian and Alaskan Native prime sponsors to continue public service employment under title VI of the Comprehensive Employment and Training Act (CETA) during the period January 1, 1977 through September 30, 1977. The following list represents the allocations by designated prime sponsor.

FY–77 TITLE VI FUNDING LEVELS—INDIAN AND NATIVE AMERICAN PROGRAMS

ALASKA

Mr. Wallace D. Leask, Mayor, Metlakatla Indian Community, P.O. Box 8, Metlakatla, Alaska 99926, $63,528.

Mr. Dennis J. Tiepelman, President, Maunelauk Association, Inc., P.O. Box 256, Kotzebue, Alaska 99752, $35,959.

Mr. Herbert Smelcer, President, Copper River Native Assn, Inc., Drawer G, Copper Center, Alaska 99573, $18,379.

Mr. Al Ketzler, President, Tanana Chiefs Conference, Inc., First and Hall Streets, Fairbanks, Alaska 99701, $142,639.

Mr. Cecil Barnes, President, North Pacific Rim Native Corporation, 912 East 15th Avenue, Anchorage, Alaska 99501, $30,366.

Mr. Sam Kito, Jr., President, Alaska Federation of Natives, Inc., Human Resources, 550 W. 8th Avenue, Anchorage, Alaska 99501, $140,242.

Ms. Vera M. Shaflestad, Executive Director, The Aleut League, 833 Gambell Street, Anchorage, Alaska 99501, $51,142.

Mr. George Miller, Jr., Tanaina Corporation, P.O. Box 1210, Kenal, Alaska 99611, $5,993.

ALASKA

Ms. Jeanmarie Larson, Executive Director, Cook Inlet Native Association, P.O. Box 515, Anchorage, Alaska 99510, $99,887.

Mr. Frank R. Peterson, Executive Director, Kodiak Area Native Association, Box 172, Kodiak, Alaska 99615, $41,953.

Mr. Boris Kosbruk, President, Bristol Bay Native Association, P.O. Box 179, Dillingham, Alaska 99576, $37,957.

Ms. Juanita M. Corwin, Executive Director, Central Council of the Tlingit and Haida Indians of Alaska, 130 Seward Street, Room 412, Juneau, Alaska 99801, $103,483.

Mr. Oscar Kwagley, Executive Director, Yupiktak Bista, Inc., P.O. Box 219, Bethel, Alaska 99559, $131,452.

ARIZONA

Mr. Abbott Sekaquaptewa, Chairman, Hopi Tribal Council, P.O. Box 123, Oraibi, Arizona 86039, $326,033.

Mr. Alexander Lewis, Sr., Governor, Gila River Indian Community, P.O. Box 97, Sacaton, Arizona 85247, $239,330.

Mr. Herschel Andrews, Vice President, Salt River Pima-Maricopa Community Manpower Programs, Route 1, Box 216, Scottsdale, Arizona 85256, $62,330.

Mr. Cecil Williams, Chairman, The Papago Council, The Papago Tribe of Arizona, P.O. Box 837, Sells, Arizona 85634, $887,001.

Mr. Peter MacDonald, Chairman, Navajo Tribal Council, The Navajo Tribe of Indians, Window Rock, Arizona 86515, $9,268,756.

Mr. Anthony Drennan, Sr., Chairman, Tribal Council, Colorado River Indian Tribes, Route 1, Box 23–B, Parker, Arizona 85344, $86,303.

Ms. Grace McCullah, Executive Director, The Indian Development District of Arizona, 1230 East Camelback Road, Phoenix, Arizona 85014, $136,246.

Mr. Buck Kitcheyan, Tribal Chairman, San Carlos Apache Tribe, P.O. Box 0, San Carlos, Arizona 85550, $262,904.

Mr. Ronnie Lupe, Tribal Chairman, White Mountain Apache Tribe, P.O. Box 708, Whiteriver, Arizona 85941, $346,809.

CALIFORNIA

Mr. Banning Taylor, Chairman, Board of Directors, California Tribal Chairmen's Association, 2427 Marconi Avenue, Suite No. 7, Sacramento, California 95821, $231,739.

Mr. Lawrence M. Blacktooth, Chairman, The Inter-Tribal Council of California, Inc., Manpower Consortium, 2969 Fulton Avenue, Sacramento, California 95821, $254,-112.

COLORADO

Mr. Manuel L. Sandos, Director, Training Services Section, Colorado Division of Employment and Training, 770 Grant Street, Room 222, Denver, Colorado 80203, $161,819.

FLORIDA

Mr. Buffalo Tiger, Chairman, Miccosukee Tribe of Indians of Florida, P.O. Box 44004—Tamiami Station, Miami, Florida 33144, $39,955.

Mr. Howard E. Tommie, Chairman, Seminole Tribe of Florida, 6073 Stirling Road, Hollywood, Florida 33024, $37,158.

IDAHO

Mr. Cornell Tahdooahnippah, Executive Director, Idaho Inter-Tribal Policy Board, Inc., 910 Sonna Building, Suite 214, Boise, Idaho 83702, $308,453.

Mr. Richard A. Halfmoon, Chairman, Nez Perce Tribal Executive Council, P.O. Box 305, Lapwai, Idaho 83540, $48,346.

KANSAS

Mr. C. J. Morris, Chairman, United Tribes of Kansas and Southeast Nebraska, P.O. Box 147, Horton, Kansas 66439, $86,303.

LOUISIANA

Mr. L. M. Burgess, Chairman, Board of Directors, Indian Manpower Services, Inc., 11764 S. Harrells Ferry Road, Baton Rouge, Louisiana 70816, $6,393.

MAINE

Mr. Allen Sockabasin, President, Tribal Governors, Inc., Maine Indian Manpower Services, 93 Main Street, Orono, Maine 04473, $49,144.

MICHIGAN

Mr. Michael C. Parish, Executive Director, Inter-Tribal Council of Michigan, Inc., 405 East Easterday Avenue, Sault Ste. Marie, Michigan 49783, $147,433.

MINNESOTA

Mr. Roger A. Jourdain, Chairman, Red Lake Tribal Council, Red Lake, Minnesota 56671, $191,784.

Mr. Harold LaRosa, Chairman, Regional Native American Center, 1530 East Franklin Avenue, Minneapolis, Minnesota 55404, $44,749.

Mr. David R. Munnell, Chairman, Leech Lake Reservation Business Committee, Box 308, Cass Lake, Minnesota 56633, $139,043.

Mr. William J. Houle, Chairman, Fond du Lac Reservation Business Committee, Cloquet, Minnesota 55720, $37,158.

Mr. Bill Dwer, Chairman, American Indian Fellowship Association, 101 N. 1st Avenue, East, Duluth, Minnesota 55802, $3,596.

Mr. Arthur Gahbow, Chairman, Mille Lacs Reservation Community Action Program, Star Route, Onamia, Minnesota 56359, $29,966.

Mr. Harry Boness, Sr., Chairman, Nett Lake Reservation Business Committee, Nett Lake, Minnesota 55772, $32,763.

Mr. Rueben Rock, Chairman, White Earth Reservation Business Committee, P.O. Box 274, White Earth, Minnesota 56591, $148,633.

MISSISSIPPI

Mr. Calvin J. Isaac, Tribal Chief, Mississippi Band of Choctaw Indians Tribal Office Building, Route 7, Box 21, Philadelphia, Mississippi 39350, $211,362.

MONTANA

Mr. Norman Hollow, Tribal Chairman, Fort Peck Tribal Executive Board, Assiniboine and Sioux Tribes, Fort Peck Indian Reservation, Box 1027, Poplar, Montana 59255, $236,533.

Mr. Allen Rowland, Tribal President, Northern Cheyenne Tribal Council, P.O. Box 128, Lame Deer, Montana 59043, $171,007.

Mr. Harold W. Mitchell, Jr., Tribal Council Chairman, The Confederated Salish and Kootenai Tribes of the Flathead Reservation, Flathead Sub-Agency, Dixon, Montana 59831, $120,664.

Mr. Charles D. Plumage, President Fort Belknap Indian Community, Fort Belknap Agency, Harlem, Montana 59526, $109,077.

Mr. John Windy Boy, Chairman, Business Committee of the Chippewa Cree Tribe, Rocky Boy Route, Box Elder, Montana 59521, $149,831.

Mr. Patrick Stands Over Bull, Chairman, Crow Tribe of Indians, Crow Tribal Council, P.O. Box 371, Crow Agency, Montana 59022, $190,985.

Mr. Earl Old Person, Chairman, Blackfeet Tribal Business Council, Browning, Montana 59417, $225,346.

NEBRASKA

Mr. Edward L. Cline, Chairman, Omaha Tribe of Nebraska, Omaha Tribal Council, Macy, Nebraska 68039, $99,088.

Mr. Enid Goodteacher, Tribal Chairman, Santee Sioux Tribe of Nebraska, Route 2, Niobrara, Nebraska 68760, $22,774.

Mr. Art May, Executive Director, Nebraska Indian Inter-Tribal Development Corporation, P.O. Box 682. Winnebago, Nebraska 68071, $59,132.

NEVADA

Mr. Larry M. Manning, Chairman, Executive Board, Inter-Tribal Council of Nevada, Inc., 98 Colony Road, Reno, Nevada 89502, $387,960.

NEW MEXICO

Mr. Delfin J. Lovato, Chairman, All Indian Pueblo Council, Inc., P.O. Box 6005, Station B, 1015 Indian School Road, N.W., Albuquerque, New Mexico 87107, $1,237,805.

Mr. Virgil Wyaco, Acting Governor, Pueblo of Zuni, Zuni Tribal Council, P.O. Box 339, Zuni, New Mexico 87327, $310,051.

NEW YORK

Mr. Russell P. Lazare, Head Chief, St. Regis Mohawk Tribe, Cultural Center, Hogansburg, New York 13655, $105,481.

Mr. Robert C. Hoag, President, Seneca Nation of Indians, Manpower Programs, P.O. Box 344, Salamanca, New York 14779, $292,071.

Mr. Mike Bush, Executive Director, American Indian Community House, 10 East 38th Street, New York, New York 10016. $25,172.

NORTH CAROLINA

Mr. John A. Crowe, Principal Chief, Eastern Band of Cherokee Indians, P.O. Box 487, Cherokee, North Carolina 28719, $324.434.

NORTH DAKOTA

Mr. Edwin J. Henry, Tribal Chairman, Turtle Mountain Tribal Council, Turtle Mountain Band of Chippewa Indians, Belcourt, North Dakota 58316, $164,615.

Mr. Wayne Packineau, Acting Chairperson, Three Affiliated Tribes, Division of Indian and Native American Programs, Box 597, New Town, North Dakota 58763, $158,621.

Mr. Pat McLaughlin, Chairman, Standing Rock Sioux Tribe, Manpower Program, Fort Yates, North Dakota 58538, $376,376.

Mr. Carl McKay, Tribal Chairman, Devils Lake Sioux Tribe, Manpower Programs, Fort Totten, North Dakota 58335, $77,113.

OKLAHOMA

Mr. Sylvester J. Tinker, Principal Chief, Osage Tribal Council, P.O. Box 178, Pawhuska, Oklahoma 74056, $85,903.

Mr. Leonard Biggoose, Chairman, Ponca Tribe of Indians, P.O. Box 11 (White Eagle), Ponca City, Oklahoma 74601, $266,500.

Mr. Ross O. Swimmer, Principal Chief, Cherokee Nation, P.O. Box 119, Tahlequah, Oklahoma 74464, $685,627.

Mr. Howard Goodbear, Tribal Chairman, Cheyenne and Arapaho Tribes of Oklahoma, P.O. Box 38, Concho, Oklahoma 73022, $1,016,055.

Mr. C. David Gardner, Principal Chief, Choctaw Nation of Oklahoma, Box 59, Durant, Oklahoma 74701, $289,674.

Mr. Russell B. Ellis, Director, Central Tribes of the Shawnee Area, Inc., Box 2427, University Station, Shawnee, Oklahoma 74802, $50,343.

Mr. Edward F. Mouss, Executive Director, Creek Nation, Department of Manpower, P.O. Box 1114, Okmulgee, Oklahoma 74447, $330,428.

Mr. Pressley Ware, Chairman, Kiowa Tribe of Oklahoma, P.O. Box 1028, Anadarko, Oklahoma 73005, $282,081.

Mr. Dana A. Knight, Chairman, North Central Inter-Tribal Council, Inc., 315 S. Pine, P.O. Box 2384, Ponca City, Oklahoma 74601, $164,614.

Mr. Overton James, Governor, Chickasaw Nation of Oklahoma, CETA Program, West First at Muskogee, Box 645, Sulphur, Oklahoma 73086, $199,775.

Mr. Edwin Tanyan, Principal Chief, Seminole Nation of Oklahoma, 4th and Brown, Wewoka, Oklahoma 74884, $98,689.

Mr. James M. Cox, Chairman, Comanche Indian Tribe, P.O. Box 1127, Lawton, Oklahoma 73501, $169,809.

OREGON

Mr. Ken Smith, General Manager, The Confederate Tribes of the Warm Springs Indian Reservation, P.O. Box 548, Warm Springs, Oregon 97761, $57,535.

SOUTH DAKOTA

Mr. Al Trimble, President, Oglala Sioux Tribe, P.O. Box G, Pine Ridge, South Dakota 57770, $547,383.

Ms. Elnita Rank, Chairperson, Crow Creek Sioux Tribe, P.O. Box 636, Fort Thompson, South Dakota 57339, $60,332.

Tribal Chairman, Yankton Sioux Tribe, Route #3, Wagner, South Dakota 57380, $101,885.

Mr. Edward J. Driving Hawk, President, Rosebud Sioux Tribe, Rosebud Indian Reservation, Rosebud, South Dakota 57570, $550,979

Mr. Wayne Ducheneaux, Tribal Chairman, Cheyenne River Sioux Tribe, Manpower Program, P.O. Box 768, Eagle Butte, South Dakota 57625, $116,669.

Mr. Michael B. Jandreau, Chairman, Lower Brule Sioux Tribe, Lower Brule, South Dakota 57548, $8,391.

Mr. Jerry Flute, Tribal Chairman, Sisseton-Wahpeton Sioux Tribe, R.R. #2, Box 144, Sisseton, South Dakota 57262, $174,204.

TEXAS

Mr. Ward A. Phelan, Director, Indian Employment Training Service, Inc.,, P.O. Box 206, Livingston, Texas 77351, $51,142.

UTAH

Mr. Lester M. Chapoose, Chairman, Uintah and Ouray Tribal Business Committee, P.O. Box 129, Fort Duchesene, Utah 64026, $77,912.

Mr. Raymond Carroll, Chairman of the Board, Utah Native American Consortium, Inc., 120 West 1300 South, Salt Lake City, Utah 84115, $799.

VIRGINIA

Mr. Maurice B. Rowe, Chairman, Governors Manpower Services Council, State Capitol, Richmond, Virginia 23219, $15,183.

WASHINGTON

Ms. Linda E. Day, Executive Director, Northwest Intertribal Council, 2731 10th Avenue, Everett, Washington 98201, $469,471.

Mr. Leo J. LaClair, Executive Director, Small Tribes Organization of Western Washington, P.O. Box 578, Sumner, Washington 98390, $416,332.

Mr. Joseph B. DeLaCruz, CHE-HO-QUI-SHO Indian Consortium, Quinault Indian Tribe, P.O. Box 1228, Taholah, Washington 98587, $77,513.

Mr. Mel White, Chairman, Eastern Washington Indian Consortium, Box 223, Wellpinit, Washington 99040, $572,155.

WISCONSIN

Mr. Peter Christensen, Executive Director, Great Lakes Inter-Tribal Council, Inc., Manpower Consortium, Box 5, Lac du Flambeau, Wisconsin 54538, $309,651.

Mr. Eugene W. Taylor, Chairman, St. Croix Tribal Council, Star Route, Webster, Wisconsin 54893, $27,569.

Mr. Ada Deer, Chairperson, Menominee Restoration Committee, P.O. Box 397, Keshena, Wisconsin 54135, $259,308.

Mr. Mitchell Whiterabbit, Tribal Chairman, Wisconsin Winnebago Committee, CETA Office, VW-Stevens Point, Nelson Hall, 3rd Floor, Stevens Point, Wisconsin 54481, $64,727.

Mr. Leonard E. Miller, Jr., Tribal Chairman, Stockbridge-Munsee Community, Route 1, Bowler, Wisconsin 54416, $27,968.

Mr. Odric Baker, Chairman, Lac Courte Oreilles Governing Board, Route 2, Stond Lake, Wisconsin 54876, $136,646.

Mr. Purcell Powless, Tribal Chairman, Oneida Tribe of Indians of Wisconsin, Inc., Oneida, Wisconsin 54155, $62,729.

WYOMING

Mr. Rober N. Harris, Shoshone Council Chairman, Mr. Arnold Headley, Arapahoe Council Chairman, Shoshone and Arapahoe Tribes, Box 217, Fort Washakie, Wyoming 82514, $281,283.

Signed at Washington, D.C., this 15th day of December 1976.

ALEXANDER S. MACNABB,
Director, Division of Indian and Native American Programs.

[FR Doc.77-261 Filed 1-3-77;8:45 am]

EMPLOYMENT TRANSFER AND BUSINESS COMPETITION DETERMINATIONS UNDER THE RURAL DEVELOPMENT ACT

Notice of Applications

The organizations listed in the attachment have applied to the Secretary of Agriculture for financial assistance in the form of grants, loans, or loan guarantees in order to establish or improve facilities at the locations listed for the purposes given in the attached list. The financial assistance would be authorized by the Consolidated Farm and Rural Development Act, as amended, 7 USC 1924 (b), 1932, or 1942(b).

The Act requires the Secretary of Labor to determine whether such Federal assistance is calculated to or is likely to result in the transfer from one area to another of any employment or business activity provided by operations of the applicant. It is permissible to assist the establishment of a new branch, affiliate or subsidiary, only if this will not result in increased unemployment in the place of present operations and there is no reason to believe the new facility is being established with the intention of closing down an operating facility.

The Act also prohibits such assistance if the Secretary of Labor determines that it is calculated to or is likely to result in an increase in the production of goods, materials, or commodities, or the availability of services or facilities in the area, when there is not sufficient demand for such goods, materials, commodities, services, or facilities to employ the efficient capacity of existing competitive commer-

cial or industrial enterprises, unless such financial or other assistance will not have an adverse effect upon existing competitive enterprises in the area.

The Secretary of Labor's review and certification procedures are set forth at 29 CFR Part 75. In determining whether the applications should be approved or denied, the Secretary will take into consideration the following factors:

1. The overall employment and unemployment situation in the local area in which the proposed facility will be located.

2. Employment trends in the same industry in the local area.

3. The potential effect of the new facility upon the local labor market, with particular emphasis upon its potential impact upon competitive enterprises in the same area.

4. The competitive effect upon other facilities in the same industry located in other areas (where such competition is a factor).

5. In the case of applications involving the establishment of branch plants or facilities, the potential effect of such new facilities on other existing plants or facilities operated by the applicant.

All persons wishing to bring to the attention of the Secretary of Labor any information pertinent to the determinations which must be made regarding these applications are invited to submit such information in writing within two weeks of publication of this notice to:

Deputy Assistant Secretary for Employment and Training, 601 D St., NW., Washington, D.C. 20213.

Signed at Washington, D.C. this 28th day of December 1976.

BEN BURDETSKY,
Deputy Assistant Secretary for Employment and Training.

Applications received during the week ending Dec. 28, 1976

Name of applicant	Location of enterprise	Principal product or activity
H. & H. Supply, Inc	Greenup, Ky	Manufacture of concrete blocks and retail sales of building materials.
Sherwood Forest Mobile Home Park	Hartsville, Tenn	Mobile home park.
Farmers Feed Service	Hastings, Mich	Buying and selling of grain products.
Irathane Systems, Inc	Hibbing, Minn	Manufacture of snowmobile tracks and gathering belts.

[FR Doc.77-171 Filed 1-3-77;8:45 am]

Office of the Secretary

[TA-W-1352]

AIRWAY MANUFACTURING CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 1, 1976 the Department of Labor received a petition dated November 1, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Airway Manufacturing Company, Olivet, Michigan (TA-W-1352). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with hydraulic fittings produced by Airway Manufacturing Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further related, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address show below, not later than January 14, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 1st day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-191 Filed 1-3-77;8:45 am]

[TA-W-1086]

ALCAN WESTERN PRODUCTS SHEET PRODUCTS DIVISION, RIVERSIDE, CALIFORNIA

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1086: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on September 20, 1976 in response to a worker petition received September 20, 1976 which was filed by workers and former workers producing aluminum coil and aluminum bearing alloy coil at the Sheet Products Division of Alcan Western Products, Riverside, California, a division of Alcan Aluminum Corporation, Cleveland, Ohio.

The notice of investigation was published in the FEDERAL REGISTER on October 1, 1976 (41 FR 43488). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Alcan Western Products, its cutsomers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that criterion four (4) has not been met for the Riverside plant.

Significant Total or Partial Separations. The average number of hourly workers in the Sheet Products Division of the Riverside plant declined 7.2 percent in the last six months of 1974 compared to the last six months of 1973 and declined 35.7 percent from 1974 to 1975. In the first six months of 1976, the average number of hourly workers declined 27.1 percent compared to the first six months of 1975.

The average number of salaried workers at the Riverside plant increased 6.7 percent in the last six months of 1974 compared to the last six months of 1973 and then declined 19.7 percent from 1974 to 1975. In the first six months of 1976, the average number of salaried workers declined 61.5 percent compared to the first six months of 1975.

Sales, Production, or Both, Have Decreased Absolutely. The quantity (in pounds) of aluminum bearing alloy coil sales by the Sheet Products Division declined 15.0 percent from 1973 to 1974 and

then increased 9.1 percent from 1974 to 1975. In the first six months of 1976, the quantity of bearing alloy coil sales increased 214.2 percent compared to the first six months of 1975.

The quantity (in pounds) of all other aluminum coil sales by the Sheet Products Division declined 17.1 percent from 1973 to 1974 and declined 54.4 percent from 1974 to 1975. In the first six months of 1976, aluminum coil sales declined 34.3 percent compared to the first six months of 1975.

The quantity (in pounds) of total coil production by the Sheet Products Division increased 0.3 percent from 1973 to 1974 and then declined 49.3 percent from 1974 to 1975. In the first six months of 1976, the quantity of total coil production declined 7.9 percent compared to the first six months of 1975. Production at the Riverside plant ceased in September 1976.

Increased Imports. Imports of aluminum sheet and plate increased absolutely but declined relative to U.S. production from 1971 to 1972. Imports declined both absolutely and relatively from 1972 to 1973 and from 1973 to 1974. Imports then increased absolutely and relatively from 1974 to 1975. The ratio of imports to domestic production increased from 2.0 percent in the first six months of 1975 to 2.9 percent in the first six months of 1976. From 1971 to date imports have never constituted more than 3.2 percent of domestic production.

Contributed Importantly. The Department's investigation revealed that the decision to close the Riverside plant was based on financial losses the company had incurred over the last four years. Riverside was designed as a large capacity facility. In recent years much of that capacity was unused. Consequently, the production layout at Riverside was inefficient. Certain equipment at the plant was out of date. This was compounded in 1974 and 1975 by the impact of the recession in user markets and increasing energy costs.

During 1975 and 1976 various product lines were discontinued at the Riverside plant, some being transferred to other Alcan Aluminum Corp. domestic facilities. In the case of bearing alloy coil, it is planned to transfer production to Alcan Aluminum Ltd. facilities in Toronto, Canada at a future date. Alcan holds a favorable market share for this product. The planned transfer of production is a consequence of Alcan Western Product's closing and will enable Alcan Aluminum to continue supplying present bearing alloy coil customers.

Toronto was selected because there is only one domestic facility presently engaged in aluminum melting for Alcan Aluminum. The equipment at this plant is not the correct size for producing bearing alloy coil, a highly specialized product. Alcan Aluminum Ltd.'s Toronto facilities, however, are suitable for the production of bearing alloy coil. Bearing alloy coil was not produced at Toronto prior to, or at the time of, the Riverside closure.

Customers of Alcan Western Products who were contacted during the course of the investigation have not substituted imports for coil previously purchased from Alcan. According to customers, Alcan's prices were high in relation to other domestic suppliers. Customers who reduced purchases from Alcan have substituted purchases of more competitively priced coil from other domestic manufacturers.

During the period under investigation, approximately one third of production in the Sheet Products Division was used to supply the Building Products Division of Alcan Western Products. The Building Products Division is now being supplied by other divisions of Alcan Aluminum Corporation and does not purchase imported aluminum coil.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with aluminum coil and aluminum bearing alloy coil produced at the Sheet Products Division of Alcan Western Products, Riverside, California, did not contribute importantly to the total or partial separation of workers of that plant.

Signed at Washington, D.C. this 20th day of December 1976.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-7 Filed 1-3-77;8:45 am]

[TA-W-1,406]

ALAN WOOD STEEL CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 14, 1976 the Department of Labor received a petition dated December 3, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Alan Wood Steel Company, Conshohocken, Pennsylvania (TA-W-1,406). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with carbon, alloy & steel plates, cold rolled sheet & strip hot rolled sheet & strip billets & slabs produced by Alan Wood Steel Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address show below, not later than January 14, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau, of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 14th day of December 1976.

DOMINIC SORRENTINO,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.77-224 Filed 1-3-77;8:45 am]

[TA-W-1170]

ALLEGRO SHOE CORP., LITTLE FALLS, NEW YORK

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1170: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on October 14, 1976 in response to a worker petition received on that date which was filed by the Boot and Shoe Workers Union Local 540 on behalf of workers and former workers producing women's shoes at the Little Falls, New York plant of Allegro Shoe Corp., a subsidiary of Cosmos Footwear, New York, New York.

The notice of investigation was published in the FEDERAL REGISTER on November 5, 1976 (41 FR 48801). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Allegro Shoe Company, the customers of Cosmos Footwear (the parent firm), the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production, and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all of the above criteria have been met.

Significant total or partial separations. Average monthly employment was highest in July 1976 and then declined steadily through October 1976, representing a 50 percent decline over the four month period. Also, there were layoffs in every month during this four month period.

Sales or production, or both, have decreased absolutely. Sales in quantity declined 5 percent in 1975 compared to 1974 and then increased 66 percent in the first 6 months of 1976 compared to the first 6 months of 1975. Sales then declined 24 percent in third quarter of 1976 compared to the third quarter of 1975.

Increased imports. Imports increased both absolutely and relatively in 1972 over 1971 and in 1973 over 1972. In 1974, imports declined both absolutely and relatively compared to 1973.

Imports of women's shoes increased from 179.8 million pairs in 1974 to 183.5 million pairs in 1975, an increase of 2 percent. Imports for the first 9 months of 1976 increased 16.9 percent over the like period in 1975.

The ratio of imports to domestic production increased from 107.6 percent in 1974 to 119.1 percent in 1975 and declined slightly from 114.2 percent in the first 9 months of 1975 to 110.3 percent in the first 9 months of 1976.

Contributed importantly. Imports by Alpeco International, a subsidiary of Cosmos, increased 113 percent in the first 9 months of 1976 compared to the first 9 months of 1975.

Customers of Cosmos Footwear indicated they have decreased their purchases of women's shoes from Cosmos Footwear and have increased their purchases of imported shoes.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with women's shoes produced at the Little Falls, New York plant of Allegro Shoe Corp. contributed importantly to the total or partial separation of the workers of that plant. In accordance with the provisions of the Act, I make the following certification:

All workers at the Little Falls, New York plant of Allegro Shoe Corp. who became totally or partially separated from employment on or after July 1, 1976 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 20th day of December 1976.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-8 Filed 1-3-77;8:45 am]

[TA-W-1358]

AMERICAN FOUNDRY & MANUFACTURING CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 1, 1976 the Department of Labor received a petition dated November 1, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of American Foundry & Manufacturing Co. ,St. Louis, Mo. (TA-W-1358). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with firehydrants, yard hydrants, utility castings & manhole covers, drainage grates produced by American Foundry & Manufacturing Co. or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further related, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 1st day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-192 Filed 1-3-77;8:45 am]

[TA-W-1,413]

AMERON, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 14, 1976 the Department of Labor received a petition dated December 3, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Ameron Steel & Wire Division of Ameron, Incorporated, Etiwanda, California (TA-W-1,413). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with carbon steel reinforcing bars and wire produced by Ameron, Incorporated or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjust-

ment Assistance, at the address shown below, not later than January 14, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assitance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 14th day of December 1976.

DOMINIC SORRENTINO,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.77-225 Filed 1-3-77;8:45 am]

[TA-W-1,424]

ARMCO STEEL CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 15, 1976 the Department of Labor received a petition dated December 3, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Marion Work, Marion, Ohio, of Armco Steel Corporation, Midland, Ohio (TA-W-1,424). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221 (a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with carbon steel rebars, angles 7 flats produced by Armco Steel Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 15th day of December 1976.

DOMINIC SORRENTINO,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.77-206 Filed 1-3-77;8:45 am]

[TA-W-1,411]

ATLANTIC STEEL CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 14, 1976 the Department of Labor received a petition dated December 3, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Steel plant of Atlantic Steel Company, Atlanta, Georgia (TA-W-1,411). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with carbon strip steel produced by Atlantic Steel Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 14th day of December 1976.

DOMINIC SORRENTINO,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.77-227 Filed 1-3-77;8:45 am]

[TA-W-1149]

B & C WEST, INC., SAN FRANCISCO, CALIFORNIA

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1149: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on October 7, 1976 in response to a worker petition received on that date which was filed on behalf of workers and former workers producing macrame plant hangers at B & C West, Incorporated, San Francisco, California.

The notice of investigation was published in the FEDERAL REGISTER on October 29, 1976 (41 FR 47617). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of B & C West, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all of the above criteria have been met.

Significant total or partial separations. Employment of salaried workers at B & C declined 22 percent in the first nine months of 1976 compared to the same period in 1975.

In the first nine months of 1976, employment of piece workers declined 45 percent compared to the same period in 1975.

Both total or partial layoffs have occurred sporadically since January 1976. A major layoff occurred in September 1976.

Sales or production, or both, have decreased absolutely. Total sales, in terms of value, by B & C declined 56 percent in the first nine months of 1976 compared to the same period in 1975.

In the first six months of 1976, the only period for which such information was available, total production of macrame plant hangers declined 69 percent compared to the same period in 1975.

Increased imports. Imports of textile hangers, which includes cotton and jute, increased absolutely in each year from 1972 through 1975. Imports increased 229 percent from 1974 to 1975, from 6.4 million pieces to 21.1 million pieces. In the January–June 1976 period, imports were 109 percent greater than during the same period in 1975.

Imports of textile hangers increased relative to domestic production and consumption in each year from 1972 through 1975. The ratio of imports to domestic production and consumption increased from 712.4 percent and 87.7 percent, respectively, in 1974 to 917.2 percent and 90.2 percent, respectively, in 1975, and from 436.7 percent and 81.4 percent, respectively, in the first six months of 1975 to 1007.1 percent and 91.0 percent, respectively in the first six months of 1976.

Imports of non-textile hangers increased absolutely in each year from 1972 through 1975. Imports increased from .07 million pieces in 1974 to 7.6 million pieces in 1975. In the January–June 1976 period, imports were 300 percent greater than the same period in 1975.

Imports of non-textile hangers increased relative to domestic production and consumption in each year from 1973 through 1975. The ratio of imports to domestic production and consumption increased from 19.3 percent and 17.0 percent, respectively, in 1974 to 1142.4 percent and 92.2 percent, respectively, in 1975, and from 648.4 percent and 87.1 percent, respectively, in the first six months of 1975 to 1043.1 percent and 91.4 percent, respectively, in the first six months of 1976.

Contributed importantly. In 1975 and 1976 the domestic market for plant hangers was faced with an increase in the supply of plant hangers coupled with a decline in demand. The saturation of the market can mainly be attributed to increased imports of plant hangers. Customers of B & C West cited the impact of imports on the domestic market as a major reason for reduced purchases from the subject firm. Customers stated that B & C could no longer remain price competitive with the cheaper imported hangers.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with macrame plant hangers produced at B & C West, Incorporated, San Francisco, California, contributed importantly to the total or partial separation of the workers at that plant. In accordance with the provisions of the Act, I make the following certification:

All workers of B & C West, Incorporated San Francisco, California engaged in employment related to the production of macrame plant hangers, including piece workers, who became totally or partially separated from employment on or after September 28, 1975 are certified eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 20th day of December 1976.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-10 Filed 1-3-77;8:45 am]

[TA-W-894]

BABCOCK AND WILCOX CO., BEAVER FALLS WORKS, PENNSYLVANIA

Correction of Certification of Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, on August 20, 1976, the Department of Labor issued a certification of eligibility to apply for adjustment assistance applicable to workers and former workers at the Beaver Falls plant of the Babcock and Wilcox Company, New York, New York (TA-W-894). The Notice of Certification was published in the FEDERAL REGISTER on August 27, 1976 (41 FR 36285).

The certification as originally issued excluded workers who were engaged in employment related to the production of seamless steel tubings and fittings at the Koppel, Pennsylvania and the Ambridge, Pennsylvania facilities of the Beaver Falls, Pennsylvania Works of the Babcock and Wilcox Company, New York, New York.

Accordingly, the certification issued August 20, 1976 is hereby amended to include all workers of the Babcock and Wilcox Company employed at the Beaver Falls Works, Beaver Falls, Pennsylvania including the facilities at Koppel, Pennsylvania and Ambridge, Pennsylvania.

Signed at Washington, D.C., this 20th day of December 1976.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-9 Filed 1-3-77;8:45 am]

[TA-W-1,372]

BERN INDUSTRIES, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 1, 1976 the Department of Labor received a petition dated November 1, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Bern Industries, Inc., Brooklyn, New York (TA-W-1,372). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with small brackets fabricated from iron & steel produced by Bern Industries, Inc. or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further related, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

Interested persons are invited to submit writen comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 1st day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-11 Filed 1-3-77;8:45 am]

[TA-W-1207]

BRIERWOOD SHOE CORP.

Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1207: investigation regarding certification of eligibility to apply for adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on October 28, 1976 in response to a worker petition received on October 28, 1976 which was filed on behalf of workers and former workers of the Pulaski, Wisconsin plant of the Northern Shoe Division of Brierwood Shoe Corporation, a subsidiary of Kleinert's, Inc., Kutztown, Pennsylvania. The investigation was expanded to include workers of the Clintonville, Wisconsin plant of the Northern Shoe Division. The Clintonville plant is a satellite facility of the Pulaski plant.

The Notice of Investigation was published in the FEDERAL REGISTER on November 19, 1976 (41 FR 51136). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Northern Shoe Division of Brierwood Shoe Corp., its customers, the Department of Commerce, the International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation revealed that all four of the above criteria have been met with respect to the Pulaski plant but that the first criterion has not been met with respect to the Clintonville plant.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of hourly workers employed at the Pulaski plant declined 7.5 percent in the August-October 1976 period compared to the like period in 1975. Prior to that period, average hourly employment had not changed from 1974 to 1975 and had increased in the January-July 1976 period compared to the like period in 1975.

The average number of hourly workers employed at the Clintonville plant increased 54.2 percent from 1974 to 1975 and rose 52.9 percent in the first ten months of 1976 compared to the like period in 1975. Average weekly hours worked at Clintonville increased 7.0 percent from 1974 to 1975 and declined 0.5 percent in the first ten months of 1976 compared to the like period in 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED

Northern Shoe Division production declined 7.9 percent in quantity in the August–October 1976 period compared to the like period in 1975. Prior to that period, production had increased from 1974 to 1975 and in the January–July 1976 period compared to the like period in 1975.

INCREASED IMPORTS

Imports of children's nonrubber footwear, the principal product of the Northern Shoe Division, decreased in absolute terms but increased relative to domestic production and consumption each year from 1973 to 1975. Imports increased both absolutely and relatively in the first nine months of 1976 compared to the like period in 1975.

Imports of infants' and babies' nonrubber footwear decreased in absolute terms and relative to domestic production and consumption from 1972 to 1974 and did not change significantly from 1974 to 1975. Imports increased both absolutely and relatively in the first nine months of 1976 compared to the like period in 1975.

Imports of women's nonrubber footwear increased in absolute terms and relative to domestic production and consumption from 1972 to 1973, declined from 1973 to 1974, and then rose from 1974 to 1975. In the first nine months of 1976, imports increased absolutely but declined relatively compared to the like period in 1975.

CONTRIBUTED IMPORTANTLY

Northern Shoe's largest customer, accounting for about 90 percent of sales, reduced purchases of children's shoes from the company in 1976 and significantly increased purchases of imported children's shoes. Northern Shoe was unable to secure enough new accounts to compensate for the lost sales to its major customer and was forced to reduce employment at the Pulaski, Wisconsin plant.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with nonrubber footwear for children, infants and women produced at the Pulaski, Wisconsin plant of the Northern Shoe Division of Brierwood Shoe Corporation, contributed importantly to the total partial separation of the workers of such plant. In accordance with the provisions of the Trade Act of 1974, I make the following certification:

All workers of the Pulaski, Wisconsin plant of the Northern Shoe Division of Brierwood Shoe Corporation, who became or will become totally or partially separated from employment on or after August 9, 1976, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

I further conclude that a significant number or proportion of the workers at the Clintonville, Wisconsin plant of the Northern Shoe Division of Brierwood Shoe Corporation have not become, and are not threatened to become, totally or partially separated as required under Section 222(1) of the Trade Act of 1974.

Signed at Washington, D.C. this 20th day of December 1976.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-193 Filed 1-3-77;8:45 am]

[TA-W-1222]

BROOKEVALE MANUFACTURING CO.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1222: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on November 3, 1976 in response to a worker petition received on November 3, 1976 which was filed on behalf of workers and former workers producing men's suit coats and sport coats at the Belle Vernon, Pennsylvania plant of Brookevale Manufacturing Company, a subsidiary of Target Sportswear, Inc., New York, New York.

The Notice of Investigation was published in the FEDERAL REGISTER on November 19, 1976 (41 FR 51136). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Brookevale Manufacturing Company, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with articles produced by such workers' firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard as to whether the other criteria are met, the investigation reveals that the first and second criteria have not been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATION

The average number of hourly workers employed at the Brookevale Manufacturing Company increased 72.6 percent in the last quarter of 1975 compared to the last quarter of 1974. Average hourly employment increased 45.2 percent in the first eleven months of 1976 compared to the like period in 1975 and increased in each of the first three quarters of 1976 compared to like quarters in 1975.

Average hours worked by hourly workers at Brookevale increased 53.9 per cent in the last quarter of 1975 compared to the last quarter of 1974. Average hours worked increased 54.9 percent in the first eleven months of 1976 compared to the like period in 1975 and increased in each of the first three quarters of 1976 compared to like quarters in 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Production at Brookevale increased 75.6 percent in quantity in the last quarter of 1975 compared to the last quarter of 1974 and increased 57.7 percent in the first eleven months of 1976 compared to the like period in 1975.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that a significant number or proportion of workers at the Brookevale Manufacturing Company, Belle Vernon, Pennsylvania, have not become totally or partially separated and that sales or production at the firm have not decreased absolutely as required for certification under Section 222 of the Trade Act of 1974.

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

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-194 Filed 1-3-77;8:45 am]

[TA-W-1016]

BROWN SHOE CO., LEACHVILLE, ARKANSAS

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1016: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on August 11, 1976 in response to a worker petition received on that date which was filed by the workers at the Leachville, Arkansas plant of Brown Shoe Company on behalf of workers and former workers producing children's leather shoes at the Leachville, Arkansas plant of Brown Shoe Company, St. Louis, Missouri.

The notice of investigation was published in the Federal Register on August 24, 1976 (41 FR 35776). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Brown Shoe Company, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely; and

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all of the above criteria have been met.

Significant Total or Partial Separations. The average number of production workers declined 3.6 percent in 1975 compared to 1974 and declined 9.1 percent in the first nine months of 1976 compared to the same period in 1975. Average hours worked declined 9.1 percent in 1975 compared to 1974 and declined 2.6 percent in the first nine months of 1976 compared to the same period in 1975.

Sales or Production, or Both, Have Decreased Absolutely. Sales in number of pairs declined .4 percent in 1975 compared to 1974 and declined 24.4 percent in the first quarter of 1976 compared to the first quarter of 1975. Sales in number of pairs increased 2.8 percent in the second quarter of 1976 over the second quarter in 1975 and increased 29.3 percent in the third quarter of 1976 compared to the third quarter of 1975.

Production in number of pairs declined 3.1 percent in 1975 compared to 1974 and declined 19.6 percent in the first quarter of 1976 compared to the first quarter of 1975. Production in number of pairs increased 1.6 percent in the second quarter of 1976 over the second quarter of 1975 and increased 38.2 percent in the third quarter of 1976 over the third quarter of 1975.

Increased Imports. Imports of children's nonrubber footwear increased both absolutely and relatively in 1972 over 1971 and then decreased both absolutely and relatively in 1973 from levels in 1972. The ratio of imports to domestic production increased from 58.8 percent in 1973 to 59.2 percent in 1974 to 64.5 percent in 1975.

In the first six months of 1976 imports increased both absolutely and relatively compared to the first six months of 1975. Absolute imports increased 44.3 percent in the first half of 1976 compared to the first half of 1975. Also the ratio of imports to domestic production increased from 73.5 percent the first six months in 1975 to 75.2 percent in the first six months of 1976.

Contributed Importantly. Imports of children's shoes under the Brown Company (Buster Brown) label increased 90.6 percent in fiscal year 1976 compared to fiscal year 1975.

Customers of Brown Shoe Company indicated they had increased purchases of imported children's shoes from both Brown and other suppliers relative to purchases of domestically manufactured children's shoes.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with children's shoes produced at the Leachville, Arkansas plant of the Brown Shoe Company contributed importantly to the total or partial separation of the workers of that plant. In accordance with the provisions of the Act, I make the following certification:

All workers at the Leachville, Arkansas plant of the Brown Shoe Company who became totally or partially separated from employment on or after August 3, 1975, and before July 1, 1976, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974. All employees who became totally or partially separated from employment on or after July 1, 1976 are denied certification.

Signed at Washington, D.C. this 6th day of December 1976.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-12 Filed 1-3-77;8:45 am]

[TA-W-1,381]

C. E. GLASS

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 7, 1976 the Department of Labor received a petition dated November 10, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the International Association of Machinist and Aerospace Workers on behalf of the workers and former workers of St. Louis, Missouri plant of C. E. Glass, Pennsauken, N.J., a div. of Combustion Engineering Corp., Stafford, Conn. (TA-W-1,381). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with rolled and wired glass produced by C.E. Glass or an

appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further related, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 7th day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-13 Filed 1-3-77;8:45 am]

[TA-W-1,393]

CABOT CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 13, 1976 the Department of Labor received a petition dated December 3, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Satellite Divsion of Cabot Corporation, Kokomo, Indiana (TA-W-1,393). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with super alloys produced by Cabot Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further related, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than 14 Jan. 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than 14 Jan. 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 13th day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-106 Filed 1-3-77;8:45 am]

[TA-W-1,428]

CHATTANOOGA COKE & CHEMICAL CO., INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 15, 1976 the Department of Labor received a petition dated November 15, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Chattanooga Coke & Chemical Co., Inc., Chattanooga, Tenn. (TA-W-1,428). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with coke produced by Chattanooga Coke & Chemical Co., Inc. or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further related, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address show below, not later than January 14, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjust Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 15th day of December 1976.

DOMINIC SORRENTINO,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.77-228 Filed 1-3-77;8:45 am]

[TA-W-1,354]

CONTINENTAL PIPE PRODUCTS MANUFACTURING CO.

Investigation Regarding Certification of Eligibility to Apply for Worker Adjustment Assistance

On December 1, 1976 the Department of Labor received a petition dated November 1, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Continental Pipe Products Manufacturing Co., Chicago, Illinois (TA-W-1,354). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with the distribution of pipe fittings & the cutting of steel pipe for nipples provided and produced by Continental Pipe Products Manufacturing Co. or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant num-

ber or proportion of the workers of such firm or subdivision. The investigation will further related, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than 14 Jan. 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than 14 Jan. 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 1st day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-14 Filed 1-3-77;8:45 am]

[TA-W-1,420]

CYCLOPS CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 14, 1976 the Department of Labor received a petition dated December 3, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Empire Detroit Steel Division, New Boston, Ohio of Cyclops Corporation, Portsmouth, Ohio (TA-W-1,420). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with coke, pig iron and open hearth ingots produced by Cyclops Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 14th day of December 1976.

DOMINIC SORRENTINO,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.77-229 Filed 1-3-77;8:45 am]

[TA-W-1,355]

DE LAVAL TURBINES

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 1, 1976 the Department of Labor received a petition dated November 1, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Los Angeles, California plant of De Laval Turbines, Princeton, New Jersey (TA-W-1,355). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221 (a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with valves and controls produced by De Laval Turbines or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C., this 1st day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-15 Filed 1-3-77;8:45 am]

[TA-W-1,356]

DE LAVAL TURBINES

Investigation Regarding Certification of Eligibility to Apply for Worker Adjustment Assistance

On December 1, 1976 the Department of Labor received a petition dated November 1, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Trenton, New Jersey plant of De Laval Turbines, Princeton, New Jersey (TA-W-1,356). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with worm gears produced by De Laval Turbines or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the

subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address show below, not later than 14 Jan. 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than 14 Jan. 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 1st day of December 1976.

MARVIN M. FOOKS.
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-16 Filed 1-3-77;8:45 am]

[TA-W-1,390]

DIXON-BARTLETT-LAMBRECHT, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 8, 1976 the Department of Labor received a petition dated December 2, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of Dixon-Bartlett-Lambrecht, Inc., Baltimore, Md., a wholly-owned subsidiary of Dunn & McCarthy, Auburn, New York (TA-W-1,390). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221 (a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with women's shoes produced by Dixon-Bartlett-Lambrecht, Inc. or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further related, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address show below, not later than January 14, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 8th day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-107 Filed 1-3-77;8:45 am]

[TA-W-1,396]

DONNER-HANNA COKE CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 13, 1976 the Department of Labor received a petition dated December 3, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Donner-Hanna Coke Corporation, Buffalo, New York (TA-W-1,396). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with coke and by-products produced by Donner-Hanna Coke Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 13th day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-108 Filed 1-3-77;8:45 am]

[TA-W-1187]

DORN SHIRT CO.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1187: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on October 19, 1976 in response to a worker petition received on that date which was field by the International Ladies' Garment Workers Union on behalf of workers and former workers producing women's and juniors' shirts and blouses at the Philadelphia, Pennsylvania plant of Dorn Shirt Company.

The Notice of Investigation was published in the FEDERAL REGISTER on November 5, 1976 (41 FR 48806). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Dorn Shirt Company, its customers, the U.S. International Trade Commission, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are

threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all of the above criteria have been met by workers of the Dorn Shirt Company, Philadelphia, Pennsylvania.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Employment of production workers at Dorn Shirt Company increased 2.1 percent from 1973 to 1974 before decreasing 2.1 percent from 1974 to 1975 and 12.8 percent for the first ten months of 1976 compared to the first ten months of 1975.

SALES OR PRODUCTION OR BOTH, HAVE DECREASED ABSOLUTELY

Sales by Dorn Shirt Company increased 25.8 percent in value from 1973 to 1974 and 32.7 percent from 1974 to 1975 before decreasing 36.8 percent for the first ten months of 1976 compared to the first ten months of 1975.

Production by Dorn Shirt Company increased 13.2 percent in quantity from 1973 to 1974 and 24.1 percent from 1974 to 1975 before decreasing 37.2 percent for the first ten months of 1976 compared to the first ten months of 1975.

INCREASED IMPORTS

Imports of women's misses' and children's shirts and blouses have increased absolutely every year since 1971 as they rose from 15.6 million dozens in 1971 to 20.5 million dozens in 1974. Imports of women's, misses' and children's shirts and blouses increased from 20.5 million dozens in 1974 to 27.8 million dozens in 1975 or 35.6 percent. For the first nine months of 1976 imports increased to 24.0 million dozens compared to 19.3 million dozens for the first nine months of 1975.

CONTRIBUTED IMPORTANTLY

Customers of Dorn Shirt Company increased their purchases of imported women's and juniors' shirts and blouses, while decreasing their purchases of women's and junior's shirts and blouses from Dorn Shirt Company.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with women's and juniors' shirts and blouses manufactured by Dorn Shirt Company, Philadelphia, Pennsylvania contributed importantly to the total or partial separations of the workers of the company. In accordance with the provisions of the Act, I make the following certifications:

All workers engaged in employment related to the manufacture of women's and juniors' shirts and blouses at the Dorn Shirt Company, Philadelphia, Pennsylvania who became totally or partially separated from employment on or after January 1, 1976 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 22nd day of December 1976.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-195 Filed 1-3-77;8:45 am]

[TA-W-1088]

THE DRAGGER "BRANT"

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1088: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on September 24, 1976 in response to a worker petition received on September 24, 1976 which was filed on behalf of workers and former workers engaged in the catching and landing of shrimp on the dragger, "Brant," in Walpole, Maine.

The Notice of Investigation was published in the FEDERAL REGISTER on October 15, 1976 (41 FR 45639). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the dragger, "Brant", its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that criterion (4) has not been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average share earnings per worker on the "Brant" declined 10.8 percent from 1974 to 1975 and declined 22.3 percent in the first half of 1976 compared to the first half of 1975. The number of workers on the "Brant" remained constant until June 1976 when the "Brant" ceased fishing and all workers were let go.

SALES OR PRODUCTION, OR BOTH HAVE DECREASED ABSOLUTELY

Sales of shrimp by the "Brant" declined 55.8 percent from 1974 to 1975 and declined 96.6 percent in the first half of 1976 compared to the first half of 1975.

Sales of other fish increased 5.6 percent from 1974 to 1975 and increased 42.2 percent in the first six months of 1976 compared to the first six months of 1975. Combined sales declined 33.1 percent from 1974 to 1975 and declined 36.7 percent in the first six months of 1976 compared to the first six months of 1975.

INCREASED IMPORTS

Imports of shrimp increased 18.3 percent from 1971 to 1972, declined 9.3 percent from 1972 to 1973, increased 15.9 percent from 1973 to 1974 and declined 13.6 percent from 1974 to 1975. Imports increased 23.2 percent in the first half of 1976 compared to the first half of 1975.

CONTRIBUTED IMPORTANTLY

The Department's investigation revealed that customers of the "Brant" did not purchase imported shrimp. Declines in sales of shrimp were due to declining catches caused by a reduction in the harvestable stock of shrimp in New England waters. On April 15, 1976 the Northern Shrimp Section of the Atlantic States Marine Fisheries Commission enacted a closed season on the taking and landing of shrimp in New England waters making it impossible for the "Brant" to catch shrimp after that date.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that articles like or directly competitive with shrimp caught by the dragger, "Brant," did not contribute importantly to the total or partial separations of the workers on that boat as required in Section 222 of the Trade Act of 1974.

Signed at Washington, D.C. this 22nd day of December 1976.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-196 Filed 1-3-77;8:45 am]

[TA-W-1,382]

E. W. BOHREN TRANSPORT, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 7, 1976 the Department of Labor received a petition dated No-

vember 30, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by Teamsters Union on behalf of the workers and former workers of E.W. Bohren Transport, Inc., Woodburn, Indiana, a Div. of United Technology, Inc., Hartford, Conn. (TA-W-1,382). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with the transportation of steel provided by E.W. Bohren Transport, Inc. or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C., this 7th day of December 1976.

DOMINIC SORRENTINO,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.77-17 Filed 1-3-77;8:45 am]

[TA-W-1,412]

EDGEWATER STEEL CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 14, 1976 the Department of Labor received a petition dated December 3, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Edgewater Steel Corporation, a subsidiary of Edgewater Corporation, Oakmont, Pennsylvania (TA-W-1,412). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with forged railroad car wheels and rings produced by Edgewater Steel Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 14th day of December 1976.

DOMINIC SORRENTINO,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.77-230 Filed 1-3-77;8:45 am]

[TA-W-1,405]

ELECTRALLOY CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 14, 1976 the Department of Labor received a petition dated December 3, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Electralloy Corporation, Oil City, Pennsylvania, a wholly owned subsidiary of Machael Kral Industries, Oil City, Pennsylvania (TA-W-1,405). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with specialty steel produced by Electralloy Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 14th day of December 1976.

DOMINIC SORRENTINO,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.77-236 Filed 1-3-77;8:45 am]

[TA-W-1,388]

ELFSKIN CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 8, 1976 the Department of Labor received a petition dated November 22, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of Elfskin Corporation,

Worcester, Massachusetts (TA–W–1,388). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221 (a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with coated and suede fabric produced by Elfskin Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue. N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 8th day of December 1976.

MARVIN M. FOOKS,
Director, Office of
Trade Adjustment Assistance.

[FR Doc.77–109 Filed 1–3–77;8:45 am]

[TA–W–1163]

EXXON COMPANY, U.S.A.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA–W–1163: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on October 13, 1976 in response to a worker petition received on October 13, 1976 which was filed by workers producing or distributing refined oil products at the Exxon Company, U.S.A., Hackensack, New Jersey, a subsidiary of Exxon Corporation, Houston, Texas.

The notice of investigation was published in the FEDERAL REGISTER on October 29, 1976 (41 FR 47622). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Exxon, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestc production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important, but not necessarily more important than any other cause.

Without regard to whether any of the other criteria have been met, criterion (3) has not been met.

Evidence developed in the course of the investigation shows that the Hackensack facility does not refine crude oil but only acts as a distribution facility for refined petroleum. Imports of all refined oil products declined from an average 2767 thousand barrels per day in 1973, to 2425 thousand barrels per day in 1974 and to 1811 thousand barrels per day in 1975. Imports declined from an average 1904 thousand barrels per day in the first half of 1975 to 1823 thousand per day in the first half of 1976. Ratios of imports to domestic production and consumption fell from 19.3 percent and 16.4 percent in 1973, respectively, to 17.2 percent and 14.9 percent in 1974, to 12.8 percent and 11.5 percent in 1975. Imports fell from 13.8 percent and 12.3 percent of domestic production and consumption, respectively, in the first six months of 1975, to 12.4 percent and 11.2 percent, respectively, in the same period in 1976. Products like those distributed by the Hackensack facility accounted for 92 percent of the 1975 aggregate U.S. production of all refined oil products (by volume).

As the result of a management decision, positions at Exxon's New Jersey distribution facilities will be eliminated by the installation of a new computer information system and telephone system and the implementation of a new delivery system.

CONCLUSION

After careful review of the facts, I conclude that increases of imports like or directly competitive with refined oil products distributed by the Exxon Company, U.S.A., Hackensack, New Jersey did not contribute importantly to the total or partial separations of the workers of that firm.

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

JAMES F. TAYLOR,
Director, Office of Management,
Administration and Planning.

[FR Doc.77–197 Filed 1–3–77;8:45 am]

[TA–W–1162]

EXXON COMPANY, U.S.A.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA–W–1162: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on October 13, 1976 in response to a worker petition received on October 13, 1976 which was filed by workers producing or distributing refined oil products at the Exxon Company, U.S.A., Linden, New Jersey, a subsidiary of Exxon Corporation, Houston, Texas.

The notice of investigation was published in the FEDERAL REGISTER on October 29, 1976 (41 FR 47622). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Exxon, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important, but not necessarily more important than any other cause.

Without regard to whether any of the other criteria have been met, criterion (3) has not been met.

Evidence developed in the course of the investigation shows that the Linden facility does not refine crude oil but only acts as a distribution facility for refined petroleum. Imports of all refined oil products declined from an average 2767 thousand barrels per day in 1973, to 2425 thousand barrels per day in 1974 and to 1811 thousand barrels per day in 1975. Imports declined from an average 1904 thousand barrels per day in the first half of 1975 to 1823 thousand barrels per day in the first half of 1976. Ratios of imports to domestic production and consumption fell from 19.3 percent and 16.4 percent in 1973, respectively, to 17.2 percent and 14.9 percent in 1974, to 12.8 percent and 11.5 percent in 1975. Imports fell from 13.8 percent and 12.3 percent of domestic production and consumption, respectively, in the first six months of 1975, to 12.4 percent and 11.2 percent, respectively, in the same period in 1976.

Products like those distributed by the Linden facility accounted for 92 percent of the 1975 aggregate U.S. production of all refined oil products (by volume). As a result of a management decision, positions at Exxon's New Jersey distribution facilities will be eliminated by the installation of a new computer information system and telephone system and the implementation of a new delivery system.

CONCLUSION

After careful review of the facts, I conclude that increases of imports like or directly competitive with refined oil products distributed by the Exxon Company, U.S.A., Linden, New Jersey did not contribute importantly to the total or partial separations of the workers of that firm.

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

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-198 Filed 1-3-77;8:45 am]

[TA-W-1161]

EXXON COMPANY, U.S.A.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1161: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on October 13, 1976, in response to a worker petition received on October 13, 1976 which was filed on behalf of workers and former workers distributing refined oil products at the Exxon Company, U.S.A., Paulsboro, New Jersey, a subsidiary of Exxon Corporation, Houston, Texas.

The notice of investigation was published in the FEDERAL REGISTER on October 29, 1976 (41 FR 47621). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Exxon, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any of the other criteria have been met, criterion (3) has not been met:

Evidence developed in the course of the investigation shows that the Paulsboro facility does not refine crude oil but only acts as a distribution facility for refined petroleum. Imports of all refined oil products declined from an average 2767 thousand barrels per day in 1973, to 2425 thousand barrels per day in 1974 and to 1811 thousand barrels per day in 1975. Imports declined from an average 1904 thousand barrels per day in the first half of 1975 to 1823 thousand barrels per day in the first half of 1976. Ratios of imports to domestic production and consumption fell from 19.3 percent and 16.4 percent in 1973, respectively, to 17.2 percent and 14.9 percent in 1974, to 12.8 percent and 11.5 percent in 1975. Imports fell from 13.8 percent and 12.3 percent of domestic production and consumption, respectively, in the first six months of 1975, to 12.4 percent and 11.2 percent, respectively, in the same period in 1976. Products like those distributed by the Paulsboro facility accounted for 92 percent of the 1975 aggregate U.S. production of all refined oil products (by volume).

As a result of a management decision positions at Exxon's New Jersey distribution facilities will be eliminated by the installation of a new computer information system and telephone system and the implementation of a new delivery system.

CONCLUSION

After careful review of the facts I conclude that increases of imports like or directly competitive with refined oil products distributed by the Exxon Company, U.S.A., Paulsboro, New Jersey did not contribute importantly to the total or partial separation of the workers of that firm.

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

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-199 Filed 1-3-77;8:45 am]

[TA-W-1,371]

FISHER CONTROLS CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 1, 1976 the Department of Labor received a petition dated November 1, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Fisher Controls Company, Coraopolis, Pennsylvania (TA-W-1,371). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with cast iron and stainless steel automatic control valves produced by Fisher Controls Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200

Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C., this 1st day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-18 Filed 1-3-77;8:45 am]

[TA-W-1,377]

FLORSHEIM SHOE CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 7, 1976 the Department of Labor received a petition dated November 19, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Shoe Workers of America on behalf of the workers and former workers of the Cape Girardeau, Missouri plant of Florsheim Shoe Co., Chicago, Ill. (TA-W-1,377). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with bottom outsoles, heels and insoles produced by Florsheim Shoe Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address show below, not later than January 14, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below not later than January 14, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C., this 7th day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-19 Filed 1-3-77;8:45 am]

[TA-W-1089]

GALAXY COSTUME CORP. NEW YORK, NEW YORK

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1089: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on September 23, 1976 in response to a worker petition received on September 23, 1976 which was filed by the Amalgamated Ladies' Garment Cutters' Union on behalf of cutters and former cutters of the 8th Avenue New York, New York plant of Galaxy Costume Corporation.

The notice of investigation was published in the FEDERAL REGISTER on October 5, 1976 (41 FR 43974). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Galaxy Costume Corporation, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any of the other criteria have been met, criterion (2) has not been met.

Galaxy Costume Corporation is a manufacturer of women's coats and jackets of all lengths in misses' sizes 10–20, misses' half sizes 16½–24½ and junior sizes 5–15. Galaxy purchases and cuts fabric for coats and jackets, arranges with outside contractors for the stitching of the coats and jackets, and markets the finished product. Coats and jackets are made predominately of corduroy, wool, suede, fake fur and melton.

The investigation revealed that sales for Galaxy Costume increased 12.4 percent in quantity and 11.8 percent in value from 1974 to 1975 and 2.8 percent in quantity and 4.4 percent in value for the first ten months of 1976 compared to the first ten months of 1975. Furthermore, production in quantity at Galaxy Costume Corporation increased 10.1 percent from 1974 to 1975 and 8.4 percent for the first ten months of 1976 compared to the first ten months of 1975.

After careful review of the facts obtained in the investigation, I conclude that sales or production, or both, of Galaxy Costume Corporation have not decreased absolutely as required under Section 222 of the Trade Act of 1974. Therefore certification of eligibility to apply for adjustment assistance is denied.

Signed at Washington, D.C., this 20th day of December 1976.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-20 Filed 1-3-77;8:45 am]

[TA-W-1,414]

GEORGETOWN STEEL CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 14, 1976 the Department of Labor received a petition dated December 3, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Georgetown Steel Corporation, Georgetown, South Carolina (TA-W-1,414). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with carbon steel wire rods & rebars produced by Georgetown Steel Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the pro-

visions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 14th day of December 1976.

DOMINIC SORRENTINO,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.77-232 Filed 1-3-77;8:45 am]

[TA-W-1,366]

GULF & WESTERN INDUSTRIES, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 1, 1976 the Department of Labor received a petition dated November 1, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of the Huntington Machines Division, Huntington, Pa. of Gulf & Western Industries, Inc., Oak Brooke, Illinois (TA-W-1,366). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221 (a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with high pressure carbon steel pipe fittings & pipe unions produced by Gulf & Western Industries, Inc. or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C., this 1st day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-21 Filed 1-3-77;8:45 am]

[TA-W-1,389]

GUTMAN-KESSLEN SHOES, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 8, 1976 the Department of Labor received a petition dated November 17, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Shoe Workers of America on behalf of the workers and former workers of Gutman-Kesslen Shoes, Inc., Manchester, New Hampshire (TA-W-1,389). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with women's shoes produced by Gutman-Kesslen Shoes, Inc. or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 8th day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-110 Filed 1-3-77;8:45 am]

[TA-W-1,423]

HANNA FURNACE CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 15, 1976 the Department of Labor received a petition dated December 3, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Hanna Furnace Corporation, Buffalo, N.Y., a wholly owned subsidiary of National Steel Corp., Detroit, Michigan (TA-W-1,423). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with merchant pig iron produced by Hanna Furnace Corpoation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm of subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter a

public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Direcor, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 15th day of December 1976.

DOMINIC SORRENTINO,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.77-233 Filed 1-3-77;8:45 am]

[TA-W-1,427]

H. K. PORTER CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 15, 1976 the Department of Labor received a petition dated December 3, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of the Hunting, West Virginia plant of H. K. Porter Company, Birmingham, Ala. (TA-W-1,427). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with special sections (bars) & small structurals produced by H. K. Porter Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 15th day of December 1976.

DOMINIC SORRENTINO,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.77-234 Filed 1-3-77;8:45 am]

[TA-W-1,426]

H.K. PORTER CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 15, 1976 the Department of Labor received a petition dated December 3, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of H. K. Porter Company, Birmingham, Alabama (TA-W-1,426). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or related increases of imports of articles like or directly competitive with merchant bars and other structurals produced by H. K. Porter Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 15th day of December 1976.

DOMINIC SORRENTINO,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.77-235 Filed 1-3-77;8:45 am]

[TA-W-1,386]

H. W. GOSSARD CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 8, 1976 the Department of Labor received a petition dated November 15, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the International Ladies' Garment Workers Union on behalf of the workers and former workers of the Poplar Bluff, Missouri plant of H. W. Gossard Co, Chicago, Ill (TA-W-1,386). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with ladies' lingerie and sleepwear produced by H. W. Gossard Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number of proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the

address shown below, not later than January 14, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 8th day of December 1976.

MARVIN M. FOOKS,
Director, Office of
Trade Adjustment Assistance.

[FR Doc.77-111 Filed 1-3-77;8:45 am]

[TA-W-1,387]

H. W. GOSSARD CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 8, 1976 the Department of Labor received a petition dated November 15, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the International Ladies' Garment Workers Union on behalf of the workers and former workers of the Malden, Missouri plants of H. W. Gossard Company, Chicago, Ill. (TA-W-1,387). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with ladies' lingerie and sleepwear produced by H. W. Gossard Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address show below, not later than January 14, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 8th day of December 1976.

MARVIN M. FOOKS,
Director, Office of
Trade Adjustment Assistance.

[FR Doc.77-112 Filed 1-3-77;8:45 am]

[TA-W-1,385]

H. W. GOSSARD CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 8, 1976 the Department of Labor received a petition dated November 15, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the International Ladies' Garment Workers Union on behalf of the workers and former workers of the Piggott, Arkansas plant of H. W. Gossard Company, Chicago, Ill (TA-W-1,385). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with ladies lingerie and sleepwear produced by H. W. Gossard Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further related, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than 14 January 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than 14 January 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 8th day of December 1976.

MARVIN M. FOOKS,
Director, Office of
Trade Adjustment Assistance.

[FR Doc.77-200 Filed 1-3-77;8:45 am]

[TA-W-1,364]

HOMESTEAD INDUSTRIES, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 1, 1976 the Department of Labor received a petition dated November 1, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Homestead Industries, Inc., Corapolis, Pennsylvania (TA-W-1,-364). Accordingly, the Director, office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with grey iron valves produced by Homestead Industries, Inc. or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further related, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the

Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 1st day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-22 Filed 1-3-77; 8:45 am]

[TA-W-1,368]

ITT CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 1, 1976, the Department of Labor received a petition dated November 1, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of the Grinnell Welding Products Div., Princeton, Kentucky of ITT Corp., New York, New York (TA-W-1,368). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with pipe fittings produced by ITT Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 1st day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-26 Filed 1-3-77;8:45 am]

[TA-W-1182]

INDIAN HEAD SHOE CO., MANCHESTER, NEW HAMPSHIRE

Certification Regarding Eligibility to Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1182: investigation regarding certification of elegibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on October 19, 1976 in response to a worker petition received on October 19, 1976 which was filed on behalf of the workers and former workers producing athletic footwear at the Indian Head Shoe Company, Manchester, New Hampshire.

The notice of investigation was published in the Federal Register (41 FR 48810) on November 5, 1976. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Indian Head Shoe Company, its customers, the U.S. International Trade Commission, the U.S. Department of Commerce, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The Department's investigation has revealed that all of the above criteria have been met.

Significant Total or Partial Separations. Plant employment decreased 16 percent in 1975 compared to 1974 and then increased 66 percent in the first nine months of 1976 compared to the first nine months of 1975.

Employment declined in every month since April 1976. Nearly all employment was terminated when the plant ceased production in September 1976, except for a small staff to close out inventory. This staff will remain at the factory until early 1977.

Sales or Production, or Both, Have Decreased Absolutely. Company sales in quantity decreased 25 percent in 1975 compared to 1974. Sales increased 77 percent during the first 8 months of 1976 compared to the first 8 months of 1975. The increased sales in 1976 resulted from a new marketing strategy involving direct selling to small dealers. This strategy proved less successful than originally planned and preceded the cessation of production at Indian Head in September 1976.

Sales reached a peak in April 1976 and then declined steadily, except for August 1976, the month just prior to the ceasing of production at the plant.

Increased imports. Athletic footwear imports increased both absolutely and relatively in 1972 compared to 1971; imports in 1973 increased absolutely compared to 1972. In 1974, imports again increased both absolutely and relatively over 1973.

Absolute imports of athletic footwear increased 102 percent in 1975 compared to 1974 and increased from 84.3 percent of domestic production in 1974 to 148.0 percent in 1975. First half of 1976 imports were 201.6 percent of domestic production compared to 137.1 percent for the same period in 1975.

Contributed Importantly. The Department's investigation revealed that customers surveyed reported decreased purchases of athletic footwear from Indian Head and increased purchases of imported footwear.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports of like or directly competitive with athletic footwear produced at the Manchester, New Hampshire plant of Indian Head Shoe Company contributed importantly to the total or partial separation of the workers of that plant. In accordance with the provisions of the Act, I make the following certification:

All workers at the Manchester, New Hampshire plant of Indian Head Shoe Company who became totally or partially separated from employment on or after April 1, 1976 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 20th day of December 1976.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-23 Filed 1-3-77;8:45 am]

[TA-W-1,357]

INTERNATIONAL BASIC ECONOMIC CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 1, 1976 the Department of Labor received a petition dated November 1, 1976, which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of International Basic Economic Corp., Bellows-Valvair Div., Akron, Ohio (TA-W-1,357). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with valves produced by International Basic Economic Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than 14 Jan. 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than 14 Jan. 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 1st day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-24 Filed 1-3-77;8:45 am]

[TA-W-1,383]

INTERNATIONAL SHOE CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 8, 1976 the Department of Labor received a petition dated November 23, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Shoe Workers of America on behalf of the workers and former workers of Searcy, Arkansas plant of International Shoe Co., a Div. of Interco, Inc., St. Louis, Missouri (TA-W-1,383). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with women's shoes produced by International Shoe Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further related, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than 14 Jan. 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than 14 Jan. 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 8th day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-25 Filed 1-3-77;8:45 am]

[TA-W-1092]

J. BASS AND CO.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1092: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on September 24, 1976 in response to a worker petition received on September 24, 1976 which was filed on behalf of workers and former workers printing and dyeing materials at the West Hazleton, Pennsylvania plant of J. Bass and Company.

The notice of investigation was published in the FEDERAL REGISTER (41 FR 44483) on October 8, 1976. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of J. Bass and Company and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The Department's investigation has revealed that while the first three criteria have been met, criterion (4) has not been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of production workers at J. Bass increased by 17.2 percent from 1974 to 1975 and then declined by 17.4 percent in the first nine months of 1976 compared to the first nine months of 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales of printed and dyed fabrics in terms of value increased 65.3 percent from 1974 to 1975 and then decreased by

50.8 percent in the first nine months of 1976 compared to the first nine months of 1975.

Production of fabrics in terms of quantity increased by 39.3 percent from 1974 to 1975 and then decreased 52.7 percent in the first nine months of 1976 compared to the first nine months of 1975.

INCREASED IMPORTS

Imports of dyed and printed manmade fabrics decreased absolutely in 1972 and 1973 and increased absolutely in 1974 compared to each preceding year. Imports fell from 241.6 million square yards in 1974 to 238.6 million square yards in 1975. The ratios of imports to production and consumption increased from 5.4 percent and 5.5 percent, respectively in 1974 to 6.3 percent and 6.5 percent, respectively in 1975.

Imports increased from 131.9 million square yards in the first seven months of 1975 to 165.0 million square yards in the first seven months of 1976. The ratios of imports to production and consumption decreased from 7.3 percent and 7.5 percent, respectively in the first seven months of 1975 to 5.4 percent and 5.5 percent, respectively in the first seven months of 1976.

CONTRIBUTED IMPORTANTLY

Customers of J. Bass, the converters, do not purchase imported printed and dyed fabrics. The converters reduced business with J. Bass because the customers of the converters, the manufacturers, have reduced their orders with the converters. The manufacturers report that any imported fabrics used by them are not available in the United States. Furthermore, changes in consumer fashion preferences caused the manufacturers to utilize other domestic manufacturers as the types of materials required were not available from J. Bass.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with printed and dyed fabrics produced at the West Hazelton, Pennsylvania plant of J. Bass and Company did not contribute importantly to the total or partial separations of the workers at that plant.

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

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-201 Filed 1-3-77;8:45 am]

[TA-W-1,374]

JENKINS BROTHERS

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 1, 1976 the Department of Labor received a petition dated November 1, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Jenkins Brothers, Bridgeport, Connecticut (TA-W-1,374). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted and investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with industrial valves produced by Jenkins Brothers or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further related, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 1st day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-27 Filed 1-3-77;8:45 am]

[TA-W-1,375]

JENKINS BROTHERS

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 1, 1976 the Department of Labor received a petition dated November 1, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of the Fairfield, Conn. plant of Jenkins Brothers, Bridgeport, Conn. (TA-W-1,375). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with industrial valves produced by Jenkins Brothers or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further related, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address show below, not later than January 14, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 1st day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-28 Filed 1-3-77;8:45 am]

[TA-W-1, 400]

KEYSTONE CONSOLIDATED INDUSTRIES

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 13, 1976 the Department of Labor received a petition dated December 3, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Steel & Wire Division, Chicago, Ill., of Keystone Consolidated Industries, Peoria, Ill. (TA-W-1, 400). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an

investigation as provided in Section 221 (a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with angles, channels, rods, etc. of hot roled carbon steel produced by Keystone Consolidated Industries or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

Interested persons are invited to submit written comments regarding the subject matter this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 13th day of December 1976.

MARVIN M. FOOKS,
Director, Office of
Trade Adjustment Assistance.

[FR Doc.77-202 Filed 1-3-77;8:45 am]

[TA-W-1,407]

JIM WALTER RESOURCES

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 14, 1976 the Department of Labor received a petition dated December 3, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Jim Walter Resources, Birmingham, Alabama, a wholly owned subsidiary of Jim Walter Corp., Tampa, Fla. (TA-W-1,407.) Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with coke, sulfated acides, pigiron, mineral wool for insulational & acoustical tile produced by Jim Walter Resources or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigtion will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 14th day of December 1976.

DOMINIC SORRENTINO,
Acting Director, Office of
Trade Adjustment Assistance.

[FR Doc.76-77-236 Filed 1-3-77;8:45 am]

[TA-W-1,418]

LEMONT MANUFACTURING CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 14, 1976 the Department of Labor reecived a petition dated December 3, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Lemont Manufacturing Company, Lemont, Illinois, a division of Ceco Corporation, Chicago, Illinois (TA-W-1,418). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with carbon steel bars and angles produced by Lemont Manufacturing Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significnt number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 14th day of December 1976.

DOMINIC SORRENTINO,
Acting Director, Office of
Trade Adjustment Assistance.

[FR Doc.77-237 Filed 1-3-77;8:45 am]

[TA-W-1185]

LOUIS CLARK, INC.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1185: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on October 19, 1976 in response to a worker petition received on October 19, 1976 which was filed on behalf of workers and former workers producing women's blouses and shirts at the Philadelphia plant of Louis Clark, Inc.

The Notice of Investigation was published in the FEDERAL REGISTER on November 5, 1976 (41 FR 48813). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Louis Clark, Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the worker's firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all of the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Average employment of production workers declined 7.5, 9.7 and 7.1 percent in the first three quarters of 1976, respectively compared to the immediate preceding quarter. Employment also declined 3.4 percent and 16.1 percent in the second and third quarters of 1976, respectively compared to the same quarters in 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Production at Louis Clark, Inc., declined 2.9, 10.1 and 15.4 percent in the first three quarters of 1976 respectively, compared to the immediate preceding quarter and declined 10.6 percent in the third quarter of 1976 compared to the same quarter in 1975.

INCREASED IMPORTS

Imports of women's, misses' and children's blouses and shirts increased from 20.549 million dozens in 1974 to 27.840 million dozens in 1975; and from 19.251 million dozens in the first nine months of 1975 to 24.016 million dozens in the same period of 1976.

CONTRIBUTED IMPORTANTLY

Louis Clark, Incorporated produces women's blouses and shirts under contract from another firm. A representative sample of customers of that firm indicated that several of these customers increased their imports of women's blouses and shirts, while decreasing their purchases from the contracting firm.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with women's blouses and shirts produced at the Philadelphia, Pennsylvania plant of Louis Clark, Incorporated, contributed importantly to the total or partial separations of the workers engaged in the production of such blouses and shirts at the plant. In accordance with the provisions of the Act, I make the following certification:

All workers engaged in employment related to the production of women's blouses and shirts at the Philadelphia, Pennsylvania plant of Louis Clark, Incorporated, who became totally or partially separated from employment on or after January 1, 1976 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

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

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-203 Filed 1-3-77;8:45 am]

[TA-W-1, 399]

LUKENS STEEL CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 13, 1976 the Department of Labor received a petition dated December 3, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Lukens Steel Company, Coatesville, Pennsylvania (TA-W-1,399). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with the refining of scraps into plates of carbon alloy and specialty steels, also head & pressure vessels by Lukens Steel Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 13th day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-113 Filed 1-3-77;8:45 am]

[TA-W-1,367]

LUNKENHEIMER CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 1, 1976 the Department of Labor received a petition dated November 1, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Lunkenheimer Company, Cincinnati, Ohio, a subdivision of Condec Corporation, Old Greenwich, Connecticut (TA-W-1,367). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with industrial valves produced by Lunkenheimer Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a

public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 1st day of December 1976.

MARVIN M. FOOKS,
Director, Office of
Trade Adjustment Assistance.

[FR Doc.77-29 Filed 1-3-77;8:45 am]

[TA-W-1,403]

MACSTEEL CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 13, 1976 the Department of Labor received a petition dated December 3, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Macsteel Company, Jackson, Michigan, a Div. of Michigan Seamless Tube Co., South Line, Mich. (TA-W-1,403). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with carbon and alloy steel billets produced by Macsteel Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further related, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 13th day of December 1976.

MARVIN M. FOOKS,
Director, Office of
Trade Adjustment Assistance.

[FR Doc.77-114 Filed 1-3-77;8:45 am]

[TA-W-1,373]

MARSH VALVE CO.

Investigation Regarding Certification of Eligibility to Apply for Worker Adjustment Assistance

On December 1, 1976 the Department of Labor received a petition dated November 1, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Marsh Valve Company, Dunkirk, New York, a Division of White Consolidated Industries, Inc., Allentown, Pennsylvania (TA-W-1,373). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221 (a) of the Act ond 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with valves produced by Marsh Valve Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will be further related, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2 of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address show below, not later than Jan. 14, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than Jan. 14, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 1st day of December 1976.

MARVIN M. FOOKS,
Director, Office of
Trade Adjustment Assistance.

[FR Doc.77-30 Filed 1-3-77;8:45 am]

[TA-W-1,384]

MAX KIRMAYER & SONS, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 8, 1976 the Department of Labor received a petition dated November 23, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing & Textile Workers Union on behalf of the workers and former workers of Max Kirmayer & Sons, Inc., Brooklyn, New York (TA-W-1,384). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with men's pants produced by Max Kirmayer & Sons, Inc. or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 8th day of December 1976.

MARVIN M. FOOKS,
Director, Office of
Trade Adjustment Assistance.

[FR Doc.77-115 Filed 1-3-77;8:45 am]

[TA-W-1,402]

MIDVALE-HEPPENSTALL

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 13, 1976 the Department of Labor received a petition dated December 3, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Midvale-Heppenstall, Philadelphia, Pa., a wholly-owned subsidiary of Heppenstall Co., Philadelphia, Pa. (TA-W-1,402). Accordingly, the Director, Office of Trade Adjustment Assitance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with rotor shafts & generator shafts, steel forgings produced by Midvale-Heppenstall or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will be further related, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 13th day of December 1976.

MARVIN M. FOOKS,
Director, Office of
Trade Adjustment Assistance.

[FR Doc.77-116 Filed 1-3-77;8:45 am]

[TA-W-1,419]

MILTON MANUFACTURING CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 14, 1976 the Department of Labor received a petition dated December 3, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act" by the United Steelworkers of America on behalf of the workers and former workers of Milton Manufacturing Company, Milton, Pennsylvania, a division of Ceco Corporation, Chicago, Illinois (TA-W-1,419). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with carbon steel bars and angles produced by Milton Manufacturing Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 14th day of December 1976.

DOMINIC SORRENTINO,
Acting Director, Office of
Trade Adjustment Assistance.

[FR Doc.77-238 Filed 1-3-77;8:45 am]

[TA-W-1,401]

MISSOURI ROLLING MILL CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 13, 1976 the Department of Labor received a petition dated December 3, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Missouri Rolling Mill Corp., St. Louis, Missouri (TA-W-1,401). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221 (a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with merchant bars produced by Missouri Rolling Mill Corp. or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further related, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment

Assistance, at the address shown below, not later than January 14, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitutional Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C., this 13th day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-117 Filed 1-3-77;8:45 am]

[TA-W-1,408]

NATIONAL FORGE CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 14, 1976 the Department of Labor received a petition dated December 3, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of National Forge Company, Erie, Pa., a Div. of National Forge Co., Irvine, Warren County, Pa. (TA-W-1,408). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with ship shafting, turbine rotors, castings forgings and machined parts, specialty steel billets produced by National Forge Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 14th day of December 1976.

DOMINIC SORRENTINO,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.77-239 Filed 1-3-77;8:45 am]

[TA-W-1,410]

NATIONAL STEEL CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 14, 1976 the Department of Labor received a petition dated December 3, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Midwest Steel Division of National Steel Corporation, Portage, Indiana (TA-W-1,410). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 20 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with carbon steel sheet products produced by National Steel Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 14th day of December 1976.

DOMINIC SORRENTINO,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.77-240 Filed 1-3-77;8:45 am]

[TA-W-1,391]

NATIONAL SUPPLY CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On November 15, 1976 the Department of Labor received a petition dated October 15, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of National Supply Company, Houston, Texas, a Div. of Armco Steel Corp., Middletown, Ohio (TA-W-1,391). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act of 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with carbon plates, pipes, tubing and piling produced by National Supply Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address show below, not later than January 14, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

The petition filed in this case is available for inspection at the Office of the

Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 15th day of November 1976.

DOMINIC SORRENTINO,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.77-241 Filed 1-3-77;8:45 am]

[TA-W-1,404]

NORTH STAR STEEL CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 13, 1976, the Department of Labor received a petition dated December 3, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of North Star Steel Company, St. Paul, Minnesota, a wholly-owned subsidiary of Cargill, Inc., Minneapolis, Minnesota (TA-W-1,404). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221 (a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with reinforcing rods, round angles, channel or carbon and alloys produced by North Star Steel Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 13th day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-204 Filed 1-3-77;8:45 am]

[TA-W-1,415]

NORTHWEST STEEL ROLLING MILLS, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 14, 1976 the Department of Labor received a petition dated December 3, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Northwest Steel Rolling Mills, Inc., Seattle, Washington, (TA-W-1,415). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with carbon steel bars produced by Northwest Steel Rolling Mills, Inc. or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 14th day of December 1976.

DOMINIC SORRENTINO,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.77-242 Filed 1-3-77;8:45 am]

[TA-W-1,416]

NEW JERSEY STEEL & STRUCTURAL CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 14, 1976 the Department of Labor received a petition dated December 3, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of New Jersey Steel & Structural Corporation, Sayreville, New Jersey (TA-W-1,416). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with carbon steel rebars produced by New Jersey Steel & Structural Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 20 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address show below, not later than January 14, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200

Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 14th day of December 1976.

DOMINIC SORRENTINO,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.77-243 Filed 1-3-77;8:45 am]

[TA-W-1,394]

PENN-DIXIE STEEL CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 13, 1976 the Department of Labor received a petition dated December 3, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Penn-Dixie Steel Corporation, Kokomo, Indiana (TA-W-1,394). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with carbon wire & wire products produced by Penn-Dixie Steel Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further related, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than 14 Jan 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than 14 Jan 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 13th day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-118 Filed 1-3-77;8:45 am]

[TA-W-1,422]

PHOENIX STEEL CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 14, 1976 the Department of Labor received a petition dated December 3, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Phoenix Steel Corporation, Claymont, Delaware (TA-W-1), 422). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Sectsion 212(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with steel plates & flange heads produced by Phoenix Steel Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address show below, not later than January 14, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 14th day of December 1976.

DOMINIC SORRENTINO,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.77-244 Filed 1-3-77; 8:45 am]

[TA-W-1,421]

PHOENIX STEEL CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 14, 1976 the Department of Labor received a petition dated December 3, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Phoenixville Plant, Phoenixville, Pennsylvania of Phoenix Steel Corporation, Claymont, Delaware (TA-W-1421). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with structural steel products and tubes produced by Phoenix Steel Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address show below, not later than January 14, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor

Affairs, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 14th day of December 1976.

DOMINIC SORRENTINO,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.77-245 Filed 1-3-77;8:45 am].

[TA-W-1,379]

PLEASANT BEEF COMPANY, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 7, 1976 the Department of Labor received a petition dated November 22, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of Pleasant Beef Company, Inc., Lynn, Massachusetts (TA-W-1,379). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with the processing of wholesale fresh meats provided by Pleasant Beef Company, Inc. or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number of proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 7th day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-31 Filed 1-3-77;8:45 am]

[TA-W-1198]

RCA CORP.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1198: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on October 20, 1976 in response to a worker petition received on that date which was filed on behalf of workers and former workers of the Edison, New Jersey warehouse of RCA Corporation. The investigation was expanded to include the Harrison, New Jersey plant of RCA, for which the Edison warehouse serves as a support facility.

The Notice of Investigation was published in the FEDERAL REGISTER on November 5, 1976 (41 FR 48816). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of RCA Corporation, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all four of the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

All employment of production workers at the Harrison plant was terminated in April 1975 when the plant closed. RCA has indicated that the remaining administrative personnel will be separated when the administrative functions are complete and inventories are depleted from the Edison warehouse. All workers currently employed at the Harrison plant and Edison warehouse were engaged in employment related to tube and mount production during the Harrison plant's period of operation.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

All production at the Harrison plant was terminated in April 1975 when the plant closed.

INCREASED IMPORTS

Imported electronic receiving tubes have increased their share of the declining domestic market for such products in each year from 1972 to 1975. Imports increased relative to domestic production from 27.4 percent in 1971 to 57.6 percent in 1975.

CONTRIBUTED IMPORTANTLY

Increased imports of electronic receiving tubes resulted in the closure of the Harrison plant and separation of production workers from that plant in mid-1975. Since that time RCA has continued to employ certain workers in administrative functions at Harrison and inventory depletion at the Edison warehouse. RCA officials have indicated that the remaining workers at the Harrison plant and Edison warehouse will be separated when the close-out operations are completed. The separation of such workers will, thus, be due to increased imports of electronic receiving tubes, relative to domestic production, and the resultant closure of the Harrison plant in 1975. A certification of eligibility to apply for adjustment assistance, issued under provisions of the Trade Expansion Act of 1962, expires on December 24, 1976—two years from its date of issuance.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with electronic receiving tubes and mounts produced by the Harrison, New Jersey plant and Edison, New Jersey warehouse of RCA Corporation contributed importantly to the threatened separation of workers of those facilities. In accordance with the provisions of the Trade Act of 1974, I make the following certification:

All workers of the Harrison, New Jersey plant and Edison, New Jersey warehouse of RCA Corporation who became totally or partially separated from employment on or after December 24, 1976 are certified eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

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

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-206 Filed 1-3-77;8:45 am]

[TA-W-1153]

REYNOLDS METALS CO., SAN PATRICIO REDUCTION PLANT, CORPUS CHRISTI, TEXAS

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1153; investigation regarding certification of eligibility to apply for adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on October 7, 1976 in response to a worker petition received on that date which was filed by the United Steelworkers of America on behalf of workers and former workers smelting primary aluminum at the San Patricio Reduction Plant, Corpus Christi, Texas, of the Reynolds Metals Company.

The Notice of Investigation was published in the FEDERAL REGISTER on October 29, 1976 (41 FR 47628). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from information provided by officials of the Reynolds Metals Company.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

If any one of the above criteria is not satisfied, a negative determination must be made.

The Department of Labor has already determined that the performance of services is not included within the term "articles" as used in Section 222(3) of the Act. See Notice of Negative Determination in Pan American World Airways, Incorporated (TA-W-153; 40 FR 54639).

The San Patricio Reduction Plant, Corpus Christi, Texas, is one of seven domestic smelting plants in the Primary Metals Division of the Reynolds Metals Company. Due to a drop in demand for aluminum products and an increase in corporate inventories, the Reynolds Metals Company decided to curtail corporate production of primary aluminum in early 1975.

As a result of this decision, all smelting operations at San Patricio ceased in March 1975, and all shipments of primary aluminum from San Patricio stopped in April 1975.

Employment at the San Patricio plant since April 1975 has been related to the construction and installation of new pollution control equipment at the plant. The San Patricio Plant has not been reactivated primarily because of the high cost of the natural gas used at San Patricio compared to energy costs at other Reynolds Metals' smelting plants.

After careful review of the issues, I have determined that since September 1, 1975, the earliest possible impact date under this petition, the San Patricio Reduction Plant, Corpus Christi, Texas, has not produced an "article" within the meaning of Section 222(3) of the Trade Act of 1974.

Signed at Washington, D.C. this 20th day of December 1976.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-32 Filed 1-3-77;8:45 am]

[TA-W-1152]

ROBIN FOOTWEAR CORP.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1152: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on October 7, 1976 in response to a worker petition received on that date which was filed by the Boot and Shoe Workers Union on behalf of workers and former workers producing women's footwear at the Robin Footwear Corporation, Mt. Union, Pennsylvania.

The Notice of Investigation was published in the FEDERAL REGISTER on October 29, 1976 (41 FR 47629). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Robin Footwear Corporation, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all four of the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Employment has declined in each month compared to the prior month since February 1976. By the third quarter of 1976 employment at the Robin Footwear Corporation had declined 28 percent from the previous quarter and 35 percent from the same quarter of 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Estimated production, based on orders received, declined 10 percent in the first eight months of 1976 compared to the first eight months of 1975.

INCREASED IMPORTS

Imports of women's nonrubber footwear increased from 185.0 million pairs in 1971 to 218.4 million pairs in 1973. Imports declined to 187.6 million pairs in 1974 but increased to 190.7 million pairs in 1975. Imports increased from 89.5 million pairs during the first six months of 1975 to 109.5 milion pairs in the first six months of 1976.

CONTRIBUTED IMPORTANTLY

Customers of Robin Footwear increased purchases of imports and decreased orders placed with Robin Footwear. Declines in orders received resulted in production cutbacks and reduced employment levels beginning in February 1976.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with women's footwear produced at the Robin Footwear Corporation, Mt. Union, Pennsylvania contributed importantly to the total or partial separation of the workers of that firm. In accordance with the provisions of the Trade Act of 1974. I make the following certification:

All workers of the Robin Footwear Company, Mt. Union, Pennsylvania who became totally or partially separated from employment on or after January 31, 1976 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

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

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-205 Filed 1-3-77;8:45 am]

[TA-W-1,395]

ROBLIN STEEL CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 13, 1976 the Department of Labor received a petition dated December 3, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Dunkirk Works of Roblin Steel Company, Dunkirk, New York (TA-W-1,395). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with alloy and carbon steel billets produced by Roblin Steel Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, office of Trade Adjustment Assistance, at the address shown below, not later than 14 Jan. 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than 14 Jan. 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed in Washington, D.C. this 13th day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-119 Filed 1-3-77;8:45 am]

[TA-W-1376]

ROSE-LIN OF CALIFORNIA

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 7, 1976 the Department of Labor received a petition dated November 19, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of Rose-Lin of California, Los Angeles, California (TA-W-1376). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with ladies' coats and suits produced by Rose-Lin of California or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than 14 Jan. 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than 14 Jan. 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 7th day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-33 Filed 1-3-77;8:45 am]

[TA-W-1369]

SARCO CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 1, 1976 the Department of Labor received a petition dated November 1, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Sarco Company, Allentown, Pa., a Division of White Consolidated Industries, Inc., Allentown, Pa. (TA-W-1369). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with valves, steam traps and regulators produced by Sarco Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assisance, at the address shown below, not later than January 14, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 1st day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-34 Filed 1-3-77;8:45 am]

[TA-W-1,363]

SPERRY RAND CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 1, 1976 the Department of Labor received a petition dated November 1, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Sperry Vickers Division, Bensenville, Ill. of Sperry Rand Corp., New York, New York (TA-W-1,363). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with the packaging and selling of hydraulic devices by Sperry Rand Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 1st day of December 1976.

MARVIN M. FOOKS,
Director, Office of
Trade Adjustment Assistance.

[FR Doc.77-207 Filed 1-3-77;8:45 am]

[TA-W-1,425]

SOULE STEEL CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 15, 1976 the Department of Labor received a petition dated December 3, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Soule Steel Company, Long Beach, California (TA-W-1,425). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with carbon steel rebars, T sections and all sizes of round composition carbon steel produced by Soule Steel Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address show below, not later than January 14, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 15th day of December 1976.

DOMINIC SORRENTINO,
Acting Director, Office of
Trade Adjustment Assistance.

[FR Doc.77-246 Filed 1-3-77;8:45 am]

[TA-W-1,417]

SOUTHERN ELECTRIC STEEL CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 14, 1976 the Department of Labor received a petition dated December 3, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Southern Electric Steel Company, Birmingham, Alabama, a division of Ceco Corporation, Chicago, Illinois (TA-W-1,417). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with carbon steel bars and angles produced by Southern Electric Steel Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Official of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 14th day of December 1976.

DOMINIC SORRENTINO,
Acting Director, Office of
Trade Adjustment Assistance.

[FR Doc.77-247 Filed 1-3-77;8:45 am]

[TA-W-1,392]

SOUTHERN STEEL CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On November 15, 1976 the Department of Labor received a petition dated October 15, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Southwest Steel Company, Houston, Texas, a Div. of Armco Steel Corp., Middletown, Ohio (TA-W-1,392). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with carbon plates, pipes, tubing and piling produced by Southwest Steel Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropirate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 15th day of November 1976.

DOMINIC SORRENTINO,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.77-248 Filed 1-3-77;8:45 am]

[TA-W-1, 365]

STANLEY G. FLAGG & CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 1, 1976 the Department of Labor received a petition dated November 1, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Stanley G. Flagg & Company, Stowe, Pennsylvania (TA-W-1, 365). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with malleable pipe fittings produced by Stanley G. Flagg & Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further related, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 1st day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-208 Filed 1-3-77;8:45 am]

[TA-W-1148]

TRUE TEMPER CORP., TACKLE DIVISION

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1148: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on October 7, 1976 in response to a worker petition received on that date which was filed on behalf of workers and former workers producing fishing rods and reels at True Temper Corporation, Tackle Division, Anderson, South Carolina.

The notice of investigation was published in the FEDERAL REGISTER on October 29, 1976 (41 FR 47632). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of True Temper Corporation, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in that workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separation, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all four of the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Employment of production workers at the Anderson plant of True Temper Corporation declined 30.7 percent in 1975 from 1974 and declined 38.9 percent in the first six months of 1976 compared to the like period of 1975. All workers producing rods and reels were terminated by late July 1976; True Temper continues to employ workers in inventory reduction.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales are recorded at the Anderson plant on a February–January fiscal year

basis. Sales in value at the Anderson plant decreased 27.4 percent in fiscal year 1975 from fiscal year 1974, and decreased 41.9 percent in the first six months of fiscal year 1976 compared to the like period of fiscal year 1975.

Production in quantity at the Anderson plant decreased 39.4 percent in calendar 1975 from 1974, and decreased 37.2 percent in the first six months of 1976 compared to the like period of 1975.

Production of fishing reels ceased in June 1976, and production of fishing rods ceased in July 1976.

INCREASED IMPORTS

Imports are recorded on a August-July fiscal year basis. Imports of fishing rods and reels increased absolutely in fiscal 1973 compared to fiscal 1972 and in fiscal 1974 compared to fiscal 1973. Imports declined in fiscal 1975, then increased in fiscal 1976.

Imports of fishing rods increased from 2.3 million units in the first nine months of calendar 1975 to 3.7 million units in the first nine months of calendar 1976. Imports of reels increased from 3.7 million units in the first nine months of calendar 1975 to 6.1 million units in calendar 1976.

CONTRIBUTED IMPORTANTLY

Customers of True Temper indicated that they purchased imported fishing tackle. The imports were reported to be cheaper than the domestic product and of comparable quality. The customers indicated that this lightweight tackle is sold more cheaply by importers than by domestic manufacturers.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with fishing rods and reels manufactured by True Temper Corporation, Tackle Division, Anderson, South Carolina, contributed importantly to the total or partial separations of the workers of that company. In accordance with the provisions of the Trade Act of 1974, I make the following certification:

All workers engaged in employment related to the production of fishing rods and reels at the Tackle Division of True Temper Corporation, Anderson, South Carolina who became totally or partially separated from employment on or after September 26, 1975 and before August 1, 1976 are certified as eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974. Workers separated on or after August 1, 1976 are denied eligibility.

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

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-209 Filed 1-3-77;8:45 am]

[TA-W-1,441]

U.S. STEEL CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 15, 1976 the Department of Labor received a petition dated November 15, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Joliet, Illinois plant of U.S. Steel Corporation, Pittsburgh, Pa. (TA-W-1,441). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221 (a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with iron and steel products produced by U.S. Steel Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 15th day of December 1976.

DOMINIC SORRENTINO,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.77-249 Filed 1-3-77;8:45 am]

[TA-W-1,440]

U.S. STEEL CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 15, 1976 the Department of Labor received a petition dated November 15, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Johnstown, Pennsylvania plant of U.S. Steel Corporation, Pittsburgh, Pa. (TA-W-1,440). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with iron and steel products produced by U.S. Steel Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 15th day of December 1976.

DOMINIC SORRENTINO,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.77-250 Filed 1-3-77;8:45 am]

[TA-W-1,439]

U.S. STEEL CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 15, 1976 the Department of Labor received a petition dated November 15, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Homestead, Pa. plant of U.S. Steel Corporation, Pittsburgh, Pa. (TA-W-1,439). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221 (a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with iron and steel products produced by U.S. Steel Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the termination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 15th day of December 1976.

DOMINIC SORRENTINO,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.77-251 Filed 1-3-77;8:45 am]

[TA-W-1,438]

U.S. STEEL CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 15, 1976 the Department of Labor received a petition dated November 15, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Gary, Indiana plant of U.S. Steel Corporation, Pittsburgh, Pa. (TA-W-1,438). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with iron and steel products produced by U.S. Steel Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 15th day of December 1976.

DOMINIC SORRENTINO,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.77-252 Filed 1-3-77;8:45 am]

[TA-W-1,437]

U.S. STEEL CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 15, 1976, the Department of Labor received a petition dated November 15, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Fairless Hills, Pennsylvania plant of U.S. Steel Corporation, Pittsburgh, Pa. (TA-W-1,437). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221 (a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with iron and steel products produced by U.S. Steel Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further related, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 15th day of December 1976.

DOMINIC SORRENTINO,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.77-253 Filed 1-3-77;8:45 am]

[TA-W-1,436]

U.S. STEEL CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 15, 1976 the Department of Labor received a petition dated November 15, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Duquesne, Pennsylvania plant of U.S. Steel Corporation, Pittsburgh, Pa. (TA-W-1,436). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221 (a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with iron & steel products produced by U.S. Steel Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address show below, not later than January 14, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 15th day of December 1976.

DOMINIC SORRENTINO,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.77-254 Filed 1-3-77;8:45 am]

[TA-W-1435]

U.S. STEEL CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 15, 1976 the Department of Labor received a petition dated November 15, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Duluth, Minnesota plant of U.S. Steel Corporation, Pittsburgh, Pa. (TA-W-1435). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with iron and steel products produced by U.S. Steel Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 15th day of December 1976.

DOMINIC SORRENTINO,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.77-255 Filed 1-3-77;8:45 am]

[TA-W-1434]

U.S. STEEL CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 15, 1976 the Department of Labor received a petition dated November 15, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Dravosburg, Pennsylvania plant of U.S. Steel Corporation, Pittsburgh, Pa. (TA-W-1434). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221 (a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with iron and steel products produced by U.S. Steel Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 15th day of December 1976.

DOMINIC SORRENTINO,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.77-256 Filed 1-3-77;8:45 am]

[TA-W-1433]

U.S. STEEL CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 15, 1976 the Department of Labor received a petition dated November 15, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Chicago, Ill, plant of U.S. Steel Corporation, Pittsburgh, Pa. (TA-W-1433). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with iron and steel products produced by U.S. Steel Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

Interested person are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 15th day of December 1976.

DOMINIC SORRENTINO,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.77-257 Filed 1-3-77;8:45 am]

[TA-W-1432]

U.S. STEEL CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 15, 1976 the Department of Labor received a petition dated November 15, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Cleveland, Ohio plant of U.S. Steel Corporation, Pittsburgh, Pa. (TA-W-1432). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with iron and steel products produced by U.S. Steel Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 15th day of December 1976.

DOMINIC SORRENTINO,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.77-258 Filed 1-3-77;8:45 am]

[TA-W-1,430]

U.S. STEEL CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 15, 1976 the Department of Labor received a petition dated November 15, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Braddock, Pennsylvania plant of U.S. Steel Corporation, Pittsburgh, Pa. (TA-W-1,430). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitve with iron and steel products produced by U.S. Steel Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 15th day of December 1976.

DOMINIC SORRENTINO,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.77-259 Filed 1-3-77;8:45 am]

[TA-W-1,429]

U.S. STEEL CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 15, 1976, the Department of Labor received a petition dated November 15, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United States Steelworkers of America on behalf of the workers and former workers of Birmingham, Alabama plant of U.S. Steeel Corp., Pittsburgh, Pennsylvania (TA-W-1,429). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with iron & steel products produced by U.S. Steel Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number of proportions of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 15th day of December 1976.

DOMINIC SORRENTINO,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.77-260 Filed 1-3-77;8:45 am]

[TA-W-1239]

VCA NYMOLD, INC.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, the Department of Labor herein presents the results of TA-W-1239: investigation regarding certification of eligibility to apply for adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on November 8, 1976 in response to a worker petition received on November 8, 1976 which was filed by workers and former workers producing custom injection molders at the Bedford Heights plant of VCA Nymold, Incorporated. The investigation revealed that the Bedford Heights plant produces injection molded thermoplastic parts.

The Notice of Investigation was published in the FEDERAL REGISTER on November 23, 1976 (41 FR 51634). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of VCA Nymold, Incorporated, the U.S. Department of Commerce, the U.S. International Trade Commission, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any of the other criteria have been met, criterion (1) has not been met. The evidence developed in the Department's investigation reveals that in each quarter from the third quarter of 1975 through the third quarter of 1976, average hourly employment increased compared to the immediately preceding quarter. Since April 1975 there have been no involuntary separations of production employees. The average weekly hours worked since April 1975 have not been reduced.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that employees at the Bedford Heights, Ohio plant of VCA Nymold, Incorporated have not become or threatened to become totally or partially separated as required in Section 222(1) of the Trade Act of 1974.

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

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-211 Filed 1-3-77;8:45 am]

[TA-W-1139]

VESUVIUS CRUCIBLE CO., SWISSVALE, PENNSYLVANIA

Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1139: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on October 5, 1976 in response to a worker petition received on that date which was filed on behalf of workers and former workers producing stopper heads, crucibles and other graphite refractory products at the Swissvale, Pennsylvania plant of the Vesuvius Crucible Company, Pittsburgh, Pennsylvania.

The notice of investigation was published in the FEDERAL REGISTER on October 29, 1976 (41 FR 47633). No public hearing was requested and none was held.

The information upon which the determination was made was obtained from officials of the Vesuvius Crucible Company, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that although the first and second criteria have been met, the third and fourth criteria have not been met.

Significant Total or Partial Separations. The average number of hourly workers declined 31 percent in 1975 compared to 1974. The average number of hourly workers declined 23 percent in the first three quarters of 1976 compared to the like period in 1975.

Sales or Production, or Both, Have Decreased Absolutely. Total sales of all products produced at the Swissvale plant declined 54 percent in 1975 compared to 1974 and declined 29 percent in the first three quarters of 1976 compared to the like period in 1975.

Increased Imports. The products manufactured at the Swissvale plant are included in the import category of carbon and graphite refractories. Imports of carbon and graphite refractories increased in each year from 23.7 tons in 1971 to 92.4 tons in 1974. In 1975 imports declined to 86.4 tons. In the first six months of 1976 imports declined to 25.5 tons compared to 47.5 tons in the first six months of 1975. The ratio of imports to domestic production increased from 0.2 percent in 1971 to 0.3 percent in 1972 and 1973. In 1974 the ratio of imports to domestic production increased to 0.4 percent and in 1975 to 0.5 percent. In the first six months of 1976 the ratio of imports to domestic production declined to 0.3 percent compared to a ratio of 0.4 percent in the first six months of 1975.

Contributed Importantly. Customers of Vesuvius Crucible Company indicated that they do not purchase imported products of the type manufactured by Vesuvius Crucible Company. Customers of stopper heads indicated that they reduced purchases from Vesuvius in 1975 because of a decline in the demand for steel products. With steel production down, the manufacturers did not need to add capacity or replace existing stopper heads as frequently. In addition, the management of Vesuvius Crucible shifted some stopper head production to a newer plant located within the United States.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with stopper heads, crucibles, and other graphite refractories produced at the Swissvale, Pennsylvania plant of the Vesuvius Crucible Company did not contribute importantly to the total or partial separations of the workers at such plant.

Signed at Washington, D.C. this 20th day of December 1976.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-35 Filed 1-3-77;8:45 am]

[TA-W-1,362]

VOGT MACHINE CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 1, 1976 the Department of Labor received a petition dated November 1, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Vogt Machine Company, Louisville, Kentucky (TA-W-1,362). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with forged fittings and valves produced by Vogt Machine Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than 14 Jan. 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than 14 Jan. 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 1st day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-36 Filed 1-3-77;8:45 am]

[TA-W-1,359]

WALWORTH CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 1, 1976 the Department of Labor received a petition dated November 1, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of the Kewanee, Illinois plant of Walworth Company, Bala Cynwyd, Pa. (TA-W-1,359). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports or articles like or directly competitive with valves produced by Walworth Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below not later than January 14, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 1st day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-37 Filed 1-3-77; 8:45 am]

[TA-W-1,360]

WALWORTH CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 1, 1976 the Department of Labor received a petition dated November 1, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of the South Greenburg, Pa. plant of Walworth Company, Bala Cynwyd, Pa. (TA-W-1,360). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investiga-

tion as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with valves produced by Walworth Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further related, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than Jan. 14, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than Jan. 14, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 1st day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-38 Filed 1-3-77;8:45 am]

[TA-W-1,361]

WALWORTH CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 1, 1976 the Department of Labor received a petition dated November 1, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of the South Braintree, Mass. plant of Walworth Company, Bala Cynwyd, Pa. (TA-W-1,361). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with valves produced by Walworth Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than Jan. 14, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than Jan. 14, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 1st day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-39 Filed 1-3-77;8:45 am]

[TA-W-1174]

WARNACO MEN'S SPORTSWEAR, INC.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1174: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on October 14, 1976 in response to a worker petition received on that date which was filed by the workers and former workers producing men's knit sportshirts at the El Paso, Texas plant of Warnaco Men's Sportswear, Inc., a division of Warnaco, Inc., Bridgeport, Connecticut.

The Notice of Investigation was published in the FEDERAL REGISTER on November 5, 1976 (41 FR 48819). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Warnaco Men's Sportswear, Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or produciton, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all four of the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Plant employment declined 10 percent in the third quarter of 1976 compared to the second quarter of 1976. As a result of the cessation of production operations in August 1976, employment declined 61 percent in September 1976 compared to September 1975 and declined 60 percent in October 1976 compared to October 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Plant production of knit shirts decreased 59 percent in the first quarter of 1976 compared to the last quarter of 1975 and declined 35 percent in the second quarter of 1976 compared to the previous quarter. All production operations ceased in late August 1976.

INCREASED IMPORTS

Imports of men's and boys' knit sport and dress shirts increased from 54.9 million units in 1974 to 66.2 million units in 1975 and increased 17.6 percent from 31.9 million units in the first six months of 1975 to 37.5 million units for the in the first six months of 1976. Imports of men's and boy's sweaters increased 84.2 percent from 5.7 million units in the first half of 1975 to 10.5 million units for the like period in 1976.

CONTRIBUTED IMPORTANTLY

Customers of the Warnaco Men's Sportswear Division indicated that they have reduced purchases of men's knit sportshirts from Warnaco and have increased their purchases of imported men's sportshirts and sweaters.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude

that increases of imports like or directly competitive with men's knit shirts produced at the El Paso, Texas plant of Warnaco Inc. contributed importantly to the total or partial separation of the workers at that plant. In accordance with the provisions of the Trade Act of 1974, I make the following certification:

All workers of the El Paso, Texas plant of Warnaco Inc. who became totally or partially separated from employment on or after June 26, 1976 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

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

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-210 Filed 1-3-77;8:45 am]

[TA-W-1,378]

WESTINGHOUSE ELECTRIC CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 7, 1976 the Department of Labor received a petition dated November 18, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the International Brotherhood of Electrical Workers on behalf of the workers and former workers of the Entertainment Tube Division, Horseheads, N.Y., of Westinghouse Electric Corporation, Pittsburgh, Pennsylvania (TA-W-1,378). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with color television picture tubes produced by Westinghouse Electric Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address show below, not later than January 14, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 7th day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-40 Filed 1-3-77;8:45 am]

[TA-W-1,397]

WHEELING-PITTSBURGH STEEL CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 15, 1976 the Department of Labor received a petition dated November 15, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Allenport, Pennsylvania plant of Wheeling-Pittsburgh Steel Corp., Pittsburgh, Pa. (TA-W-1,397). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with seamless tubes and hot and cold rolled sheets produced by Wheeling-Pittsburgh Steel Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than 14 Jan. 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than 14 Jan. 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 15th day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-120 Filed 1-3-77;8:45 am]

[TA-W-1,398]

WHEELING-PITTSBURGH STEEL CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 15, 1976 the Department of Labor received a petition dated November 15, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Monessen, Pennsylvania plant of Wheeling-Pittsburgh Steel Corp., Pittsburgh, Pa. (TA-W-1,398). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with carbon steel, slabs, billets and tube rounds produced by Wheeling-Pittsburgh Steel Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment As-

sistance, at the address shown below, not later than January 14, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 15th day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-121 Filed 1-3-77;8:45 am]

LEGAL SERVICES CORPORATION

BOARD OF DIRECTORS

Meeting

The next meeting of the Board of Directors of the Legal Services Corporation will be held on January 14–15, 1977 in Room 105 of the Fifth Circuit Court of Appeals, 600 Camp Street, New Orleans, Louisiana.

The meeting will begin at 9:00 a.m. on both days. It is anticipated that the agenda will include the Corporation's 1978 budget submission to the Congress, proposed regulations, matters relating to the extension of the Corporation's authorizing legislation, and reports from the Board's Committees, the President and other members of the Corporation staff.

THOMAS EHRLICH,
President.

[FR Doc.77-138 Filed 1-3-77;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice No. 76-118]

JAPAN ENGINEERING DEVELOPMENT CO.

Intent To Grant Foreign Exclusive Patent License

In accordance with the NASA Foreign Licensing Regulations, 14 CFR 1245.405 (e), the National Aeronautics and Space Administration announces its intention to grant to the Japan Engineering Development Company, Tokyo, Japan, an exclusive patent license in Japan for the two NASA owned inventions covered by the Japanese counterparts of: (1) U.S. Application Serial No. 710,035 for "Mechanical Capacitor", filed by NASA on July 30, 1976; and (2) U.S. Application Serial No. 676,958 for "Locking Mechanism for Orthopedic Braces", filed by NASA on April 14, 1976. Copies of the above U.S. Patent Applications can be purchased from the National Technical Information Service, Springfield, Virginia, 22161, at a cost of $3.75 a copy. Interested parties should submit written inquiries or comments within 60 days to the Assistant General Counsel for Patent Matters, Code GP, National Aeronautics and Space Administration, Washington, D.C., 20546.

Dated: December 22, 1976.

S. NEIL HOSENBALL,
General Counsel.

[FR Doc.77-217 Filed 1-3-77; 8:45 am]

[Notice No. 76-119]

JAPAN ENGINEERING DEVELOPMENT CO.

Intent to Grant Foreign Exclusive Patent License

In accordance with the NASA Foreign Licensing Regulations, 14 CFR 1245.405 (e), the National Aeronautics and Space Administration announces its intention to grant to the Japan Engineering Development Company, Tokyo, Japan, an exclusive patent license in Japan for the four NASA owned inventions covered by the Japanese counterparts of: (1) U.S. Application Serial No. 691,256 for "Real Time Reflectometer", filed by NASA on May 27, 1976; (2) U.S. Application Serial No. 680,939 for "Portable, Linear-Focused Solar Thermal Energy Collecting System", filed by NASA on April 28, 1976; (3) U.S. Application Serial No. 701,448 for "An Artificial Leg Employing a Mechanical Energy Storage Device for Hip Disarticulation", filed by NASA on June 30, 1976; and (4) U.S. Application Serial No. 707,124 for "Gels as Battery Separators for Soluble Electrode Cells", filed by NASA on July 19, 1976. Copies of the above U.S. Patent Applications can be purchased from the National Technical Information Service, Springfield, Virginia 22161, at a cost of $3.75 a copy. Interested parties should submit written inquiries or comments within 60 days to the Assistant General Counsel for Patent Matters, Code GP, National Aeronautics and Space Administration, Washington, D.C. 20546.

Dated: December 22, 1976.

S. NEIL HOSENBALL,
General Counsel.

[FR Doc.77-218 Filed 1-3-77;8:45 am]

NATIONAL STUDY COMMISSION ON RECORDS AND DOCUMENTS OF FEDERAL OFFICIALS

PUBLIC HEARING

The National Study Commission on Records and Documents of Federal Officials (created by Public Law 93-526, 93rd Cong., Dec. 19, 1974) will hold a public hearing at the time and place listed below:

Washington, D.C.—January 12 and 13, 1977, beginning at 9:30 a.m. in Room 424, Russell Senate Office Building.

Persons and organizations wishing to be heard at the public hearing are requested to notify the Commission at 1000 Connecticut Avenue, NW., Washington, D.C. 20036, as soon as possible prior to the hearings so that their appearances may be properly scheduled. Written statements without personal appearance will also be received by the Commission.

The topics to be considered at the public hearings are described in a memorandum prepared by the Commission. Copies of the memorandum may be obtained on request to the Commission. Persons appearing at the hearings will be heard on any one of these topics, within available time limits.

DORI DRESSANDER,
General Counsel.

[FR Doc.77-153 Filed 1-3-77;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on December 23, 1976 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503, (202-395-4529), or from the reviewer listed.

NEW FORMS

GENERAL SERVICES ADMINISTRATION

Foundation questionnaire: Historical Records Projects, on occasion, foundations which may support historical records projects, Tracey Cole, 395-5870.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Planning, Development and Research Project Summary Form (CCMS-MIUS Project), single-time, national experts concerned with integrated utility system, Housing, Veteran and Labor Division, 395-3532.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service, Assessment of needs for Advanced Education of State and Local Mental Health Professional and Administrative Staffs, single-time, mental health professional and administrative staff of State and local mental human resources division, Richard Eisenger, 395-3532.

DEPARTMENT OF COMMERCE

Bureau of the Census, 1978 Census of Agriculture Farm Identification Survey, Single-time, National Sample of Farms Inc., in 1974 Census of Agriculture, David T. Hulett, 395-4730.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institutes of Health, Survey of Biomedical and Behavioral Science Department Chairpersons, single-time, survey of biomedical and behavioral science department chairpersons, Richard Eisinger, 395–6140.

REVISIONS

DEPARTMENT OF LABOR

Labor-Management Service Administration Annual Report, annually, all pension plans and selected welfare plans, Arnold Strasser, 395–5867.

EXTENSIONS

GENERAL SERVICES ADMINISTRATION

SF 361, Discrepancy in Shipment Report SF 361, on occasion, civilian and military, Roye L. Lowry, 395–3772.

NATIONAL CREDIT UNION ADMINISTRATION

State Central Credit Union Financial Statements NCUA–5307, annually, State central credit unions, Marsha Traynham, 395–4529.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service Warehouse Inspection Reports (Grain) TW–302, 303, 304, on occasion, public commercial warehouses, Roye L. Lowry, 395–3772.

DEPARTMENT OF COMMERCE

Bureau of the Census:
- Refractories, Quarterly Report MQ–32C, quarterly, refractories manufacturers, Marsha Traynham, 395–4529.
- Margarine (Manufacturer's Packaging Operations) M2OR, monthly, margarine manufacturers, Marsha Traynham, 395–4529.
- Census Employment Inquiry for 1980 Census Pretests D–323, single-time, job applicants, George Hall, 395–6140.

Domestic and International Business Administration, U.S. Supplier Evaluation DIB–4045P, on occasion, U.S. suppliers with exportable products, Louis C. Kincannon, 395–3211.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social and Rehabilitation Service Applications and Case Dispositions in PA SRS–NCSS–2079, quarterly, State public agencies, Milo B. Sunderhauf, 395–6140.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Administration Request for Termination of Multifamily Mortgage Insurance HUD–9807, on occasion, mortgagees, Housing, Veterans and Labor Division, 395–3532.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.77–319 Filed 1–3–77;8:45 am]

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the office of management and budget on December 27, 1976 (44 USC 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the clearance office, office of management and budget, Washington, D.C., 20503, (202–395–4529), or from the reviewer listed.

NEW FORMS

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

Letter Solicitation for State of Art Regarding Computer Models of Processes, single-time, owners of process computer models, information systems division, 395–3785.

DEPARTMENT OF AGRICULTURE

Statistical Reporting Service, Wheat Variety Survey (Kansas), annually, wheat farmers, Ellett, C. A., 395–5867.

DEPARTMENT OF COMMERCE

Economic Development Administration, Pretest: (a) request for employee address report, (b) local public works employee survey, ED–748QA, ED–748QB, single-time, (a) (sub)contractors and (b) employees of EDA public works project, Strasser, A., 395–5867.

Bureau of census:
- National sample of scientists and engineers, 1977 address maintenance forms, PMS–28–29, single-time, national sample of scientific, engineering and other highly trained persons, Strasser, A., George Hall, 395–5867.
- Broadwoven fabrics (except knit) average weight and width study, MC–22T, other (see SF–83), producers of broadwoven fabrics, Peterson, M. O., 395–5631.

DEPARTMENT OF DEFENSE

Department of the army (excluding defense civil preparedness agency), ROTC survey interview schedule, annually, high school, college and ROTC students, national security division, George Hall, 395–4734.

Department of housing and urban development, policy development research, community issues dialogue-contract H–2555, northwest regional foundation, Spokane, Wash., single-time, housing, veterans and labor division, Sunderhauf, M. B., 395–3532.

DEPARTMENT OF THE TREASURY

Bureau of customs, monthly consolidated entry procedure customs 3463, 7501M, on occasion, importers, Warren Topelius, 395–5872.

DEPARTMENT OF TRANSPORTATION

Departmental and other travel agents survey, single-time, travel agencies, Strasser, A., 395–5867.

Federal Highway Administration, Resurfacing, Restoration and Rehabilitation of completed Sections on the Interstate System Cost Estimate, single-time, State highway agencies, Strasser, A., 395–5867.

REVISIONS

ACTION

Needs for Assistance: National Organizations Component, single-time, sample of volunteer national organizations, Reese B. F., 395–3211.

DEPARTMENT OF COMMERCE

Domestic and International Business Administration, Domestic Trade Show Contact and Evaluation Forms, DIB–4014P, DIB–4015P, on occasion, U.S. exhibitors at domestic trade shows, C. Louis Kincannon, 395–3211.

DEPARTMENT OF HEALTH, EDUCATION AND WELFARE

Center for Disease Control, National Disease Surveillance Program–I. Case Reports, CDC 4.439, on occasion, State and territorial health departments, Richard Eisinger, 395–6140.

Health Resources Administration, Evaluation of Project, Acorde, BHRD 0414, single-time, dental instructors and administrators, Reese B. F., 395–3211.

DEPARTMENT OF LABOR

Bureau of Labor Statistics, Labor Requirements for Public Housing Construction, BLS 2652.08A, other (see SF–83), business firms, Strasser, A., 395–5867.

EXTENSIONS

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service, Regulations—Fresh Irish Potato Livestock Feed Diversion Program, on occasion, potato diverters, Marsha Traynham, 395–4529.

Statistical Reporting Service, Fertilizer Survey, CE6–78, annually, fertilizer manufacturing and blenders, Marsha Traynham, 395–4529.

Food and Nutrition Service:
- Participation in Food Stamp Program or Family Food Distribution Program, FNS–101, Semi-annually, project areas, Tracey Cole, 395–5870.
- Regulations—Special Supplemental Food Program for Women, Infants and Children (WIC), on occasion, State Health Departments or comparable agencies, Tracey Cole, 395–5870.

DEPARTMENT OF COMMERCE

Bureau of Census:
- Quarterly Survey of Assets Held by Public-Employee Retirement Systems, F–10, Quarterly, Finance officers of State and local retirement system, Marsha Traynham, 395–4529.
- Residential Building Permit Lag Questionnaire, S–411, on occasion, permit issuing officials, Marsha Traynham, 395–4529.

DEPARTMENT OF HEALTH, EDUCATION AND WELFARE

Center for Disease Control, Inter-Agency Study on Coalworkers Pneumoconiosis, ECA–71(M), on occasion, working coal miners, Richard Eisinger, 395–6140.

Office of the Secretary DHEW Publications Readership Survey, OS–32–73, on occasion, subscribers to consumer news, Caywood, D. P., 395–3443.

DEPARTMENT OF LABOR

Employment and Training Administration, Certification and Report Forms—Federal Procurement Preference Program, MA 6–12, 6–13, 6–14, on occasion, Employees Applying for Defense Contracts, Marsha Traynham, 395–4529.

Wage and Hour and Public Contracts Division (ESA), Report of Medical Examination (Application for Special Certificate Under Fair Labor Standards Act), WH–242, on occasion, Employers covered by Fair Labor Standards Act, Marsha Traynham, 395–4529.

Employment and Training Administration, Indicators of Compliance (Migrant Worker

Services), MA–5–148, monthly, State ES Agencies, Housing, Veterans and Labor Division, Strasser, A., 395–3532.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.77–320 Filed 1–3–77;8:45 am]

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on December 28, 1976 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the clearance office, Office of Management and Budget, Washington, D.C. 20503, 202–395–4529, or from the reviewer listed.

REVISIONS

SELECTIVE SERVICE SYSTEM

Conscientious Objector Skills Questionnaire, SSS 152, on occasion, participants in amnesty program, Lowry, R. L. 395–3772.

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration, development of power requirement studies, REA 4, REA 4A, REA 5, REA 156, REA 341–345, REA 733A, REA 736, REA 802A, other (see SF–83), REA electric borrowers, Warren Topelius, 395–5872.

Agricultural Marketing Service, regulations—Dairy Plant Records, on occasion, manufacturers and distributors, Lowry, R. L., 395–3772.

Food and Nutrition Service:

Certification of Household transfer (food stamp program), FNS–286, on occasion, food stamp project areas, Tracey Cole, 395–5870.

Applictaion for authorization to participate in the food stamp program—retailer, wholesaler, nonprofit meal delivery service, FNS–252, FNS 252–1, through 252–4, on occasion, retail and wholesale food stores and meal services, Warren Topelius, 395–5872.

DEPARTMENT OF COMMERCE

Bureau of Census, Consumer Expenditure Survey Questionnaire (replacement form), CEF–2, quarterly, households in Fairbanks, Alaska, Lowry, R. L., 395–3772.

DEPARTMENT OF COMMERCE AND JUSTICE

Law Enforcement Assistance Administration, National Survey of Crime Severity, Supplement to the National Crime Survey, single time, members of households in 376 PSU's, George Hall, 395–6140.

EXTENSIONS

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service, Shipper's or Receiver's Statement, PY–539, on occasion, poultry and egg handlers, Marsha Traynham, 395–4529.

DEPARTMENT OF COMMERCE

Bureau of Census:

Shipper's Export Declaration for Intransit Goods, 7513, on occasion, exporters, Marsha Traynham, 395–4529.

Maritime Administration, application for ship mortgage and/or loan insurance under, Title XI, Merchant Marine Act, as amended, MA–163, on occasion, shipowners, Marsha Traynham, 395–4529.

DEPARTMENT OF LABOR

Employment and training administration, report of activities under defense manpower policy No. 4, as revised June 1, 1970, MA 7–38, monthly, state ES agencies, Marsha Traynham, 395–4529.

DEPARTMENT OF THE INTERIOR

Geological Survey, application for financial assistance in minerals exploration pursuant to Public Law 85–701 (defense production), MME–40, on occasion, geologic institutions, Marsha Traynham, 395–4529.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.77–321 Filed 1–3–77;8:45 am]

PRIVACY ACT OF 1974

Reports on New Systems

The purpose of this notice is to list reports on new systems filed with the Office of Management and Budget to give members of the public the opportunity to make inquiries about them and to comment on them.

The Privacy Act of 1974 requires that agencies give advance notice to the Congress and the Office of Management and Budget of their intent to establish or modify systems of records subject to the Act (5 U.S.C. 552a(o)). During the period December 13, through December 24, 1976 the Office of Management and Budget received the following reports on new (or revised) systems of records.

DEPARTMENT OF TRANSPORTATION

System Name

Medical Records of Participants in Study of Health Effects of Bicycling in Polluted Air.

Report Date

December 10, 1976.

Point of Contact

Ms. Leslie A. Baldwin, TES–70, U.S. Department of Transportation, Washington, D.C. 20590.

OFFICE OF MANAGEMENT AND BUDGET

System Name

Recruiting and Applicant Records.

Report Date

December 10, 1976.

Point of Contact

Mr. Phillip D. Larsen, Budget and Management Officer, Room 5235, New Executive Office Building, Washington, D.C. 20503.

DEPARTMENT OF THE INTERIOR

System Names

(1) Individual Indian Monies.
(2) Indian Social Services Case Files.
(3) Indian Housing Improvement Program.
(4) Travel Files.
(5) Employment Assistance Case Files.
(6) Metal and Nonmetal Mine Health and Safety Management Control.

Report Date

December 13, 1976.

Point of Contact

Mr. Warren Dahlstrom, Departmental Privacy Act Officer, Office of Administration and Management Policy, U.S. Department of the Interior, Washington, D.C. 20240.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

System Name

Equal Opportunity Housing Complaints.

Report Date

December 14, 1976.

Point of Contact

Mr. Harold Rosenthal, Departmental Privacy Act Officer, Department of Housing and Urban Development, Washington, D.C. 20410.

VETERANS ADMINISTRATION

System Name

Veteran, Survivor, and Dependent Automated Prescription Processing Records.

Report Date

Not dated.

Point of Contact

Richard L. Roudebush, Administrator of Veterans Affairs, Veterans Administration, 810 Vermont Avenue, N.W., Washington, D.C. 20420.

VELMA N. BALDWIN,
Assistant to the Director for Administration.

[FR Doc.77–152 Filed 1–3–77;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–13099; File No. SR–MSE–76–26]

MIDWEST STOCK EXCHANGE, INC.

Proposed Rule Change Regarding Self-Regulatory Organizations

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94–29, 16 (June 4, 1975), notice is hereby given that on December 10, 1976, the above-mentioned self-regulatory or-

ganization filed with the Securities and Exchange Commission a proposed rule change as follows:

EXCHANGE'S STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

(Additions *italicized*, deletions bracketed)

Article XL, Rule 1. *Position Limits.* Except with the prior written approval of the Exchange in each instance, no member shall effect, for any account which such member has an interest or for the account of any partner, officer, director or employee thereof or for the account of any customer, an opening transaction in an option contract of any class of options dealt in on the Exchange if the member has reason to believe that as a result of such transaction the member or partner, officer, director or employee thereof or customer would, acting alone or in concert with others, directly or indirectly, hold or control or be obligated in respect of:

(a) An aggregate long position in any class of options; or

(b) An aggregate long position in any expiration month in any class of options; or

(c) An aggregate short position in any class of options; or

(d) An aggregate short position in any expiration month in any class of options; or

(e) An aggregate uncovered short position in any class of options;

in excess of such numbers of option contracts as shall be fixed from time to time by the Exchange as the position limit for that particular class of options or expiration month.

* * * Interpretations and Policies. .01 The position limits established pursuant to Rule 1 of Article XL shall be announced by the Exchange and it shall be the responsibility of each member accepting orders for opening transactions (purchase or writing) in option contracts of any class of options dealt in on the Exchange to inform its customers of the applicable position limits and not to accept any such orders from any customer in any instance in which such member has reason to believe that such customer, acting alone or in concert with others, has exceeded or is attempting to exceed such position limits.

.02 The position limits established by the Exchange pursuant to Rule 1 of Article XL in respect of long positions shall in no event exceed the exercise limits prescribed by the Exchange pursuant to Rule 2[.] of Article XL.

.03 The Exchange will not approve any opening purchase or writing transaction or the carrying of any positions which would exceed the limits established pursuant to Rule 1 of Article XL except in highly unusual circumstances. Requests for such approval should be directed to the Department of Member Firms of the Exchange and must be accompanied by a detailed statement of the facts justifying an exception to such position limits.

.04 The Exchange may establish higher position limits for Market Maker transactions than those applicable with respect to other accounts. Whenever a Market Maker reasonably anticipates that he may exceed such position limits in the performance of his function of assisting in the maintenance of a fair and orderly market, he must consult with and obtain the prior approval of an Options Floor Official.

.05 The current position limits established pursuant to Rule 1. of Article XL follow: (a) aggregate positions, whether long or short, in the same class of options shall be 1,000 contracts; and (b) the aggregate position, whether long or short, in option contracts of the same class and the same expiration month shall be 500 contracts. *Provided, however, the limits imposed by this clause (b) shall not be applicable to covered short positions.*

.06 The term "in concert with", as referred to in this Rule includes, among other situations, the following:

An individual purchases or sells options for his own account and for the account of a trust or corporation over which he exercises control; two or more customers have an agreement or understanding to coordinate their transactions or decide to divide the contracts allowed between them under the established position limits; an investment adviser, broker or other person executes transactions for accounts with respect to which he has discretionary authority, whether or not he also executes transactions for his own account.

RESTRICTIONS OF OUT-OF-THE-MONEY OPTIONS

Article XL, Rule 7(a) Subject to the provisions of paragraph (b) through (c), no member on behalf of a customer or for its own account, shall enter any order for an opening transaction (purchase or writing) in any call option contract as to which (i) the exercise price is more than $5.00 above the closing price of the underlying stock on the last previous day on which the underlying stock was traded and (ii) the closing price of the option on the Exchange was less than $.50 per unit of trading on the last previous day on which the option was traded [.]*; and no member, on behalf of a customer or for his own account, shall enter any order for an opening transaction (purchase or writing) in any put option contract as to which (1) the exercise price is more than $5 below the closing price of the underlying security in the primary market on the last previous day on which the underlying security was traded and (2) the closing price of the option on the Exchange was less than $0.50 per unit of trading on the last previous day on which the option was traded.*

(b) The prohibition of paragraph (a) shall not apply to:

(1) The entry of an order for any opening writing transaction *intended to create a covered short position or, in the case of a call option contract, a short position* that is covered in the account on a share-for-share basis by a long position in [either the underlying stock or] a security immediately exchangeable or convertible without restriction, other than the payment of money, into the underlying stock;

(2) The entry of a spread order for the purchase and sale of the same number of option contracts of the same class; or

(3) Any transaction of a Market Maker pursuant to the provisions of Rule 6 of Article XLVII.

(c) The chairman of the Options Floor Procedure Committee (or, in his absence, any person to whom he may have delegated his authority hereunder) or any two Options Floor Officials may (i) interpret or modify any of the foregoing provisions with respect to particular orders and transactions and (ii) make exceptions, modifications or additions to any of the foregoing provisions with respect to one or more series of options whenever they unanimously deem such exceptions, modifications or additions advisable in the interest of maintaining a fair and orderly market in option contracts or in underlying stocks or otherwise advisable in the public interest or for the protection of investors; provided that any such exception, modification or addition pursuant to clause (ii) shall become effective not earlier than 15 minutes after it is announced on the Floor and shall not remain in effect for more than two business days unless ratified by the Options Floor Procedure Committee, and provided further that all actions taken under this paragraph (c) and the reasons therefor shall be reported in writing to the Options Floor Procedure Committee not later than the business day immediately following the one on which such action is taken.

* * * Interpretations and Policies: [.01 For the purpose of the exception set forth in paragraph (b)(1), an option contract having an exercise price that is equal to or less than the exercise price of the series being written shall be deemed to be an exchangeable security.] *.01* [.02] No change in text. *.02* [.03] If the two tests in clauses (i) and (ii) *with respect to calls and in clauses (1) and (2) with respect to puts* of paragraph (a) are met at the close on a particular day, paragraph (a) applies to orders after the close on such day.

TRADING ROTATIONS

Article XLII, Rule 1. No change. * * * Interpretations and Policies: .01 Trading rotations may be employed at the opening and at the close of the Exchange each business day. For each class of option contracts that has been approved for trading, the opening and closing rotation shall be conducted by the Order Book Official acting in such class of options. The rotations shall be conducted in the following manner:

(a) *Opening Rotations.* The opening rotation in each class of options shall, if employed, be held promptly following the opening of the underlying security. As a rule, an Order Book Official acting in more than one class of options should open them in the same order in which opening transactions are reported in the underlying securities. In conducting each such opening rotation, the Order Book Official should first open the one or more series of options of a given class having

the nearest expiration, then proceed to series of options having the next most distant expiration, and so forth, until all series have been opened. *Except as otherwise provided by the Options Floor Procedure Committee, if both puts and calls covering the same underlying security are traded, the Order Book Official shall determine which type of option should open first, and may alternate the opening of put series and call series or may open all series of one type before opening any series of the other type, depending on current market conditions.*

In the event an underlying security has not opened within a reasonable time after 9:00 A.M. (Chicago Time), the Order Book Official acting in option contracts on such security shall report the delay to an Options Floor Official and an inquiry shall be made to determine the cause of the delay. The opening rotation for option contracts in such security shall be delayed until the underlying security has opened unless two *Options* Floor Officials determine that the interest of a fair and orderly market are best served by opening trading in the option contracts.

(b) *Closing Rotations.* The closing rotation, if employed, shall be commenced at the close of trading hours on the Options Floor of the Exchange with all Order Book Officials proceeding concurrently in the following manner. Taking each class of option contracts in which he is acting in turn, each Order Book Official should close the one or more series of each class having the nearest expiration; he should then proceed to close in the same order, those series of each class having the next most distant expiration; and so forth, until all series have been closed. *Except as otherwise provided by the Options Floor Procedure Committee, if both puts and calls covering the same underlying security are traded, the Order Book Official shall determine the order of closing each series of such puts and calls in light of current market conditions, the same as provided in paragraph (a) for opening rotations.*

PRIORITY OF BIDS AND OFFERS

Article XLIV, Rule 6. No change * * * Interpretations and Policies: .01 No change. .02 In order to clarify the status of spread orders under the priority rules, the Options Floor Procedure Committee has established the following guidelines regarding execution of spread orders:

If a member holds a spread order and bids and offers on the basis of a price difference, or *if a member holds a straddle order and bids or offers on the basis of a total bid or offer*, the order may be executed [as a spread if the purchase price is equal to the highest Order Book Official bid for the option contract to be bought or the sale price is equal to the lowest Order Book Official offer for the option contract to be sold;] *on the basis of the most favorable price difference or total bid or offer, as applicable, notwithstanding that the Order Book Official may be displaying a bid or offer* equal *to the bid or offer on one side of such spread or straddle, without* giving *priority to the equal bid or offer of the Order Book Official*, provided that the member executing the order on this basis has first determined that the order cannot be executed by accepting either the bid or offer displayed by the Order Book Official in accordance with Rule 5 of Article XLVI.

Example: With the Order Book Official holding 5¼ for XYZ July/50 and offering 6¾ for XYZ October/50, a spread order enters the market to buy XYZ October/50 and sell XYZ July/50 at a price difference of 1⅜. If no other broker or Market-Maker is bidding higher for July/50 or offering lower for October/50, and the spread order therefor cannot be executed by accepting either the Order Book Official's bid or his offer, the order may be executed by accepting a spread at a purchase price of 6¾ for October/50 (sale price 5⅜ for July/50) or at a sale price of 5¼ for July/50 (purchase price 6⅝ for October/50). .03 No change

REPORTING DUTIES

Article XLIV, Rule 11, No change. * * * Interpretations and Policies: .01 The Options Floor Procedure Committee has established the following procedures for reporting the transactions pursuant to Rule 11(a). For each option transaction on the Exchange in which he participates, a floor member shall immediately record on a card or ticket in a form acceptable to the Committee his assigned broker code, the symbol of the underlying security; *the type*, expiration month and exercise price of the option contract bought or sold, the transaction price, the number of contract units comprising the transaction, the name of the contra member, clearing firm member and the assigned broker code of the contra member. Members shall identify price reporting tickets which represent the partial execution of a larger order in the manner prescribed by the Exchange. The reporting cards or tickets shall immediately be time stamped at the station where option contracts of the class involved are traded and the appropriate buy and sell tickets attached to each other. The cards or tickets shall then be placed in the price reporting card box provided at the station. Before placing the cards in the box, the members shall use his best efforts to make sure that the Order Book Official acting in option contracts of the involved, or the Order Book Official's clerk, is aware of the transaction and its price.

Any floor member failing to report immediately a transaction in accordance with Rule 11(a) of Article XLIV shall be subject to being fined by the *Options* Floor Procedure Committee.

CERTAIN TYPES OF OPTIONS ORDERS DEFINED

Article XLIV, Rule 13. (a)–(c) No change. (d) Spread Order. A spread order is an order to buy a *stated number of* [particular] option contracts and to sell the *same number of* [another option] contracts[.] of the same class of options.

(e) No change

(f) No change

(g) *Straddle Order. A straddle order is an order to buy or sell the same number of options of each type with respect to the same underlying security and having the same exercise price and expiration date (e.g., an order to buy two XYZ July 50 calls and to buy two July 50 puts is a straddle order).*

(h) *Combination Order. A combination order is either a spread order or a straddle order.*

RESPONSIBILITIES OF FLOOR BROKERS

Article XLV, Rule 4. (a) and (b) No change. (c) [Spread] *Combination* orders at the opening or clase. A Floor Broker shall not be held responsible for executing a [spread] *single* order *combining different series of options* based upon transaction prices that are established at the opening or close of trading or during any trading rotation employed in accordance with Rule 2 of Article XLII.

* * * Interpretations and Policies: No change.

Restriction on Acting as Market-Maker and Floor Broker:

Article XLVII, Rule 7. Except under unusual circumstances and with the prior permission of a Floor Official, no Market-Maker shall, on the same business day and with respect to [the same class of] option contracts *covering the same underlying security*, act as such and also act as a Floor Broker.

FINANCIAL ARRANGEMENTS OF MARKET-MAKERS

Article XLVII, Rule 8. Each Market-Maker who makes an arrangement to finance his transactions *as a Market-Maker* [in option contracts of the class to which he has been appointed pursuant to Rule 3 of this Article] must inform the Exchange of the name of the creditor and the terms of such arrangement. The Exchange must be informed immediately of the intention of any party (1) to terminate or change any such arrangement, or (2) to issue a margin call. On a form prescribed by the Exchange, a Market-Maker must submit to the Exchange a monthly report of his use of credit pursuant to this Rule.

DELIVERY AND PAYMENT

Article L, Rule 3. Delivery of the underlying security upon the exercise of an option contract, and the payment of the aggregate exercise price in respect thereof, shall be in accordance with the Rules of the Options Clearing Corporation. As promptly as practicable after the exercise of an [call] option contract by a customer, the member shall require the customer to make full cash payment of the aggregate exercise price. *In the case of a call option contract, or to deposit the underlying security in the case of a put option contract*, or to make the required margin deposit in respect thereof if the transaction is effected in margin account, in accordance with the Rules of the Exchange and the applicable regulations of the Federal Reserve Board. As promptly as practicable after the assign-

ment to a customer of an exercise notice [in respect of a call option contract], the member shall[,] *require the customer to deposit the underlying security in the case of a call option contract* if the underlying security is not carried in the customer's account, [require the customer to deposit the underlying security,] or *to make full cash payment of the aggregate exercise price in the case of a put option contract, or in either case to deposit* the required margin [deposit] in respect thereof if the transaction is effected in a margin account, in accordance with the Rules of the Exchange and the applicable regulations of the Federal Reserve Board.

Article LI—Definitions:

23. Covered—The term "covered" in respect of a short position in a[n] *call* option contract means that the writer's obligation is secured by a "specific deposit" or an "escrow deposit" *meeting the condition of Rule 610(f) or 610(h) respectively of* [as defined in] the Rules of the Options Clearing Corporation, or the writer holds [an equivalent long position in the underlying stock in an account with the member organization through which the option contract was written.] *in the same account as the short position, on a share-for-share basis, a long position either in the underlying security or in an option contract of the same class of options where the exercise price of the option contract in such long position is equal to or less than the exercise price of the option contract in such short position. The term "covered" in respect of a short position in a put option contract means that the writer holds in the same account as the short position, on a share-for-share basis, a long position in an option contract of the same class of options where the exercise price of the option contract in such long position is equal to or greater than the exercise price of the option contract in such short position.*

EXCHANGE'S STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

The general purpose of the proposed rule changes are to provide the self-regulatory framework for the trading of put options on the Midwest Stock Exchange. In addition, in a few instances, certain clarifying amendments are proposed with respect to existing rules applicable to call options. The purpose of the proposed rule changes are as follows:

Article XL, Rule 1. *Position Limits.* No change to this rule is needed in order to provide for put options the same position limits presently applicable to call options. The change which is proposed is designed to reflect the clarification of the definition of "covered" referred to above.

Article XL, Rule 7. *Restrictions of Out-of-the-Money Options.* Rule 7 is proposed to be amended to provide limitations on the trading of out-of-the-money call options. In addition, the rule is proposed to be amended to reflect the proposed clarifications of the definition of "covered" discussed above. The deletion of Interpretation .01 and the amendment of Interpretation .03 reflect the proposed changes in the rule itself.

Article XLII, Rule 1. *Trading Rotations.* Interpretation .01 is proposed to be amended by providing in respect of both opening rotations and closing rotations that when series of put and call options contracts covering the same underlying securities are traded, the Order Book Official shall determine the order in which such series of options should be opened or closed in light of current market conditions.

Article XLIV, Rule 6. *Priority of Bids and Offers.* The proposed amendment to Interpretation .02 provides for straddle orders (as defined in proposed Rule 13 (g) of Article XLIV below) the same priority as presently is provided for spread orders. This interpretation means that where a straddle order may be executed on the basis of bids or offers in the trading crowd, but may not be executed within the bids or offers displayed in the Order Book Official's book, the order may be filled in the trading crowd notwithstanding that one side, but not both sides, of the order touches a bid or an offer in the Order Book Official's book. Thus, if a Floor Broker has an order to buy an XYZ July 50 call at 5⅜ and an XYZ July 50 put at 4¾, the order may be filled on the basis of a total offer in the crowd of 10 for the straddle, reflecting an offer of 5¼ for the call and 4¾ for the put.

Article XLIV, Rule 11. *Reporting Duties.* Interpretation .01 is proposed to be amended to provide that the card or ticket on which a transaction on the floor is reported shall include, in addition to the information presently set forth, the "type" of option contract that is the subject of the transaction (i.e., whether it is a put or call).

Article XLIV, Rule 13. *Certain Types of Orders Defined.* It is proposed to add to Rule 13 the definition of "straddle order". This definition is relevant only for the purpose of Rule 6 of Article XLIV, and it conforms to existing interpretations of the Internal Revenue Service which provide special tax treatment for orders to buy or to sell the same number of options of each type (put or call) with respect to the same underlying security and having the same exercise price and expiration date. In addition, the definition of "spread order" is proposed to be amended to mean an order to buy a stated number of option contracts and sell the same number of option contracts of the same class (i.e., a spread order may pertain to puts or to calls, but not to both puts and calls, with respect to the same underlying security).

Article XLIV, Rule 4. *Responsibilities of Floor Brokers.* The proposed amendment to paragraph (c) of Rule 4 of Article XLIV would replace the word "spread" with the word "combination". This change reflects the fact that with the advent of put trading there will be multiple option orders in addition to spread orders (e.g., straddle orders) for which a Floor Broker may not be held responsible during a rotation, when options are traded one series at a time.

Article XLVII, Rule 7. *Restriction on Acting as Market-Maker and Floor Broker.* The proposed change to delete the phrase "same class" in Rule 7 of Article XLVII and to substitute the phrase "covering the same underlying security" reflects that the restriction of this Rule applies to both puts and calls, which are separate "classes" of options.

Article XLVII, Rule 8. *Financial Arrangement of Market-Makers.* The proposed amendments to Rule 8 reflect that Market-Makers appointed to to both puts and calls in the same underlying security are appointed to separate classes of options. Accordingly, the amendment would require Market-Makers to report all of their financial arrangements as Market-Makers.

Article L, Rule 3. The proposed amendment to Rule 3 of Article L reflects that as between a call option and a put option, the respective roles of the holder hand writer are reversed with respect to delivery and payment following exercise.

Article LI, (23). The principal purpose of this amendment is to define the term "covered" with respect to a short position in a put option to mean the situation where the writer of a put option holds on a share-for-share basis in the same account as the short put position a long position in a put option of the same class having an exercise price equal to or greater than the exercise price of the short position. In addition, in the interest of clarity, it is proposed to add to the definition of a covered short position in a call option the situation where the obligation of the writer of the call is covered on a share-for-share basis with a long position in a call option contract of the same class having an exercise price equal to or less than the exercise price of the short call position. The latter proposed amendment is consistent with the present provisions of Article XL, Rules 1 and 7, and appropriate changes are proposed in those rules so that there will be no change in their application.

The Midwest Stock Exchange believes it is consistent with the protection of investors and the public interest to provide a central, regulated marked for the trading of put options comparable to the markets presently provided for the trading of call options. The Exchange markets in call options have provided investors with new investment opportunities and greater flexibility in managing investments in common stocks. The basic economic function of a put option, as with a call option, is to permit the separation of the risks and opportunities of investing in securities, and their redistribution between the holder and the writer of the option.

There are many economic functions of put options, along or in combination with calls or underlying securities, which will benefit investors. For example, the addition of put option trading will per-

mit increased possibilities for the hedging of positions in common stocks by investors. The only manner in which listed options may be used to hedge long stock positions at the present time is by writing call options against such positions. This strategy serves the need of investors who are willing to sell stock at the exercise price but it only protects against a downside movement in the stock price which is no greater than the amount of the premium and further requires the investor to forego the opportunity for gain if the stock price should move above the exercise price by more than the amount of the premium. On the other hand, for the cost of the option, a put provides complete protection against loss no matter how far the price of the stock may decline below the exercise price and the investor does not give up the opportunity to participate in increase in the stock price.

In addition, the commencement of put trading on the Midwest Stock Exchange will give investors the opportunity to purchase puts as a risk limiting alternative to a short sale of common stock. Put options will also permit leveraged participation in stock price declines by purchasing puts covering a greater number of shares than might have been sold short directly by the investor. In addition, as with call options, puts may be written on a covered or uncovered basis to generate income for the writer.

Put options may also be used by investors who would not be adverse to acquiring a particular stock at a price less than the current market price. By writing a put option, such investors will be in a position to accomplish their objective and purchase the stock at a pre-determined price, if the stock declines in price. Should the stock not decline, the writer will still benefit by the amount of premium income generated in the writing transaction.

While the uses of put options discussed above may be theoretically available in the over-the-counter options market, it is the secondary market that enables the risk limiting uses of options to achieve their full potential, since only in an Exchange market may the investor establish and liquidate options positions in coordination with the establishment and liquidation of stock positions.

With respect to safeguards, the Midwest Stock Exchange believes that the risks of put trading, both from an economic point of view and from the point of view market regulation, are no different in kind of degree from the risks of call trading and are susceptible to the same types of controls. The Midwest Stock Exchange sees no reasons why put options will require a different kind of safeguards. Accordingly; the Midwest Stock Exchange proposed to apply the safeguards presently applicable to calls to puts as well.

The Midwest Stock Exchange's position and exercise limit rules will apply to put options, just as they presently apply to call options. The Midwest Stock Exchange's suitability rule will be applied to recommended transactions in put options, and special suitability standards will apply to all recommended writing transactions in puts in the same manner that they apply to recommendations for the writing of uncovered call options. The Midwest Stock Exchange's prospectus delivery requirement will apply equally to put and call options and The Options Clearing Corporation has prepared a single prospectus for both types of options.

Comments were not formally solicited from members or member organizations, however, many of them have expressed their views, and all comments received were in strong support of the introduction of put trading.

The Midwest Stock Exchange believes the proposed rule changes will impose no burden on competition.

The Exchange has consented to a 90 day extension of the time periods specified in section 19(b)(2) of the Act and therefore, on or before May 9, 1977, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

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 above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before February 3, 1977.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

DECEMBER 22, 1976.

[FR Doc.77-127 Filed 1-3-77;8:45 am]

[Release No. 34-13107; File No. SR-MSRB-76-4]

MUNICIPAL SECURITIES RULEMAKING BOARD ("MSRB")

Proposed Rule Change; Self-Regulatory Organizations

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on December 23, 1976, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission (the "Commission") the proposed rule change as follows:

STATEMENT OF THE MSRB OF TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The proposed rule change filed by the Municipal Securities Rulemaking Board (the "Board") amend the Board's proposed rules on recordkeeping, proposed rules G-8 through G-10, originally filed with the Commission on April 8, 1976. The text of the proposed rule change appears below.

New paragraphs have been added to proposed rules G-8 and G-9 which provide that municipal securities brokers and municipal securities dealers other than bank dealers in compliance with the recordkeeping rules of the Commission will be deemed to be in compliance with the Board's recordkeeping rules, provided that the following additional records, not specified in the Commission's rules, are maintained by such firms: records of uncompleted transactions involving customers (subparagraph (a)(iv)(D)); records relating to syndicate transactions (paragraph (a)(viii)); new account information (paragraph (a)(xi)); and information concerning customer complaints (paragraph (a)(xii)). With respect to records on uncompleted customer transactions, the requirements of the Board's rule will be satisfied if the information is readily obtainable from other records maintained by a firm or bank dealer.

In addition to the above changes, the proposed amendments are intended to respond to certain concerns raised by the Commission staff with respect to the Board's intial filing.

STATEMENT OF MSRB OF THE PURPOSE OF PROPOSED RULE CHANGES

The purpose of the proposed rule changes is to establish suitable recordkeeping requirements for municipal securities brokers and municipal securities dealers, while eliminating the need for such firms to comply with more than one set of recordkeeping rules. If the Board's proposed rules G-8 through G-10, as amended, are approved by the Commission, and concurrent amendments to the Commission's rules 17a-3 and 17a-4 under the Securities Exchange Act of 1934, as amended (the "Act") adopted, municipal securities brokers and municipal securities dealers other than bank dealers will have the option of

complying either with the Commission's recordkeeping rules or, with respect to their municipal securities business, the Board's proposed rules G–8 and G–9. Bank dealers would be subject only to the Board's rules. Sole municipal securities firms could follow either the Commission's or the Board's recordkeeping rules in full.

In addition to the above changes, the proposed rule changes are intended to respond to certain concerns raised by the Commission staff with respect to the Board's initial filing.

STATEMENT OF THE MSRB OF THE BASIS UNDER THE ACT FOR PROPOSED RULE CHANGES

The Board has adopted the amendments to proposed rules G–8 through G–10 pursuant to section 15B(b)(2)(G) of the Act, which authorizes and directs the Board to adopt rules which

prescribe records to be made and kept by municipal securities brokers and municipal securities dealers and the periods for which such records shall be preserved.

COMMENTS RECEIVED FROM MEMBERS, PARTICIPANTS OR OTHERS ON PROPOSED RULE CHANGES

The Board did not solicit or receive comments on the proposed rule changes.

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.

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 above-mentioned 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.

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 January 25, 1977.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

DECEMBER 23, 1976.

Text of Proposed Rule Changes[1]

Rule G–8. *Books and Records to be Made by Municipal Securities Brokers and Municipal Securities Dealers.*[1]

[(a) *General requirements.* Every municipal securities broker and municipal securities dealer shall make and keep current books and records sufficient to reflect (1) its transactions in municipal securities, (2) all customer activity relating to transactions in municipal securities, (3) the receipt and delivery of funds and securities in connection with transactions in municipal securities, (4) underwriting and syndication activities with respect to municipal securities, and (5) supervision of accounts, and which demonstrate, in the case of a municipal securities broker, or a municipal securities dealer which is not a bank dealer, its financial condition and such other matters as pertain to applicable financial responsibility and reporting requirements established by the Commission. Books and records made and kept in accordance with the requirements of paragraphs (b) through (g) of this rule, shall satisfy in full the requirements of this paragraph.]

(a)[(b)] *Description of books and records required to be made.* Except as otherwise specifically indicated in this rule, every municipal securities broker and municipal securities dealer shall make and keep current the following books and records, to the extent applicable to the business of such municipal securities broker or municipal securities dealer:

(i) *Records of original entry.* "Blotters" or other records of original entry [setting forth] *containing* an itemized daily record of all purchases and sales of municipal securities, all receipts and deliveries of municipal securities (including bond or note numbers and, if the securities are in registered form, an indication to such effect), all receipts and disbursements of cash with respect to transactions in municipal securities, [and] all other debits and credits pertaining to transactions in municipal securities, *and in the case of municipal securities brokers and municipal securities dealers other than bank dealers, all other cash receipts and disbursements if not contained in the records required by any other provision of this rule.* The records of original entry shall show the name or other designation of the account for which each such transaction was effected (whether effected for the account of such municipal securities broker or municipal securities dealer, the account of a customer, or otherwise), the description of the securities, the aggregate par value of the securities, the dollar price or yield and aggregate purchase or sale price of the securities, accrued interest, the trade date, and the name or other designation of the person from whom purchased or received or to whom sold or delivered. With respect to accrued interest[,] *and* information relating to "when issued" transactions[, and other information] which may not be available at the time a transaction is effected, entries setting forth [the above] *such* information shall be made *promptly* as such information becomes available.

(ii) *Account records. Account records* [Records showing separately] for each customer account and account of such municipal securities broker or municipal securities dealer. *Such records shall reflect* all purchases and sales of municipal securities, all receipts and deliveries of municipal securities, all receipts and disbursements of cash, and all other debits and credits *relating to such account* [in connection with transactions in municipal securities]. A bank dealer shall not be required to maintain a record of a customer's bank credit or *bank* debit balances for purposes of this subparagraph.

(iii) *Securities records.* Records showing separately for each municipal security [as of the settlement dates] all positions (including, in the case of a municipal securities broker or municipal securities dealer other than a bank dealer, securities in safekeeping) carried by such municipal securities broker or municipal securities dealer for its account or for the account of a customer (with all "short" trading positions so designated), the location of all such securities long and the offsetting position to all such securities short, and the name or other designation of the account in which each position is carried. Such records shall also show all long security count differences and short count differences classified by the date of physical count and verification on which they were discovered.

Such records shall consist of a single record system. [For purposes of this rule, the term "settlement date" means the date upon which delivery of the securities is due.] *With respect to purchases or sales, such records may be posted on either a settlement date basis or a trade date basis, consistent with the manner of posting the records of original entry of such municipal securities broker or municipal securities dealer.* [For purposes of this rule, multiple maturities of the same issue of municipal securities shall constitute a single security]. *For purposes of this subparagraph, multiple maturities of the same issue of municipal securities, as well as multiple coupons of the same maturity, may be shown on the same record, Provided, That adequate secondary records exist to identify separately such maturities and coupons.* With respect to securities which are received in and delivered out by such municipal securities broker or municipal securities dealer the same day on or before the settlement date, no posting to such records shall be required. Anything herein to the contrary notwithstanding, a nonclearing municipal securities broker or municipal securities dealer which effects transactions for the account of customers on a delivery against payment basis may keep the records of location required by this subparagraph in the form of an alphabetical list or lists of securities showing the location of such securities rather than a record of location separately for each security. *Anything herein to the contrary notwithstanding, a bank dealer shall maintain records of the location of securities in its own trading account.*

(iv) [Secondary] *Subsidiary records.* [As secondary records, the following:] Ledgers or other records reflecting the following:

(A) Municipal securities in transfer;

(B) Municipal securities to be validated;

(C) Municipal securities borrowed or loaned; and

(D) Municipal securities transactions not completed on settlement date.

Such records shall contain the following information:

(A) *Municipal securities in transfer.* [Records showing all] *With respect to* municipal securities [in registered form] which have

[1] Italics indicate additions; [brackets] indicate deletions.

been sent out for transfer, the description and the aggregate par value of the securities, [the CUSIP numbers (if assigned),] the name in which registered, the name in which the securities are to be registered, the date sent out for transfer, the address to which sent for transfer, former bond or note numbers, the date returned from transfer, and new bond or note numbers.

(B) *Municipal securities to be validated.* [Records showing all] *With respect to* municipal securities which have been sent out for validation, the description and the aggregate part value of the securities, [the CUSIP numbers (if assigned),] the date sent out for validation, the address to which sent for validation, the bond or note numbers, and the date returned from validation.

(C) *Municipal securities borrowed or loaned.* [Records showing with respect to all] *With respect to* municipal securities borrowed or loaned, the date borrowed or loaned, the name of the person from whom borrowed or to whom loaned, the description and the aggregate par value of the securities borrowed or loaned, the value at which the securities were borrowed or loaned, and the date returned.

(D) *Municipal securities* [failed to receive and failed to deliver] *transactions not completed on the settlement date.* [Records showing all] *With respect to* municipal securities [failed to receive or failed to deliver] *transactions not completed* on the settlement date, the description and the aggregate par value of the securities *which are the subject of such transactions,* the purchase price (with respect to a [fail to receive] *purchase transaction not completed on the settlement date*), the sale price (with respect to a [fail to deliver] *sale transaction not completed on the settlement date*), the name of the customer, broker, dealer, or municipal securities dealer from whom delivery is due or to whom delivery is to be made, and the date on which the securities are received or delivered. [For purposes of this subparagraph securities "failed to receive" or "failed to deliver" shall include securities which are due from customers or due to customers.] *All municipal securities transactions with brokers, dealers and municipal securities dealers not completed on the settlement date shall be separately identifiable as such. For purposes of this rule, the term "settlement date" means the date upon which delivery of the securities is due in a purchase or sale transaction.*

Such records shall be maintained as subsidiary records to the general ledger maintained by such municipal securities broker or municipal securities dealer. Anything herein to the contrary notwithstanding, the requirements of this subparagraph will be satisfied if the information described is readily obtainable from other records maintained by such municipal securities broker or municipal securities dealer.

(v) *Put Options and Repurchase Agreements.* Records of all option (whether written or oral) to sell municipal securities (i.e. put options) and of all repurchase agreements (whether written or oral) with respect to municipal securities, in which such municipal securities broker or municipal securities dealer has any direct or indirect interest or which such municipal securities broker or municipal securities dealer has granted or guaranteed, showing the description and aggregate par value of the securities, and the terms and conditions of the option, agreement or guarantee.

(vi) *Records for agency transactions.* A memorandum of each agency order and any instructions given or received for the purchase or sale of municipal securities pursuant to such order, showing the terms and conditions of the order and instructions, and any modification thereof, the account for which entered, the date and time of receipt of the order by such municipal securities broker or municipal securities dealer, the price at which executed, the date of execution and, to the extent feasible, the time of execution. *If any agency order is cancelled by a customer, such records shall also show the terms, conditions and date of cancellation, and, to the extent feasible, the time of cancellation.* Orders entered pursuant to the exercise of discretionary power by such municipal securities broker or municipal securities dealer shall be designated as such. *For purposes of this subparagraph, the term "agency order" shall mean an order given to a municipal securities broker or municipal securities dealer to buy a specific security from another person or to sell a specific security to another person, in either case without such municipal securities broker or municipal securities dealer acquiring ownership of the security.* [For purposes of this subparagraph,] Customer inquiries of a general nature concerning the availability of securities for purchase or opportunities for sale shall not be considered to be orders. For purposes of this subparagraph and subparagraph (vii) below, the term "memorandum" shall mean a trading ticket or other similar record. For purposes of this subparagraph, the term "instructions" shall mean instructions transmitted within an office with respect to the execution of an agency order, *including, but not limited to,* [such as] instructions *transmitted* from a sales desk to a trading desk.

(vii) *Records for transactions as principal.* A memorandum of each transaction in municipal securities (whether purchase or sale) for the account of such municipal securities broker or municipal securities dealer, showing the price and date of execution and, to the extent feasible, the time of execution; and in the event such purchase or sale is with a customer, a record of the customer's order, showing the date and time of receipt, the terms and conditions of the order, and the name or other designtaion of the account in which it was entered.

(viii) *Records of syndicate transactions.* With respect to each syndicate or similar account formed for the purchase of municipal securities, records shall be maintained by a managing underwriter designated by the syndicate or account to maintain the books and records of the syndicate account, showing the description and aggregate par value of the securities, the name and percentage of participation of each member of the syndicate or account, the terms and conditions governing the formation and operation of the syndicate or account, all orders received for the purchase of the securities *from the syndicate or account* (except bids at other than syndicate price), all allotments of securities and the price at which sold, the date and amount of any good faith deposit made to the issuer, the date of settlement with the issuer, the date of closing of the account, and a reconciliation of profits and expenses of the account.

(ix) *Copies of confirmations and certain other notices to customers.* A copy of all confirmations of purchase or sale of municipal securities and, *in the case of a municipal securities broker or municipal securities dealer other than a bank dealer,* of all other notices sent to customers concerning debits and credits [for municipal securities, cash and other items with respect to transactions in municipal securities.] *to customer accounts or, in the case of a bank dealer, notices of debits and credits for municipal securities, cash and other items with respect to transactions in municipal securities.*

(x) *Financial records.* Every municipal securities broker and municipal securities dealer subject to the provisions of rule 15c3–1 under the Act shall make and keep current the books and records described in subparagraphs (a)(2), (a)(4) (iv) and (vi), and (a)(11) of rule 17a–3 under the Act.

(xi) *Customer account information.* A record for each customer, other than an institutional account, setting forth the following information to the extent applicable to such customer:

(A) customer's name and residence or principal business address;

(B) whether customer is of legal age;

(C) tax identification or social security number;

(D) occupation;

(E) name and address of employer;

(F) name and address of [person or persons controlling the] *beneficial owner or owners of such* account if other than the customer *and transactions are to be confirmed to such owner or owners;*

(G) name and address of person or persons authorized to transact business for such account if pursuant to a power of attorney or in the case of a joint account, account of a corporation or account of a partnership, and copy of powers of attorney, resolutions [and] or other evidence of authority to effect transactions for such account;

(H) signature of municipal securities representative or general securities representative introducing the account and signature of a municipal securities principal or general securities principal indicating acceptance of the account;

(I) with respect to discretionary accounts, customer's written authorization to exercise discretionary power or authority with respect to the account, written approval of municipal securities principal who supervises the account, and written approval of municipal securities principal with respect to each transaction in the account, indicating the time and date of approval;

(J) whether customer is employed by another broker, dealer or municipal securities dealer; and

(K) written authorization of customer in the event securities carried for customer's account are to be loaned or pledged.

For purposes of this subparagraph, the terms "general securities representative" and "general securities principal" shall mean such persons as so defined by the rules of a national securities exchange or registered securities association. For purposes of this subparagraph, the term "institutional account" shall mean the account of an investment company as defined in section 3(a) of the Investment Company Act of 1940, a bank, an insurance company, or any other institutional type account. Anything in this subparagraph to the contrary notwithstanding, every municipal securities broker and municipal securities dealer shall maintain a record of the information required by items (A), (C), (G), [and] (H), *(I) and (K)* of this subparagraph with respect to each customer which is an institutional account.

(xii) *Customer Complaints.* A record of all written complaints of customers, and persons acting on behalf of customers, and what action, if any, has been taken by such municipal securities broker or municipal securities dealer in connection with each such complaint. The term "complaint" shall mean any *written statement alleging a* grievance involving the activities of the municipal securities broker or municipal securities dealer or any associated persons of such municipal securities broker or municipal securities dealer with respect to any matter involving a customer's account.

(b) [(c)] *Manner in which Books and Records are to be Maintained.* Nothing herein contained shall be construed to require a municipal securities broker or municipal securities dealer to maintain the books and records required by this rule in any given

manner, provided that the information required to be shown is clearly and accurately reflected thereon and provides an adequate basis for the audit of such information, nor to require a municipal securities broker or municipal securities dealer to maintain its books and records relating to transactions in municipal securities separate and apart from books and records relating to transactions in other types of securities; provided, however, that in the case of a bank dealer, all records relating to transactions in municipal securities effected by such bank dealer must be separately extractable from all other records maintained by the bank.

(c) [(d)] *Non-Clearing Municipal Securities Brokers and Municipal Securities Dealers.* A municipal securities broker or municipal securities dealer which [effects] *executes* transactions in municipal securities but clears such transactions through a clearing broker, dealer, or bank, or through a [clearing corporation or other] clearing agency, shall not be required to make and keep such books and records prescribed in this rule as are customarily made and kept by a clearing broker, dealer, bank [, clearing corporation] or [other] clearing agency; provided that, *in the case of a municipal securities broker or municipal securities dealer other than a bank dealer*, the arrangements with such clearing broker, dealer or bank meet all applicable requirements prescribed in subparagraph (b) of rule 17a–3 under the Act, or the arrangements with such [clearing corporation or other] clearing agency have been approved by the Commission or, *in the case of bank dealer, such arrangements have been approved by the appropriate regulatory agency for such bank dealer*; and *further provided* that such municipal securities broker or municipal securities dealer shall remain responsible for the accurate maintenance and preservation of such books and records[.] *if they are maintained by a clearing agent other than a clearing broker or dealer.*

(d) [(c)] *Introducing Muncipal Securities Brokers and Municipal Securities Dealers.* A municipal securities broker or municipal securities dealer which, as an introducing municipal securities broker or municipal securities dealer, clears all transactions with and for customers on a fully disclosed basis with a clearing broker, dealer or municipal securities dealer, and which promptly transmits all customer funds and securities to the clearing broker, dealer or municipal securities dealer which carries all of the accounts of such customers, shall not be required to make and keep such books and records prescribed in this rule as are customarily made and kept by a clearing broker, dealer or municipal securities dealer and which are so made and kept; and such clearing broker, dealer or municipal securities dealer shall be responsible for the accurate maintenance and preservation of such books and records.

(e) [(f)] *Definition of Customer.* For purposes of this rule, the term "customer" shall not include a broker, dealer or municipal securities dealer acting in its capacity as such or the issuer of the securities which are the subject of the transaction in question.

(f) *Compliance with Rule 17a–3. Municipal securities brokers and municipal securities dealers other than bank dealers which are in compliance with rule 17a–3 of the Commission will be deemed to be in compliance with the requirements of this rule, provided that the information required by subparagraph (a)(iv)(D) of this rule as it relates to uncompleted transactions involving customers; paragraph (a)(viii); paragraph (a)(xi); and paragraph (a)(xii), shall in any event be maintained.*

(g) *Effective Date.* The requirements of this rule shall become effective on ————, [1976] *1977* [60 days after the date of approval by the Commission], and nothing herein contained shall be construed to require the making of the records specified in paragraph (a) [(b)] of this rule for events occurring prior to such effective date. The customer account records required by subparagraph (a)[(b)](ii) and customer account information required by subparagraph (a)[(b)](xi) shall be required only for customers for whom transactions in municipal securities are effected on or after such date.

Rule G–9. *Preservation of Records.*

(a) *Records to be Preserved for Six Years.* Every municipal securities broker and municipal securities dealer shall preserve the following records for a period of not less than six years:

(i) the records of original entry described in rule G–8(a)[(b)](i);

(ii) the account records described in rule G–8 (a)[(b)](ii);

(iii) the securities records described in rule G–8(a)[(b)](iii);

(iv) the records of syndicate transactions described in rule G–8(a)[(b)](viii) provided that such records need not be preserved for a syndicate or similar account which is not successful in purchasing an issue of municipal securities;

(v) the customer complaint records described in rule G–8(a)[(b)](xii); and

(vi) if such municipal securities broker or municipal securities dealer is subject to rule 15c3–1 under the Act, the general ledgers described in paragraph (a)(2) of rule 17a–3 under the Act.

(b) *Records to be Preserved for Three Years.* Every municipal securities broker and municipal securities dealer shall preserve the following records for a period of not less than three years:

(i) the *subsidiary* [secondary] records described in rule G–8(a)[(b)](iv);

(ii) the records of put options and repurchase agreements described in rule G–8(a)[(b)](v);

(iii) the records relating to agency transactions described in rule G–8(a)[(b)](vi);

(iv) the records for transactions as principal described in rule G–8(a)[(b)](vii);

(v) the copies of confirmations and other notices described in rule G–8(a)[(b)](ix);

(vi) the customer account information described in rule G–8(a)[(b)](xi), provided that records showing the terms and conditions relating to the opening and maintenance of an account shall be preserved for a period of at least six years following the closing of such account;

(vii) if such municipal securities broker or municipal securities dealer is subject to rule 15c3–1 under the Act, the records described in subparagraphs (a)(4)(iv) and (vi) and (a)(11) of rule 17a–3 and subparagraphs (b)(5) and (b)(8) of rule 17a–4 under the Act;

(viii) the following records, to the extent made by such municipal securities broker or municipal securities dealer in connection with its business as such municipal securities broker or municipal securities dealer and not otherwise described in this rule:

(A) check books, bank statements, cancelled checks, cash reconciliations and [bill] *wire* transfers;

(B) bills receivable or payable;

(C) all written communications received and sent, including inter-office memoranda, relating to the conduct of the activities of such municipal securities broker or municipal securities dealer with respect to municipal securities; and

(D) all written agreements entered into by such municipal securities broker or municipal securities dealer, including agreements with respect to any account; *and*

(ix) all records relating to fingerprinting which are required pursuant to paragraph (e) of rule 17f–2 under the Act.

(c) Records to be Preserved for Life of Enterprise. Every municipal securities broker and municipal securities dealer other than a bank dealer shall preserve during the life of such municipal securities broker or municipal securities dealer and of any successor municipal securities broker or municipal securities dealer all partnership articles or, in the case of a corporation, all articles of incorporation or charter, minute books and stock certificate books.

(d) Accessibility and Availability of Records. All books and records required to be preserved pursuant to this rule shall be available for ready inspection by each regulatory authority having jurisdiction under the Act to inspect such records, shall be maintained and preserved in an easily accessible place for a period of at least two years and thereafter shall be maintained and preserved in such manner as to be accessible to each such regulatory authority within a reasonable period of time, taking into consideration the nature of the record and the amount of time expired since the record was made.

(e) Method of Record Retention. Whenever a record is required to be preserved by this rule, such record may be retained either as an original or as a copy or other reproduction thereof, or on microfilm, electronic or magnetic tape, or by other similar medium of record retention, provided that such municipal securities broker or municipal securities dealer shall have available adequate facilities for ready retrieval and inspection of any such record and for production of easily readable facsimile copies thereof *and, in the case of records retained on microfilm, electronic or magnetic tape, or other similar medium of record retention, duplicates of such records shall be stored separately from each other for the periods of time required by this rule.*

(f) Effect of Lapse of Registration. The requirements of this rule shall continue to apply, for the periods of time specified, to any municipal securities broker or municipal securities dealer which ceases to be registered with the Commission, except in the event a successor registrant shall undertake to maintain and preserve the books and records described herein for the required periods of time.

(g) Compliance with Rule 17a–4. Municipal securities brokers and municipal securities dealers other than bank dealers which are in compliance with rules 17a–3 and 17a–4 under the Act will be deemed to be in compliance with the requirements of this rule, provided that the records enumerated in paragraph (f) of rule G–8 of the Board shall in any event be preserved for the applicable time periods specified in this rule.

Rule G–10. *Designation of Persons Responsible for Maintenance and Preservation of Books and Records.*

Every municipal securities broker and municipal securities dealer shall designate one or more associated persons who are municipal securities principals or general securities principals as responsible for the maintenance and preservation of the books and records required to be maintained and preserved by rules G–8 and G–9 of the Board. In the case of a municipal securities dealer which is not a bank dealer, a financial and operations principal shall be one of the persons so designated. A record of every such designation shall be kept, [and preserved] showing the name, title and business address of the person or persons so designated and the date of designation, *and such record shall be preserved during the period of such designation and for at least six years following any change in such designation.*

[FR Doc.77–221 Filed 1–3–77;8:45 am]

[SR-MSRB-76-4]

MUNICIPAL SECURITIES RULEMAKING BOARD

Order Giving Notice of Withdrawal of Notice of Proceedings

DECEMBER 23, 1976.

The Securities and Exchange Commission announced today the withdrawal of the notice of proceedings issued in Securities Exchange Act Release No. 12933 (October 27, 1976; 41 FR 48428, November 3, 1976) ("Release No. 12933") and the cancellation of said proceedings instituted with respect to proposed Rules G-8, G-9 and G-10 filed by the Municipal Securities Rulemaking Board ("the Board") 1150 Connecticut Avenue, N.W. Washington, D.C. 20036 to establish recordkeeping and preservation requirements for municipal securities brokers and municipal securities dealers.

As a result of recent discussions between the Commission and the Board,[1] the Board and the Commission have this day revised their proposed amendments to recordkeeping and preservation standards.[2]

Accordingly, it is ordered that the notice of proceedings issued in Release No. 12933 be and hereby is withdrawn and such proceedings are hereby cancelled.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-223 Filed 1-3-77;8:45 am]

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[1] On November 12, 1976 the Commission and the Board met to discuss several issues with respect to recordkeeping and preservation requirements for municipal securities brokers and municipal securities dealers. The conclusions reached at this meeting were published in a Commission press release which stated that:

"As a result of discussions, the Commission and the Municipal Securities Rulemaking Board today reached an understanding respecting the recordkeeping requirements of municipal securities brokers and municipal securities dealers which will eliminate the need to comply with more than one set of recordkeeping rules. Subject to public comment, securities firms will have the option of complying either with the Board's or the Commission's recordkeeping rules and banks will be subject to the Board's rules.

"Accordingly, the Commission announced today that it will cancel the hearings scheduled for November 22, 1976, regarding the rules submitted by the Municipal Securities Rulemaking Board relevant to recordkeeping."

"Both the Commission and the Municipal Securities Rulemaking Board will promptly issue revisions to their respective rules to reflect this understanding. It is anticipated that the application of the Commission's and the Board's recordkeeping rules, as modified, will be monitored during a one-year period."

[2] Securities Exchange Act Release No. 13106 (December 23, 1976) and Securities Exchange Act Release No. 13107 (December 23, 1976).

[Release No. 34-13096; File No. SR-NESDTCO-76-1]

NEW ENGLAND SECURITIES DEPOSITORY TRUST CO.

Proposed Rule Change Regarding Self-Regulatory Organizations

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on December 9, 1976, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The Proposed Rule Change establishes procedures whereby New England Securities Depository Trust Company acts as a depository for securities against which options clearing through Options Clearing Corporation have been written and includes the form of Depository Receipt to be issued in connection therewith and the audit and other procedures used in connection therewith.

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

The purpose of the proposed rule change is to assist in the prompt and accurate clearance of securities transactions by providing an experienced depository for optioned securities in the New England area and by permitting its participants to write options on their securities without movement of the securities outside of the depository.

The proposed rule change relates (a) to the prompt and accurate clearance of securities transactions by providing an experienced depository with direct and established communications with Options Clearing Corporation to receive, hold and deliver-out optioned securities, (b) the assurance as to the safeguarding of securities in the possession of the clearing agency by the establishment of procedures and safeguards for dealing with optioned securities which the clearing agency holds as depository, (c) the fostering of cooperation and coordination with persons engaged in the clearance and settlement of securities transactions by establishing communications and other linkages between this self-regulatory agency and Options Clearing Corporation, (d) the removal of impediments to and the perfection of the mechanism of a national system for the prompt and accurate clearance and settlement of securities transactions through the fact that certificates may be immobilized, and clearance and settlement of securities tarnsactions will be facilitated, through the use of a securities depository which is a clearing corporation as defined by the Uniform Commercial Code able to provide book entry transfer services, and (e) protects investors and the public interest through providing an experienced and secure depository for the deposit of optioned securities and the issue of depository receipts.

No comments have been or are to be solicited with respect to the proposed rule change.

No burden on competition will be caused by the proposed rule change.

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 above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before January 25, 1977.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

SHIRLEY E. HOLLIS,
Acting Assistant Secretary.

DECEMBER 22, 1976.

[FR Doc.77-128 Filed 1-3-77;8:45 am]

DEPARTMENT OF STATE

Agency for International Development

BOARD FOR INTERNATIONAL FOOD AND AGRICULTURAL DEVELOPMENT

Amended Notice of Meeting

At 41 FR 53730, December 8, 1976, A.I.D. announced a one-day meeting of the Board for International Food and Agricultural Development to be held on January 10, 1977. The purpose of this notice is to indicate that the meeting has been extended to two days, January 10 and 11, 1977.

Dated: December 27, 1976.

ERVEN J. LONG,
Federal Officer, Board for International Food and Agricultural Development.

[FR Doc.77-170 Filed 1-3-77;8:45 am]

[Public Notice No. 510]

Office of the Secretary

COORDINATOR FOR HUMAN RIGHTS AND HUMANITARIAN AFFAIRS, MIGRATION AND REFUGEE ASSISTANCE

Delegation of Authority No. 107–4

By virtue of the authority vested in me by the Migration and Refugee Assistance Act of 1962, as amended (22 U.S.C. 2601 et seq.) (hereinafter referred to as the Act), Executive Order No. 11077 of January 22, 1963, entitled "Administration of the Migration and Refugee Assistance Act of 1962" (hereinafter referred to as the Order), Pub. L. 94–23 (89 Stat. 87), Pub. L. 94–24 (89 Stat. 89), section 4 of the Act of May 26, 1949, as amended (22 U.S.C. 2658 and as Acting Secretary of State, it is ordered as follows:

Section 1. *Statement of purpose.*

It is the intention to delegate to the Coordinator for Human Rights and Humanitarian Affairs all statutory and other authorities of the Secretary of State for the overall direction, coordination, and supervision of inter-departmental refugee and migration activities of the U.S. Government, to the full extent permitted by law.

In particular, the Coordinator is delegated the function assigned to the Secretary of State by section 1(c) of the order to "assume the leadership and provide the guidance for assuring that programs authorized under the Act best serve the foreign policy objectives of the United States."

Section 2. *Functions of the Coordinator for Human Rights and Humanitarian Affairs.*

(a) Exclusive of the functions otherwise delegated herein, there are hereby delegated to the Coordinator for Human Rights and Humanitarian Affairs all functions conferred upon the Secretary of State by the Act and the Order.

Section 3. *Functions of the Deputy Under Secretary of State for Management.*

(a) The following functions are delegated to the Deputy Under Secretary of State for Management:

(1) The functions enumerated in section 5(a)(1) of the Act and reserved to the Secretary of State by section 1(a)(1) of the Act and reserved to the Secretary of State by section 1(a)(3) of the Order insofar as they relate to compensation allowances, and travel of personnel whose services are utilized primarily for the purpose of the Act.

(2) The functions enumerated in sections 5(a) (2), (3), (4), and (5) of the Act and reserved to the Secretary of State by section 1(a)(3) of the Order.

(3) The functions delegated to the Deputy Under Secretary of State for Management by subsection 3(a) (1) and (2) of the Delegation of Authority may be exercised by the organizational components vested with functions of that nature by the Organization Manual (1 FAM) and other delegations of authority.

Section 4. *General provisions.*

(a) Any officer to whom functions are delegated by this Delegation of Authority may to the extent consistent with law, redelegate any of the delegated functions.

(b) Except to the extent that they may be inconsistent with this Delegation of Authority, all delegations, determinations, authorizations, regulations, orders, contracts, agreements, and other actions issued, undertaken or entered into with respect to any functions affected by this Delegation of Authority shall continue in full force and effect until amended, modified, or terminated by appropriate authority.

(c) This Delegation of Authority supersedes and cancels Delegation of Authority No. 107–2 of June 21, 1975 (Public Notice No. 454 40 FR 27956), and shall be deemed to have become effective on November 29, 1976.

Dated: December 11, 1976.

CHARLES W. ROBINSON,
Acting Secretary.

[FR Doc.77–216 Filed 1–3–77;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 226]

ASSIGNMENT OF HEARINGS

DECEMBER 29, 1976.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 142086, Joy Motor Freight, DBA Jerry A. Jacobs, now assigned January 31, 1977, at Olympia, Wash., is canceled and application dismissed.

MC 110191 (Sub-No. 28), Turner's Express, Inc., now assigned February 8, 1977, at Richmond, Va., is canceled and application dismissed.

MC 84687 (Sub-No. 4), Veterans Truck Line, Inc., now assigned January 18, 1977, at Madison, Wis., is postponed indefinitely.

MC 128270 Sub 5, Merchant Freight Line, Inc., now being assigned March 15, 1977 (9 Days), at Nashville, Tenn., in a hearing room to be later designated.

MC 103066 (Sub-37), Stone Trucking Company, now assigned February 9, 1977 at Washington, D.C., has been canceled.

MC 103066 (Sub-45), Stone Trucking Company, now assigned March 24, 1977 at Washington, D.C., has been canceled.

MC 3281 (Sub-7), Powell Truck Line, Inc., now being assigned April 19, 1977 (9 days) at Memphis, Tennessee in a hearing room to be later designated.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77–291 Filed 1–3–77;8:45 am]

[Ex Parte No. MC–43]

LIGON SPECIALIZED HAULER, INC., ET AL.

Order Regarding Lease and Interchange of Vehicles By Motor Carriers

DECEMBER 29, 1976.

At a session of the Interstate Commerce Commission, Motor Carrier Leasing Board, held at its office in Washington, D.C., on the 20th day of December, 1976.

It appearing, that a petition has been filed by Ligon Specialized Hauler, Inc., (MC–119777 and numerous subs) and Cherokee Hauling and Rigging, Inc., (MC–127834 and numerous subs), under temporary common control, and Virginia Hauling Company, (MC–13806 and various subs) and Horne Heavy Hauling, Inc., (MC–35045 and subs 1, 9, 11, and 19), under temporary and common control respectively, by Cherokee Hauling and Rigging, Inc., for waiver of paragraphs (a)(3) and (c) of § 1057.4 of the Lease and Interchange of Vehicles Regulations (49 CFR 1057) concerning equipment leased and interchanged by petitioners;

It further appearing, that the performance of petitioner Ligon concerning fitness, indicated by continuous Commission proceedings against petitioner is such that waiver is not warranted;

It is ordered, That the petition for waiver of paragraphs (a)(3) and (c) of § 1057.4 as set forth in the first paragraphs of this Order, be, and it is, hereby denied.

By the Commission, Motor Carrier Leasing Board, Members Burns, Teeple, and Sibbald.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77–293 Filed 1–3–77;8:45 am]

[Notice No. 98]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

The following publications include motor carrier, water carrier, broker, and freight forwarder transfer applications filed under sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act.

Each application (except as otherwise specifically noted) contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application.

Protests against approval of the application, which may include a request for oral hearing, must be filed with the Commission on or before February 3, 1977. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest must be served upon applicants' representative(s), or applicants (if no such representative is named), and the protestant must certify that such service has been made.

Unless otherwise specified, the signed original and six copies of the protest

shall be filed with the Commission. All protests must specify with particularity the factual basis, and the section of the Act, or the applicable rule governing the proposed transfer which protestant believes would preclude approval of the application. If the protest contains a request for oral hearing, the request shall be supported by an explanation as to why the evidence sought to be presented cannot reasonably be submitted through the use of affidavits.

The operating rights set forth below are in synopses form, but are deemed sufficient to place interested persons on notice of the proposed transfer.

No. MC–FC–76519, filed November 8, 1976. Transferee: Robert Crouch, Chester, Vermont 05143. Transferor: Hanson M. Savage, Chester Depot, Vermont 05144. Applicant's representative: Frederick J. Glover, Esq., Box 217, Ludlow, Vermont 05149. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Permit No. MC 124545 and MC 124545 (Sub-No. 2), issued April 2, 1973 and October 9, 1974 respectively, as follows: Mined and ground talc from Chester, Vt. to points in Delaware, Connecticut, Maryland, Ohio, Pennsylvania, Maine, New Hampshire, Massachusetts, Rhode Island, New York, and New Jersey. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under section 210a(b).

No. MC–FC–76716, filed October 21, 1976. Transferee: Breyer Exchange, Inc., Route 3, New Philadelphia, Ohio 44663. Transferor: Owen R. Hobbs, 1022 Blanchard Avenue, Findlay, Ohio 45840. Applicant's representative: Richard H. Brandon, Attorney at Law, 220 West Bridge Street, Box 97, Dublin, Ohio 43017. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC 138579, issued April 17, 1975, as follows: Lime, limestone, and limestone products from the plant site of the National Lime & Stone Company located at or near Carey (Wyandot County) Ohio to points in Michigan, Indiana, Illinois, Kentucky, New Jersey, New York, Pennsylvania, Tennessee, West Virginia, Wisconsin, and Missouri. Transferee is presently authorized to operate as a contract carrier under Permit No. MC 113254 and subs thereafter. Application has not been filed for temporary authority under section 210a(b).

No. MC–FC–76723, filed November 12, 1976. Transferee: R & M Truck Line, Inc., P.O. Box 422, Old Highway 63 South, Oskaloosa, Iowa 52577. Transferee: Center Distributing Company, 78th and Serum, Ralston, Nebraska 68127. Applicant's representative: Larry D. Knox, Esq., 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Permit No. MC 126738 (Sub-No. 2) and MC 126738 (Sub-No. 4), issued October 28, 1968 and December 30, 1971, respectively, as follows: Bottled and canned beverages and syrup from Oskaloosa, Iowa, to specified counties in Nebraska, Kansas, and Missouri and to St. Louis, Mo.; and nonalcoholic beverages from Oskaloosa, Iowa to plant sites of the Pepsi Cola Bottling Company located in Illinois, Wisconsin, Minnesota, South Dakota, and Oklahoma. Transferee is presently authorized to operate as a common carrier under Certificate No. MC 111672 and subs thereafter. Application has not been filed for temporary authority under section 210a (b).

No. MC–FC–76724, filed November 18, 1976. Transferee: Ted L. Nichols and Christina M. Nichols, doing business as Intercity Freight Lines, 803 Central, Plains, Montana 59859. Transferor: Harvey L. Doty and Jean C. Doty, a partnership doing business as Intercity Freight Lines, 407 West 2nd Street, Plains, Montana 59859. Applicant's representative: Robert L. Fletcher, Esq., Box 38, Thompson Falls, Montana 59873. Authority sought for purchase of the operating rights of transferor, as set forth in Certificate of Registration No. MC 121678, issued October 29, 1971, as follows: General commodities between Missoula, Montana and points in Mineral and Sanders Counties, Montana. Transferee presently holds no authority from this Commission. Application has been filed for temporary authority under section 210a (b).

No. MC–FC–76752, filed November 24, 1976. Transferee: Bar-mac Contract Carrier Corp., P.O. Box D 960, Darien, Georgia 31305. Transferor: The Big E Corp., 505 N. Myrtle Avenue, Jacksonville, Florida 32204. Applicant's representative: Sol H. Proctor, Attorney at Law, 1101 Blackstone Building, Jacksonville, Florida 32202. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Permit No. MC 135257 Sub-No. 1 issued March 29, 1973, as follows: Meats, meat products, and meat by-products between the plant sites and warehouses of Jones-Chambliss Co., and Henry's Hickory House at Jacksonville, Fla., on the one hand, and, on the other, points in Alabama, California, Colorado, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Virginia, Washington, and Wisconsin. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under section 210a(b).

No. MC–FC–76760, filed November 30, 1976. Transferee: Paul Garnsey & Son, Inc., Route 4, Box 55, Schuylerville, New York 12871. Transferor: Paul R. Garnsey (Florence S. Garnsey, Executrix) and Paul Z. Garnsey, a partnership, Route 4, Box 55, Schuylerville, New York 12871. Applicant's representative: Paul Z. Garnsey, Route 4, Box 55, Schuylerville, New York 12871. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC 119297, MC 119297 (Sub-No. 1), and MC 119297 (Sub-No. 2), issued September 1, 1960, October 14, 1966, and May 7, 1968 respectively, as follows: General commodities with the usual exceptions and certain other specified commodities from, to, and between specified points and places in New York, New Hampshire, Vermont, and New Jersey. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under section 210a(b).

No. MC–FC–76791, filed October 27, 1976. Transferee: Ty-Roe Enterprise, Inc., doing business as Air Cargo Delivery Service, 1004 Stockton Avenue, San Jose, California 95110. Transferor: William B. Zaharin, doing business as Walter's Express Co., 1383 Pacific Avenue, San Francisco, California 94109. Applicant's representative: Eldon M. Johnson, Attorney at Law, 650 California Street, Suite 2808, San Francisco, California 94108. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate of Registration No. MC 121761, issued July 15, 1975, as follows: General commodities between all points in the San Francisco Territory. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under section 210a(b).

No. MC–FC–76821, filed November 9, 1976. Transferee: A. P. Marquardt, Inc., 114 South Road, Groton, Connecticut 06340. Transferor: Arthur P. Marquardt, doing business as A. P. Marquardt, 96 South Road, Groton, Connecticut 06340. Applicant's representative: J. Rodney Smith, 75 Eugene O'Neill Drive, New London, Connecticut 06320. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Permit No. MC 17457 (Sub-No. 1), issued February 26, 1945, as follows: Kerosene and fuel oil over a specified regular route from Groton, Conn. to Westerly, R. I. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under section 210a (b).

No. MC–FC–76832, filed November 19, 1976. Transferee: Jim's Transportation, Inc., 125 Piedmont Ave., San Bruno, Cal. 94066. Transferor: James P. Stewart, doing business as Jim's Transportation, 125 Piedmont Ave., San Bruno, Cal. 94066. Applicants' representative: E. H. Griffiths, 1182 Market St., Suite 207, San Francisco, Cal. 94102. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate of Registration No. MC 121758, issued May 21, 1975, as follows: General commodities with specified exceptions between all points and places in the specified San Francisco Territory. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under section 210a(b).

No. MC–FC–76838, filed November 23, 1976. Transferee: Lou Bole Carpet Carriers, Inc., 34–19 24th Street, Long Island

City, N.Y. 11106. Transferor: L. Davis Trucking Co., Inc., 2518 38th Ave., Long Island City, N.Y. 11101. Applicants' representative: Michael R. Werner, Attorney-at-Law, 2 West 45th St., New York, N.Y. 10036. Authority sought for purchase by transferee of the operating rights set forth in Certificate No. MC 14713, issued December 8, 1976, to L. Davis Trucking Co., Inc., and those set forth Certificate No. MC 139691, issued April 16, 1975, in the name of G & B Movers, Inc., and authorized to be transferred to L. Davis Trucking Co., Inc., pursuant to No. MC–FC–76715, approved November 22, 1976, as follows: Rugs and rug pads, carpets and carpet linings, and linoleum and linoleum paste, from New York, N.Y., to Bayonne, Bergenfield, Butler, East Orange, Hackensack, Hoboken, Jersey City, Morristown, Newark, North Bergen, Passaic, Paterson, Perth Amboy, Plainfield, Rahway, Rutherford, and Union City, N.J., points on Long Island, N.Y., and those in Westchester County, N.Y.; general commodities, with the usual exceptions, between New York, N.Y., and Hoboken, Weehawken, and Jersey City, N.J., on the one hand, and, on the other, Long Branch, N.J., and points in Hudson, Essex, Bergen, Passaic and Union Counties, N.J.; between New York, N.Y., and Middletown, N.Y.; and carpets and rugs between points in that part of the New York, N.Y. commercial zone within which local "exempt" operations may be conducted, on the one hand, and, on the other, points in Bergen, Passaic, Hudson, Essex, Union, Middlesex, Somerset, Morris, and Monmouth County, N.J., and Fairfield County, Conn. Transferee presently holds authority from this Commission under Certificate No. MC 138065 (Sub-No. 2). Application has not been filed for temporary authority under section 210a(b).

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-294 Filed 1-3-77;8:45 am]

[Notice No. 172]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

DECEMBER 23, 1976.

Important notice: 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 808 (Sub-No. 52TA), filed December 17, 1976. Applicant: ANCHOR MOTOR FREIGHT, INC., 21111 Chagrin Blvd., P.O. Box 22005, Cleveland, Ohio 44122. Applicant's representative: J. A. Kundtz, 1100 National City Bank Bldg., Cleveland, Ohio 44114. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New automobiles, new trucks, new chassis, automobile parts and automobile show equipment*, in initial movements, in truckaway service, from the plantsite of General Motors Corporation, located at Tarrytown, N.Y., to points in Alabama, Florida, Georgia, and South Carolina, under a continuing contract with General Motors Corporation, for 180 days. Supporting shipper: General Motors Corporation, 30007 Van Dyke Ave., Warren, Mich. 48090. Send protests to: James Johnson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 181 Federal Office Bldg., 1240 E. Ninth St., Cleveland, Ohio 44199.

No. MC 4405 (Sub-No. 540TA), filed December 15, 1976. Applicant: DEALERS TRANSIT, INC., 522 S. Boston Ave., Enterprise Bldg., Tulsa, Okla. 74103. Applicant's representative: Leonard L. Bennett (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, other than those designed to be drawn by passenger automobiles, in initial movements, in truckaway service, from New Tazewell, Tenn., to points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: U.S. Postal Service, Traffic Branch, Office of Resources Management, Room 1100, 475 L'Enfant Plaza, West, S.W., Washington, D.C. 20260. Send protests to: Joe Green, District Supervisor, Room 240 Old Post Office Bldg., 215 N.W. Third St., Oklahoma City, Okla. 73102.

No. MC 5470 (Sub-No. 119TA), filed December 15, 1976. Applicant: TAJON, INC., R.D. 5, P.O. Box 146, Mercer, Pa. 16137. Applicant's representative: Richard W. Sanguigni (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alloys*, in dump vehicles, from Ashtabula, Ohio, to Archer Creek, Lynchburg and Radford, Va., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Union Carbide Corporation, Mining Metal Division, 270 Park Ave., New York, N.Y. 10017. Send Protests to: John J. England, District Supervisor, Interstate Commerce Commission, 2111 Federal Bldg., 1000 Liberty Ave., Pittsburgh, Pa. 15222.

No. MC 52579 (Sub-No. 159 TA), filed December 16, 1976. Applicant: GILBERT CARRIER CORP., One Gilbert Drive, Secaucus, N.J. 07094. Applicant's representative: Irwin Rosen (same address as applicant). Authority sought to operate as *a common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel*, on hangers for retail stores distribution, from Shreveport, La., to Arling, Tex., and New York Commercial Zone, as defined by the Commission, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Montgomery Ward & Co., Inc., 393 Fashion Ave., New York, N.Y. 10001. Send protests to: Julia M. Papp, Transportation Assistant, Interstate Commerce Commission, 9 Clinton St., Newark, N.J. 07102.

No. MC 81908 (Sub-No. 9TA), filed December 13, 1976. Applicant: GARNER TRUCKING, INC., Route No. 4, Findlay, Ohio 45840. 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: *House trailers and pre-assembled house trailer sections*, on their own undercarriage, in tow-away service in initial moves, from Bryan, Ohio (and points within a radius of 10 miles thereof), to points in Michigan, Indiana, Kentucky, Virginia, West Virginia, Pennsylvania, Illinois and Missouri, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Mobile Home Estates, Inc., Bryan, Ohio. Send protests to: Keith D. Warner, District Supervisor, Section of Motor, Water, Forwarder Operations, 313 Federal Office Bldg., 234 Summit St., Toledo, Ohio 43604.

No. MC 112617 (Sub-No. 355TA), filed December 10, 1976. Applicant: LIQUID TRANSPORTERS, INC., P.O. Box 21395, Louisville, Ky. 40221. Applicant's representative: Charles R. Dunford, (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals*, in bulk, in tank vehicles, from Terre Haute, Ind., to points in Illinois, Indiana, Ohio, Michigan, and, St. Louis, Mo., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: James A. Doti,

President, Jadcore, Inc., 1854 N. Fruitridge Ave., Terre Haute, Ind. 47805. Send protests to: Elbert Brown, Jr., District Supervisor, Interstate Commerce Commission, 426 Post Office Bldg., Louisville, Ky. 40202.

No. MC 114457 (Sub-No. 278TA), filed December 17, 1976. Applicant: DART TRANSIT COMPANY, 2102 University Ave., St. Paul, Minn. 55114. Applicant's representative: James C. Hardman, 33 N. LaSalle St., Chicago, Ill. 60602. Authority sought to operate as *a common carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers and container closures*, from Chicago, Ill., to Jeanette, Pa., and Jonesboro, Ark., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: The Continental Group, Inc., 150 S. Wacker Drive, Chicago, Ill. 60606. Send protests to: Marion L. Cheney, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Bldg. and U.S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 112801 (Sub-No. 188TA), filed December 14, 1976. Applicant: TRANSPORT SERVICE CO., 2 Salt Creek Lane, Hinsdale, Ill. 60521. Applicant's representative: Gene Smith (same address as applicant). Authority sought to operate as *a common carrier*, by motor vehicle, over irregular routes, transporting: *Alcohol*, in bulk, from the plant and storage facilities of Archer Daniels Midland Company, at Decatur, Ill., to points in the United States (except Alaska and Hawaii), restricted to traffic originating at and destined to points named, for 180 days. Supporting shipper: Archer Daniels Midland Company, P.O. Box 1470, Decatur, Ill. 62525. Send protests to: Patracia A. Roscoe, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1386, Chicago, Ill. 60604.

No. MC 115162 (Sub-No. 342TA), filed December 15, 1976. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood, composition board, paper board, panels, plastic articles and moulding*, from Chesapeake, Norfolk and Suffolk, Va., to points in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, West Virginia and Wisconsin, for 180 days. Supporting shipper: Weyerhaeuser Company, 201 Dexter St., West, Chesapeake, Va. 23324. Send protests to: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 1616, 2121 Bldg., Birmingham, Ala. 35203.

No. MC 118959 (Sub-No. 143TA), filed December 13, 1976. Applicant: JERRY LIPPS, INC., 130 S. Frederick St., Cape Girardeau, Mo. 63701. Applicant's representative: Robert M. Pearce, P.O. Box 1111, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass bottles*, from Mineral Wells, Miss., to points in Arkansas, Louisiana and Texas, for 180 days. Supporting shipper: Chattanooga Glass Co., 400 W. 45th St., Chattanooga, Tenn. 37410. Send protests to: J. P. Werthmann, District Supervisor, Interstate Commerce Commission, Room 1465, 210 N. 12th St., St. Louis, Mo. 63101.

No. MC 118959 (Sub-No. 144TA), filed December 17, 1976. Applicant: JERRY LIPPS, INC., 130 S. Frederick St., Cape Girardeau, Mo. 63701. Applicant's representative: Robert M. Pearce, P.O. Box 1111, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel wire, iron and steel cable, iron and steel spirals*, from the plantsite of Florida Wire and Cable Co., at or near Jacksonville, Fla., and the plantsite of Wiremil, Inc., at or near Sanderson, Fla., to points in the United States (except Alaska and Hawaii), for 180 days. Supporting Shipper: Florida Wire and Cable Co., P.O. Box 6835, Jacksonville, Fla. 32205. Send protests to: J. P. Werthmann, District Supervisor, Interstate Commerce Commission, Room 1465, 210 N. 12th St., St. Louis, Mo. 63101.

No. MC 123329 (Sub-No. 27TA), filed December 14, 1976. Applicant H. M. TRIMBLE & SONS LTD., P.O. Box 3500, 4056 Ogden Road, S.E., Calgary, Alberta, Canada T2P 2P9. Applicant's representative: Ray F. Koby, 314 Montana Bldg., Great Falls, Mont. 59401. Authority sought to operate as a common carrier by motor vehicle, over irregular routes, transporting: *Quicklime*, in bulk, in tank vehicles, from ports of entry on the United States-Canada International Boundary line, located in the State of Washington, to points in Washington, Oregon and Idaho, restricted to traffic originating at Langley, British Columbia, Canada, for 180 days. Supporting shipper: A. J. MacDonald, General Manager, Texada Lime, Ltd., 309–198 W. Hastings St., Vancouver, B.C., Canada V6B 1H2. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, 2602 First Ave., North, Billings, Mont. 59101.

No. MC 129712 (Sub-No. 7TA), filed December 16, 1976. Applicant: GEORGE BENNETT MOTOR EXPRESS, INC., P.O. Box 954, McDonough, Ga. 30253. Applicant's representative: Frank D. Hall, Suite 713, 3384 Peachtree Road, N.E., Atlanta, Ga. 330326. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bakery products* (except frozen) *and related stationery and advertising materials*, from the plantsite and warehouse facilities of Sunshine Biscuits, Inc., at Columbus, Ga., to points in Kentucky, West Virginia and Virginia; and (2) *Materials, equipment and supplies* used, sold or dealt in by bakeries, from points in Kentucky, Virginia and West Virginia, to the plantsite and warehouse facilities of Sunshine Biscuits, Inc., at Columbus, Ga., under a continuing contract with Sunshine Biscuits, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Sunshine Biscuits, Inc., 3700 Victory Drive, Columbus, Ga. 31902. 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 133095 (Sub-No. 124TA), filed December 15, 1976. Applicant: TEXAS–CONTINENTAL EXPRESS, INC., P.O. Box 434, 2603 W. Euless Blvd., Euless, Tex. 76039. Applicant's representative: Hugh T. Matthews, 2340 Fidelity Union Tower, Dallas, Tex. 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Therapeutic solutions*, in containers, in mechanically refrigerated equipment, from Cinnaminson, N.J., to Dallas, Tex., and Baton Rouge and New Orleans, La., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Erika, Inc., 560 Sylvan Ave., Englewood Cliffs, N.J. Send protests to: Robert J. Kirspel, District Supervisor, Room 9A27 Federal Bldg., 819 Taylor St., Fort Worth, Tex. 76102.

No. MC 133383 (Sub-No. 1TA), filed December 15, 1976. Applicant: MERCURY TANKLINES LIMITED, P.O. Box 3500, 640 12th Ave., S.E., Calgary, Alberta, Canada T2P 2P9. Applicant's representative: Ray F. Koby, P.O. Box 2567, Great Falls, Mont. 59403. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcohol, alcoholic beverages, liquors and spirits*, in bulk, in tank vehicles, from ports of entry on the United States-Canada International Boundary line at or near Buffalo, N.Y., to Linfield and Philadelphia, Pa., restricted to traffic originating at Collingwood, Ontario, Canada, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: S. Duppolito, A.G.T.M., Continental Distilling Corp., 1429 Walnut St., Philadelphia, Pa. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, 2602 First Ave., North, Billings, Mont. 59101.

No. MC 133937 (Sub-No. 18TA), filed December 17, 1976. Applicant: CAROLINA CARTAGE COMPANY, INC., P.O. Box 572, Greer, S.C. 29651. Applicant's representative: Henry P. Willimon, P.O. Box 1075, Greenville, S.C. 29602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel* on hangers in polyethylene bags, packs, flats, racks, between points in North Carolina, South Carolina and Atlanta, Ga., for 180 days. Supporting shippers: There

are approximately 8 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: E. E. Strotheid, District Supervisor, Interstate Commerce Commission, Room 302, 1400 Pickens St., Columbia, S.C. 29201.

No. MC 133966 (Sub-No. 45TA), filed December 15, 1976. Applicant: NORTH EAST EXPRESS, INC., P.O. Box 127, Mountaintop, Pa. 18707. Applicant's representative: Joseph F. Hoary, 121 S. Main St., Taylor, Pa. 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Doors and door frames*, from Fredericksburg, Va., to Old Forge, Pa.; and (2) *Kitchen cabinets*, from Sellersburg, Ind., and Adrian, Mich., to Old Forge, Pa., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Mariotti Lumber Company, 325 S. Main St., Old Forge, Pa. 18518. Send protests to: Paul J. Kenworthy, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 314 U.S. Post Office Bldg., Scranton, Pa. 18503.

No. MC 134323 (Sub-No. 90TA), filed December 17, 1976. Applicant: JAY LINES, INC., 720 North Grand, P.O. Box 4146, Amarillo, Tex. 79105. Applicant's representative: Gailyn Larsen, 521 S. 14th., P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Automotive care and maintenance supplies* (except commodities in bulk), from the plantsite and storage facilities of or utilized by Union Carbide Corporation, at or near Chicago and Danville, Ill., Camden, and South Hackensack, N.J., and Greenville, S.C., to South Hackensack, N.J., Kansas City, Mo., Dallas, Tex., Atlanta, Ga., Torrance, Calif., Cleveland, Ohio, Chicago, Ill., and Milwaukie, Oreg., under a continuing contract with Union Carbide Corporation, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Union Carbide Corporation, 170 Park Ave., New York, N.Y. 10017. Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box H-4395 Herring Plaza, Amarillo, Tex. 79101.

No. MC 134806 (Sub-No. 43 TA), filed December 16, 1976. Applicant: B-D-R TRANSPORT, INC., P.O. Box 813, Brattleboro, Vt. 05301. Applicant's representative: Francis J. Ortman, 7101 Wisconsin Ave., Suite 605, Washington, D.C. 20014. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tanned leather*, from points in Los Angeles County, Calif., to Chicago and Rockford, Ill., and points in Maine, New Hampshire, Massachusetts, New York, Pennsylvania, Wisconsin and Huntington, W. Va.; and (2) *Oils and greases, finishing compounds, and supplies* for tanning leather (except commodities in bulk), from Exeter, N.H.; Newark, N.J.; Brattleboro, Vt., and points in Massachusetts, to points in Los Angeles County, Calif., under a continuing contract with West Coast Tanners Production Club, for 180 days. SUPPORTING SHIPPER: West Coast Tanners Production Club, 1099 Quesada Ave., San Francisco, Calif. 94124. SEND PROTESTS TO: David A. Demers, District Supervisor, Interstate Commerce Commission, P.O. Box 548, Montpelier, Vt. 05602.

No. MC 135231 (Sub-No. 23 TA), filed December 15, 1976. Applicant: NORTH STAR TRANSPORT, INC., Route 1, Highway 1 and 59 West, Thief River Falls, Minn. 56701. 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: (1) *Wooden windows and doors*, from Warroad, Minn., to points in the United States (except Alaska and Hawaii), and (2) Materials, supplies and equipment used in the manufacture of the commodities named in (1) above (except commodities in bulk), from points in the United States (except Alaska and Hawaii), to Warroad, Minn., restricted to the transportation of traffic originating at or destined to the facilities of Marvin Windows at Warroad, Minn., for 180 days. SUPPORTING SHIPPER: Marvin Windows, Warroad, Minn. 56763. SEND PROTESTS TO: Ronald R. Mau, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 2340, Fargo, N. Dak. 58102.

No. MC 136080 (Sub-No. 2TA), filed December 17, 1976. Applicant: ELIZABETH SELLERS LAFOE AND BERNIE L. LAFOE, doing business as, E. S. LAFOE, RFD 1, Box 167, North Ferrisburg, Vt. 05473. Applicant's representative: Elizabeth S. Lafoe, (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cheeses, cheese products, curd, and products* used in the processing of cheese returning loads of fiberboard containers and containers (cans), between Swanton, Vt., on the one hand, and, on the other, points in Connecticut, Delaware, District of Columbia, Florida, New Hampshire, New York, Maine, Maryland, Massachusetts, Rhode Island, Pennsylvania, Vermont, Virginia (excluding delivery to Carles Place, N.Y., and Brooklyn, N.Y.), under a continuing contract with Lucille Farm Products, Inc., for 180 days. SUPPORTING SHIPPER: Lucille Farm Products, Inc., P.O. Box 125, Swanton Industrial Park, Swanton, Vt. 05488. SEND PROTESTS TO: David A. Demers, District Supervisor, Interstate Commerce Commission, P.O. Box 548, Montpelier, Vt. 05602.

No. MC 138144 (Sub-No. 13TA), filed December 16, 1976. Applicant: FRED OLSON COMPANY, INC., 6022 W. State St., Milwaukee, Wis. 53213. Applicant's representative: Gregory A. Stayart, 327 S. LaSalle St., Chicago, Ill. 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products*, from the facilities of Ratzlaff Logging and Lumber, Inc., at or near Princeton and Onamia, Minn., to points in Wisconsin on and south of U.S. Highway 10, for 180 days. SUPPORTING SHIPPER: Boehm-Madison Lumber Company, 6186 Plankinton Bldg., 161 Wisconsin Ave., Milwaukee, Wis. 53203. SEND PROTESTS TO: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Bldg., & Courthouse, 517 E. Wisconsin Ave., Room 619, Milwaukee, Wis. 53202.

No. MC 138635 (Sub-No. 28TA), filed December 15, 1976. Applicant: CAROLINA WESTERN EXPRESS, INC., 650 Eastwood Drive, P.O. Box 3961, Gastonia, N.C. 28050. Applicant's representative: Eric Meierhoefer, Suite 145, 4 Professional Drive, Gaithersburg, Md. 20760. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vanities, vanity tops, shower doors, cultured marble tops and kitchen cabinets* (crated), from Van Nuys, Calif., to points in and east of North Dakota, South Dakota, Nebraska, Kansas Oklahoma and Texas, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. SUPPORTING SHIPPER: Commodore Vanity Company, 7735 Kester Ave., Van Nuys, Calif. SEND PROTESTS TO: Terrell Price, District Supervisor, 800 Briar Creek Road, Room CC516, Mart Office Bldg., Charlotte, N.C. 28205.

No. MC 139113 (Sub-No. 8TA), filed December 15, 1976. Applicant: BRUNDIDGE TRANSPORTATION, INC., P.O. Box 187, Brundidge, Ala. 36010. Applicant's representative: William P. Jackson, Jr., 3426 N. Washington Blvd., P.O. Box 1267, Arlington, Va. 22210. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Ground, mixed, and blended spices, and mustard and mustard products*, from Grand Forks, N. Dak., to points in the United States (except Alaska and Hawaii); and (2) *Materials, equipment and supplies* used in the manufacture or distribution of ground, mixed and blended spices, and mustard and mustard products, from points in the United States (except Alaska and Hawaii), to Grand Forks, N. Dak., under a continuing contract with The Baltimore Spice Company, for 180 days. SUPPORTING SHIPPER: The Baltimore Spice Company, P.O. Box 5858, Baltimore, Md. 21208. SEND PROTESTS TO: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 1616, 2121 Bldg., Birmingham, Ala. 35203.

No. MC 139336 (Sub-No. 10 TA), filed December 16, 1976. Applicant: TRANSTATES, INC., 3216 Westminster, Santa Ana, Calif. 92703. Applicant's represent-

ative: David P. Christianson, 606 S. Olive St., Suite 825, Los Angeles, Calif. 90014. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Retreaded and new aircraft tires and worn aircraft tires*, between South San Francisco, Calif., and Salina, Kans., on the one hand, and, on the other, Chicago, Bensenville and Galva, Ill.; Minneapolis, and Bloomington, Minn.; Dallas and Houston, Tex.; Seattle and Blaine, Wash.; Kansas City, Kans., and Missouri, Denver, Colo.; and Tulsa, Okla., under a continuing contract with Thompson Aircraft Tire Corporation, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. SUPPORTING SHIPPER: Thompson Aircraft Tire Corporation, 160 Beacon St., South San Francisco, Calif. SEND PROTESTS TO: Mary Alice Francy, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, Room 1321 Federal Bldg., 300 N. Los Angeles St., Los Angeles, Calif. 90012.

No. MC 140407 (Sub-No. 2 TA), filed December 16, 1976. Applicant: HARVEY KEENAN AND DON PENICK, doing business as, DOUBLE EAGLE TRUCKING, Route 1, Box 80, Onalaska, Wash. 98570. Applicant's representative: George R. LaBissoniere, 1100 Norton Bldg., Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Shakes, shingles and ridgetrim*, from points in Washington on and west of U.S. Highway 97, to points in California, for 180 days. SUPPORTING SHIPPERS: There are approximately 9 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. SEND PROTESTS TO: R. V. Dubay, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, Oreg. 97204.

No. MC 142518 (Sub-No. 1 TA), filed December 16, 1976. Applicant: VULCAN TRANSPORTATION COMPANY, INCORPORATED, Cordova, Ala. 35550. Applicant's representative: Gerald D. Colvin, 601–09 Frank Nelson Bldg., Birmingham, Ala. 35203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products, liquid asphalt, and wood preserving products*, from the plantsite and facilities of Vulcan Asphalt Refining Company, located at or near Cordova, Ala., to points in Alabama, Georgia, Mississippi, North Carolina and South Carolina, under a continuing contract with Vulcan Asphalt Refining Company, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Vulcan Asphalt Refining Company, Cordova, Ala. 35550. Send protests to: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 1616, 2121 Bldg., Birmingham, Ala. 35203.

No. MC 142729 (Sub-No. 1 TA), filed December 17, 1976. Applicant: LESTER MATTHEWS, doing business as LESTER'S DELIVERY, 6920 Singingwood Drive, St. Louis, Mo. 63129. Applicant's representative: B. W. La Tourette, Jr., 11 S. Meramec, Suite 1400, St. Louis, Mo. 63105. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat, fish, cheese and related food items and supplies* used in the operation of White Castle System Stores, between the facility of White Castle System, St. Louis, Mo., and the facilities at White Castle Systems at Fairview Heights and Alton, Ill., under a continuing contract with White Castle System, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: White Castle System, 1111 Macklind Ave., St. Louis, Mo. 63110. Send protests to: J. P. Werthmann, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1465, 210 N. 12th St., St. Louis, Mo. 63101.

No. MC 142733 TA, filed December 14, 1976. Applicant: UNITED TRANSPORT, INC., 7225 N.W. 8th St., Miami, Fla. 33136. Applicant's representative: John P. Bond, 2766 Douglas Road, Miami, Fla. 33133. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plantains*, from points in Florida, to points in New York, New Jersey, Illinois, and California; from points in Maryland, to points in New York, New Jersey, Illinois and California; from points in New York, to points in New Jersey, Illinois and California, under a continuing contract with Caribe Produce Wholesaler Corp.; and Caribe Food Corporation, for 180 days. Supporting shipper: Caribe Produce Wholesaler Corp., and Caribe Food Corporation, 1147 N.W. 22nd St., Miami, Fla. 33127. 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 142731 (Sub-No. 1 TA), filed December 16, 1976. Applicant: WESLEY J. WOODARD, doing business as WOODARD TRUCKING, 602 W. Coldren, Oberlin, Kans. 66749. Applicant's representative Erle W. Francis, 719 Capitol Federal Bldg., Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry processed feed and feed ingredients*, from the plantsite of Cargill, Inc., McCook, Nebr., to points in Kansas on and west of U.S. Highway 183 and to points in Colorado on and north of U.S. Highway 50, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Cargill, Inc., Nutrena Feed Division, P.O. Box 9300, Minneapolis, Minn. 55440. Send protests to: Thomas P. O'Hara, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 234 Federal Bldg., Topeka, Kans. 66603.

By the Commission.

ROBERT L. OSWALD,
Secretary.

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