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federal register

FRIDAY, DECEMBER 9, 1977

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR notice 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/COAST GUARD	USDA/ASCS		DOT/COAST GUARD	USDA/ASCS
DOT/NHTSA	USDA/APHIS		DOT/NHTSA	USDA/APHIS
DOT/FAA	USDA/FNS		DOT/FAA	USDA/FNS
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	HEW/HRA			HEW/HRA
	HEW/HSA			HEW/HSA
	HEW/NIH			HEW/NIH
	HEW/PHS			HEW/PHS

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

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

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

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Title 10—Energy

CHAPTER I—NUCLEAR REGULATORY COMMISSION

PART 9—PUBLIC RECORDS

Requests for Classification Review

AGENCY: U.S. Nuclear Regulatory Commision.

ACTION: Final rule.

SUMMARY: This rule amends Appendix "A" of the Nuclear Regulatory Commission's regulation "Public Records" which provides guidance to members of the public desiring a classification review of a classified document of NRC. Prior to the amendment any person desiring a review of such a document which is more than 10 years old would address the request to the Director, Office of Administration. The amendment provides that the request should be addressed to the Director, Division of Security rather than the Director, Office of Administration.

DATE: The amendment is effective on December 9, 1977.

FOR FURTHER INFORMATION CONTACT:

Gerald L. Hutton, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, 301-492-7211.

SUPPLEMENTARY INFORMATION: Appendix "A" of the Commission's regulation "Public Records", 10 CFR Part 9, provides guidance to members of the public desiring a classification review of a classified document of NRC pursuant to section V. (c) of Executive Order 11652 and section 111.B of the National Security Council Directive Covering the Classification Downgrading, Declassification and Safeguarding of National Security Information. Any person desiring a review of such a document which is more than 10 years old, prior to this amendment, was informed to address a request to the Director, Office of Administration. Appendix "A" also specified that certain action in regard to the request was to be taken by the Director, Office of Administration.

The amendment of Appendix "A" of Part 9 set forth below deletes the words "Director, Office of Administration" wherever they appear in Appendix "A" and substitutes therefor "Director, Division of Security". Requests for classification review, pursuant to this amendment of Appendix "A", should be addressed to the Director, Division of Security.

Because this amendment relates solely to matters of agency management and procedure, notice of proposed rule making and public procedure thereon are not required by section 553 of title 5 of the United State Code, and the amendment may be made effective upon publication in the FEDERAL REGISTER.

Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and sections 552 and 553 of Title 5 of the United States Code, the following amendment to Title 10, Chapter 1, Code of Federal Regulations, Part 9 is published as a document subject to codification.

1. Appendix "A" of 10 CFR Part 9 is amended by deleting the words "Director, Office of Administration" wherever they appear and substituting therefor "Director, Division of Security".

(Sec. 161, Pub. L. 83-703, 68 Stat. 948 (42 U.S.C. 2201); sec. 201, Pub L. 93-438, 88 Stat. 1243 (42 U.S.C. 5841).)

Dated at Bethesda, Md., this 21st day of November 1977.

For the Nuclear Regulatory Commission.

LEE V. GOSSICK,
Executive Director for Operations.

[FR Doc. 77-34992; Filed 12-8-77; 8:45 a.m.]

[3128-01]

CHAPTER II—FEDERAL ENERGY ADMINISTRATION [1]

PART 212—MANDATORY PETROLEUM PRICE REGULATIONS

Adjustments to Lower and Upper Tier Crude Oil Price Ceilings To Reflect Impact of Inflation

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Final rule.

SUMMARY: The Economic Regulatory Administration ("ERA"), of the Department of Energy ("DOE"), by this action issues Crude Oil Price Schedule No. 9, effective December 1, 1977, for the months of December 1977, and January and February 1978. The Schedule provides monthly crude oil price increases to take into account the impact of inflation, as permitted under the Emergency Petroleum Allocation Act of 1973, as amended ("EPAA").

Beginning in December 1977, inflation adjustments will be applied to the projected November 1977 lower tier and upper tier prices (approximately $5.26 per barrel and $11.75 per barrel respectively) at an annual rate of 5 percent, resulting in lower tier and upper tier prices for the months of December 1977, and January and February 1978 of approximately $5.28, $5.30, and $5.32 per barrel (lower tier) and $11.80, $11.85, and $11.90 (upper tier), respectively.

EFFECTIVE DATE: December 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Deanna Williams (DOE Reading Room), Department of Energy, 12th and Pennsylvania Ave., NW., Washington, D.C. 20461, 202-566-9161.

Ed Vilade (Media Relations), Department of Energy, 12th and Pennsylvania Avenue, NW., Room 3104, Washington, D.C. 20461, 202-566-9833.

William D. Carson (Office of Regulations and Emergency Planning), Economic Regulatory Administration, 2000 M Street, NW., Room 2310, Washington, D.C. 20461, 202-254-7477.

Everard A. Marseglia, Jr. (Office of General Counsel), Department of Energy, 12th and Pennsylvania Avenue, NW., Room 5140, Washington, D.C. 20461, 202-566-9567.

SUPPLEMENTARY INFORMATION: (A) Introduction. (B) Prior Crude Oil Pricing Actions. (C) Crude Oil Price Schedule No. 9.

A. INTRODUCTION

Under the Emergency Petroleum Allocation Act of 1973, as amended ("EPAA," Pub. L. 93-159), Congress provided flexibility to control first sale prices of domestic crude oil as long as the national weighted average first sale price ("actual composite price") did not exceed $7.66 per barrel ("statutory composite price") for all domestic crude oil produced and sold in February 1976. Beginning in March 1976, the EPAA authorized increases in the statutory composite price to reflect the effects of inflation and to provide production incentives. Under present authority, the statutory composite price is adjusted upward at a rate not to exceed 10 percent annually.

Effective October 1, 1977, all functions previously performed by the Federal Energy Administration ("FEA") were transferred to the Department of Energy ("DOE") (Department of Energy Organization Act, "DOE Act" Pub. L. 95-91; Executive Order No. 12009, 42 FR 46267, September 15, 1977). In addition, by DOE

[1] EDITORIAL NOTE: Chapter II will be renamed at a future date to reflect that it contains regulations administered by the Economic Regulatory Administration of the Department of Energy.

Delegation Order No. 0204-4, the Secretary of Energy delegated to the Administrator of the ERA the authority to take such action, including the adoption of rules, as is necessary and appropriate to administer several functions, among which are the allocation and pricing of crude oil and refined petroleum products, pursuant to the provisions of the EPAA. Pursuant to this Delegation Order, the ERA adopts Crude Oil Price Schedule No. 9 as set forth below.

B. PRIOR CRUDE OIL PRICING ACTIONS

In specifying a composite price of $7.66 per barrel for all domestic crude oil in February 1976, Congress assumed that the existing ceiling price on domestic old crude oil ("lower tier") would be continued and that the average price of old crude oil was $5.25 per barrel. The $5.25 per barrel estimate was derived originally by the Cost of Living Council ("CLC") as the average first sale price of controlled domestic crude oil in December 1973. FEA was not required, nor did it have any regulatory need, to monitor actual first sale prices of controlled domestic crude oil until the advent of the Energy Policy and Conservation Act ("EPCA," Pub. L. 94-163). Inasmuch as old crude oil prices had remained frozen from December 1973, the $5.25 figure was thought to be a reasonable estimate of lower tier crude oil prices.

In specifying the $7.66 per barrel composite price, the Congress also assumed that "new," "released," and "stripper well" crude oil (which were not then subject to ceiling price limitations), would not have to be rolled back from the average first sale price of uncontrolled domestic crude oil in January 1975, which was $11.28 per barrel. The January 1975 price was based on the most recent price data available which was free from the influence of (1) the 1975 supplemental import fees on crude oil, and (2) the October 1975 price increase by the Organization of Petroleum Exporting Countries which subsequently affected domestic crude oil prices.

It was also estimated that old crude oil constituted sixty percent of total domestic crude oil. The $7.66 per barrel composite price figure was therefore calculated as follows:

$$(.6)\ ($5.25) + (.4)\ ($11.28) = $7.66.$$

(See generally S. Rept. No. 94-516, 94th Cong., 1st. Sess. 187-191 (1975).)

FEA adopted regulations to implement the composite price limitation of EPCA that were predicated on the same estimates and assumptions that had been used by the Congress. Pursuant to those regulations, which became effective February 1, 1976, comprehensive data on actual first sale prices were obtained for the first time. Those data revealed that the average first sale price for lower tier crude oil was, in fact, $5.05 per barrel, rather than the estimated $5.25 per barrel; that lower tier crude oil constituted approximately 56.1 percent of domestic production rather than the estimated 60 percent; and that the upper tier ceiling price (the September 30, 1975 posted price, less $1.32 per barrel) had resulted, in February 1976, in average upper tier prices of $11.48 per barrel rather than the intended $11.28 per barrel. These factors, among others, led FEA to discontinue price increases in July 1976.

Effective July 1, 1976, FEA halted further monthly increases in crude oil price ceilings and continued them at their June 1976 levels in order to compensate for actual composite prices in excess of adjusted statutory composite price levels. FEA took further corrective action to achieve compliance with statutory composite price restrictions by reducing upper tier price ceilings by 20 cents per barrel effective January 1, 1977, and by an additional 45 cents per barrel effective March 1, 1977. These actions were projected to eliminate all excess crude oil receipts by June 30, 1977 (see 42 FR 13013, March 8, 1977). (Although the ceiling prices for lower tier crude oil had been frozen since June 1976, and the ceiling prices for upper tier crude oil had been frozen—and subsequently rolled back—since June 1976, ceiling prices for lower tier and upper tier crude oil are determined on a field-by-field basis. As a result, average actual prices for lower tier and upper tier crude oil vary from month to month as a function of the mix of types of crude oil selling at varying ceiling prices from field to field.)

On August 11, 1977, FEA issued a Notice of Proposed Rulemaking and Public Hearing (42 FR 41396, August 16, 1977) to consider a proposal to specify the price levels for lower tier and upper tier crude oil to which such future adjustments should be applied and to implement the provision of the National Energy Plan that calls for allowing lower tier and upper tier ceiling prices to rise at not more than the rate of inflation.

On September 1, 1977, the FEA issued Crude Oil Price Schedule No. 8 (42 FR 45284, September 9, 1977), setting forth adjustments to crude oil price ceilings for the months of September through November 1977, which were based on the first revision of the GNP deflator (7.1 percent) published on August 20, 1977.

Pursuant to that schedule, lower tier prices were projected for the months of September, October, and November 1977, to be $5.20, $5.23, and $5.26 per barrel, respectively; upper tier prices were restored to projected levels for those months of $11.23, $11.49, and $11.75 per barrel, respectively. Reference should be made to the Notice which accompanied Crude Oil Price Schedule No. 8 for a more complete explanation of the method used to determine these ceiling prices.

C. CRUDE OIL PRICE SCHEDULE NO. 9

This action by ERA is the first price schedule which reflects the policy announced by FEA in Crude Oil Price Schedule No. 8, to adjust both lower tier and upper tier ceiling prices to reflect only the rate of inflation as measured by the GNP deflator. Accordingly, under Crude Oil Price Schedule No. 9, effective December 1, 1977, the November lower tier ceiling price (the May 15, 1973 posted price plus $1.57 per barrel, resulting in an average first sale price of approximately $5.26 per barrel), and the November upper tier price (the September 30, 1975 posted price less $.92, resulting in an average first sale price of approximately $11.75 per barrel), are adjusted for inflation beginning with December 1977. The first revision of the GNP deflator published on November 22, 1977 reflects an annual rate of inflation of 5 percent.

1. LOWER TIER CEILING PRICES

Ceiling prices for lower tier crude oil and the approximate average first sale prices pursuant to those ceiling prices in December 1977, and January and February 1978, are determined pursuant to the following methodology:

A. ERA has computed a monthly adjustment factor of .00407, which when applied over a twelve-month period yields an effective annual rate of adjustment of 5 percent.

B. December adjustment=(5.26) (.00407) per barrel=.02 per barrel.

C. January adjustment=(5.26+.02) (.00407) per barrel=.02 per barrel.

D. February adjustment=(5.26+.02+.02) (.00407) per barrel=.02 per barrel.

Based upon the monthly adjustments computed above, lower tier ceiling prices for the months of December 1977, and January and February 1978 are computed as follows:

December=$5.26+.02=$5.28.
January=$5.28+.02=$5.30.
February=$5.30+.02=$5.32.

In determining the lower tier ceiling prices for the months of September, October, and November 1977, FEA assumed the average highest posted field price on May 15, 1973 to be $3.69 per barrel. This assumption was based upon a projected average first sale price for lower tier crude oil in August 1977 of $5.17, at which time lower tier ceiling prices were frozen at the May 15, 1973 highest posted field prices plus $1.48 per barrel. Accordingly:

May 15, 1973 highest posted field price=$5.17-$1.48=$3.69 per barrel.

Data collected by FEA and ERA since September 1, 1977, tend to confirm FEA's assumption regarding May 15, 1973 highest posted field prices. Accordingly, using that posted price and the monthly adjustments as computed above, lower tier prices for the next three months have been determined as follows:

Month	Ceiling price	Estimated average 1st sale price
November 1977	May 15, 1973, highest posted field price plus $1.57.	$5.26
December	May 15, 1973, highest posted field price plus $1.59.	5.28
January 1978	May 15, 1973, highest posted field rice plus $1.61.	5.30
February	May 15, 1973, highest posted field price plus $1.63.	5.32

2. UPPER TIER CEILING PRICES

Ceiling prices for upper tier crude oil and the approximate average first sale

prices pursuant to those ceiling prices in December 1977, and January and February 1978 are determined pursuant to the following methodology:

A. Adjustment factor (explained above) = .00407.

B. December adjustment = (11.75) (.00407) per barrel = .05 per barrel.

C. January adjustment = (11.75 + .05) (.00407) per barrel = .05 per barrel.

D. February adjustment = (11.75 + .05 + .05) (.00407) per barrel = .05 per barrel.

Based upon the monthly adjustments computed above, upper tier ceiling prices for the months of December 1977, and January 1978 are computed as follows:

December = $11.75 + .05 = $11.80.

January = $11.80 + .05 = $11.85.

February = $11.85 + .05 = $11.90.

In determining upper tier ceiling prices for the months of September, October, and November 1977, FEA assumed the average highest posted field price on September 30, 1975 to be $12.67 per barrel. This assumption was based upon an average actual first sale price of $11.62 per barrel during the months of June through December 1976, at which time upper tier prices were frozen at the September 30, 1975 highest posted field prices less $1.05 per barrel. Accordingly:

September 30, 1975 highest posted field price = $11.62 + $1.05 = $12.67 per barrel.

Data collected by FEA and ERA since September 1, 1977, tend to confirm FEA's assumption regarding September 30, 1975 highest posted field prices. Accordingly, using that posted price and a monthly adjustment of $.05 per barrel, upper tier prices for the next three months have been determined as follows:

Month	Ceiling price	Estimated average 1st sale price
November 1977	Sept. 30, 1975, highest posted field price less $0.92.	$11.75
December	Sept. 30, 1975, highest posted field price less $0.87.	11.80
January 1978	Sept. 30, 1975, highest posted field price less $0.82.	11.85
February	Sept. 30, 1975, highest posted field price less $0.77.	11.90

On or before March 1, 1978, the ERA will issue Crude Oil Price Schedule No. 10, setting forth lower tier and upper tier ceiling prices for the months of March, April, and May 1978.

The following table summarizes on a monthly basis the projected cumulative receipts for the months February 1976 through February 1978.

Month	Lower tier percent	Lower tier price	Upper tier price	Statutory composite price	Actual composite price [1]	Cumulative excess receipts (millions)
1976:						
February	56.12	$5.05	$11.48	$7.66	$7.87	$49
March	56.93	5.07	11.39	7.72	7.79	67
April	56.69	5.07	11.52	7.78	7.86	86
May	57.04	5.13	11.55	7.84	7.89	97
June	55.92	5.15	11.60	7.88	7.99	123
July	55.58	5.19	11.60	7.93	8.04	152
August	55.68	5.18	11.62	7.98	8.03	164
September	53.41	5.17	11.65	8.04	8.19	198
October	52.39	5.15	11.62	8.11	8.23	228
November	49.94	5.17	11.62	8.17	8.40	282
December	50.07	5.17	11.64	8.24	8.40	322
1977:						
January	50.61	5.17	11.44	8.30	8.28	316
February	49.52	5.18	11.39	8.37	8.33	308
March	49.18	5.15	11.03	8.44	8.19	246
April	49.47	5.15	10.97	8.50	8.14	161
May	48.44	5.18	10.98	8.57	8.23	76
June	48.84	5.16	10.92	8.64	8.17	−36
July	46.78	5.16	10.99	8.71	8.21	−159
August	44.31	5.18	10.93	8.78	8.25	−295
September [2]	42.71	5.20	11.19	8.85	8.26	−446
October [3]	43.84	5.23	11.49	8.92	8.39	−587
November [3]	43.58	5.26	11.75	8.99	8.52	−707
December [3]	43.32	5.28	11.80	9.06	8.57	−838
1978:						
January [3]	42.77	5.30	11.85	9.13	8.65	−967
February [3]	42.30	5.32	11.90	9.21	8.73	−1,083

[1] Beginning with the month of September 1976, includes prices for stripper well crude oil production at values imputed in accordance with sec. 121 of the ECPA. Effects of Alaska North Slope crude oil production, which commenced June 20, 1977, are included.
[2] Preliminary.
[3] Projected.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, as amended, Pub. L. 93-511, Pub. L. 94-99, Pub. L. 94-133, Pub. L. 94-163, and Pub. L. 94-385; Federal Energy Administration Act of 1974, Pub. L. 933-275, as amended, Pub. L. 94-385; Energy Policy and Conservation Act, Pub. L. 94-163, as amended, Pub. L. 94-385; E.O. 11790, 39 FR 23185; Department of Energy Organization Act, Pub. L. 95-91; E.O. 12009, 42 FR 46267.)

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

Issued in Washington, D.C., December 1, 1977.

DAVID J. BARDIN,
Administrator, Economic Regulatory Administration.

APPENDIX.—*Schedule No. 9 of monthly price adjustments effective Dec. 1, 1977*

Month	Lower tier, May 15, 1973, posted price [1] (plus)	Upper tier, Sept. 30, 1975, posted price [2] (less)
1976:		
February	$1.35	$1.32
March	1.38	1.25
April	1.41	1.18
May	1.45	1.11
June	1.48	1.05
July	1.48	1.05
August	1.48	1.05
September	1.48	1.05
October	1.48	1.05
November	1.48	1.05
December	1.48	1.05
1977:		
January	1.48	1.25
February	1.48	1.25
March	1.48	1.70
April	1.48	1.70
May	1.48	1.70
June	1.48	1.70
July	1.48	1.70
August	1.48	1.70
September	1.51	1.44
October	1.54	1.18
November	1.57	.92
December	1.59	.87
1978:		
January	1.61	.82
February	1.63	.77

[1] The price referred to in 10 CFR 212.73(b)(1) or in 12.73(c)(1), 212.73(c)(3), and 212.73(e)(4).
[2] The price referred to in 10 CFR 212.74(b)(1).

This schedule of monthly price adjustments was issued by the Economic Regulatory Administration on December 1, 1977 pursuant to 10 CFR 212.77. It restates without change the lower and upper tier price ceilings applicable to crude oil produced and sold in the months of February 1976 through November 1977, as determined under 10 CFR 212.73, 212.74, and 212.77. Both lower tier and upper tier ceiling prices, which were increased under Schedule No. 8 effective September 1, 1977, are further increased as indicated in this schedule.

This schedule is effective only through February 28, 1978. Price ceilings for subsequent months will be provided by Schedule No. 10, to be issued on or about March 1, 1978. This schedule may, however, be superseded prior to March 1, 1978 by early issuance of Schedule No. 10 to reflect further ceiling price adjustments based on presently unanticipated trends in actual composite price levels.

[FR Doc.77-35068 Filed 12-5-77;12:06 pm]

[8010-01]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-14210]

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

Delegation of Authority to Director of Division of Corporation Finance

AGENCY: Securities and Exchange Commission.

ACTION: Final rule.

SUMMARY: The Commission is amending its regulations governing the delegation of authority to the Director of its Division of Corporation Finance. The new amendment permits the Director to publish periodically lists of those foreign issuers which are exempt from the registration provisions of one of the federal securities laws because they appear to be providing current public information about their activities. The purpose of the amendment is to provide more timely notice to the public of the names of such issuers by eliminating the delay occasioned by seeking Commission approval for their publication.

EFFECTIVE DATE: Immediately on December 9, 1977.

FOR FURTHER INFORMATION CONTACT:

Peter J. Romeo, Division of Corporation Finance, Securities and Exchange Commission, Washington, D.C. 20549, 202-755-1240.

SUPPLEMENTARY INFORMATION: The Commission today announced the amendment, effective immediately, of its regulations governing delegation of authority to the Director of the Division of Corporation Finance (17 CFR 200.30-1) with respect to 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)).

Rule 12g3-2(b) (17 CFR 240.12g3-2(b)) under the Exchange Act provides an exemption from the registration provisions of Section 12(g) of the Act for a foreign issuer which submits to the Commission on a current basis material specified in the rule. Such required material includes that information about which investors ought reasonably to be informed with respect to the issuer and its subsidiaries and which the issuer (1) has made public pursuant to the law of the country of its domicile or in which it is incorporated or organized, (2) has filed with a stock exchange on which its securities are traded and which was made public by such exchange and/or (3) has distributed to its security holders.

When it adopted Rule 12g3-2 and other rules relating to foreign securities,[1] the Commission indicated that from time-to-time it would issue releases containing lists of those foreign issuers which have obtained exemptions from the registration provisions of Section 12(g) of the Exchange Act by providing the information specified in Rule 12g3-2(b). Inasmuch as these releases are of a routine nature and do not involve any policy considerations or novel questions, it is not necessary for the Commission to consider each one on an individual basis. Delegation of authority to the Director of the Division of Corporation Finance to issue these announcement releases will eliminate any delay caused by seeking Commission approval for release of the information and therefore will result in more timely notice to the public of the names of those foreign issuers who have provided the information specified in Rule 12g3-2(b).

To accomplish this delegation of authority, the Commission hereby amends 17 CFR 200.30-1 by adding a new paragraph (d)(10) to read as follows:

§ 200.30-1 Delegation of authority to Director of Division of Corporation Finance.

* * * * *

(d) * * *

(10) To issue public releases listing those foreign issuers which appear to be current in submitting the information specified in Rule 12g3-2(b) (§ 240.12g3-2(b)).

* * * * *

The Commission finds that the foregoing action relates solely to agency management and personnel and, accordingly, that notice and prior publication for comment under the Administrative Procedure Act (5 U.S.C. 553) are not necessary. This action, taken pursuant to Pub. L. 87-592, 76 Stat. 394 (15 U.S.C. 78d-1, 78d-2), becomes effective immediately.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

NOVEMBER 29, 1977.

[FR Doc.77-35182 Filed 12-8-77;8:45 am]

[1] See Release No. 34-8066 (April 28, 1967) (32 FR 7845).

[8010-01]

[Release No. 34-14219]

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

Regulation of Transfer Agents

AGENCY: Securities and Exchange Commission.

ACTION: Final rule.

SUMMARY: This amendment requires registered transfer agents to acknowledge promptly and to respond as soon as possible to certain written communications which do not meet the requirements of the rule on written inquiries and requests concerning the status of items presented for transfer and certain other matters. The amendment is intended to assure that adequate attention is given to such communications.

EFFECTIVE DATE: January 9, 1978.

FOR FURTHER INFORMATION CONTACT:

Lisa G. Gessow, Staff Attorney, Division of Market Regulation, Securities and Exchange Commission, Washington, D.C. 20549, 202-755-8916.

SUPPLEMENTARY INFORMATION: On June 16, 1977, the Commission announced the adoption of §§ 240.17Ad-1 through 240.17Ad-7 under the Securities Exchange Act of 1934 (the "Act") prescribing standards for registered transfer agents with respect to certificate turnaround, notification to the Federal regulatory agencies when performance falls below the standard, a minimum time frame for responding to certain inquiries and record retention and preservation requirements.[1] These rules are the first substantive rules applicable to registered transfer agents adopted pursuant to Section 17A of the Act.

Simultaneously with the adoption of §§ 240.17Ad-1 through 7, the Commission published for public comment § 240.17Ad-5(e), a proposed amendment to § 240.17Ad-5. Section 240.17Ad-5 generally is designed to assure prompt response to written inquiries concerning the status of items presented for transfer and to certain other written inquiries in order to better meet the needs of investors who deal with transfer agents, to promote more prompt identification of lost securities and to assist broker-dealers undergoing examination and seeking to comply with requirements relating to control of customer securities.

Section 240.17Ad-5 (a) through (d) provides that those enumerated types of inquiries which contain the information generally found sufficient to enable the transfer agent to identify the account involved and the items presented must be responded to within specific time frames. Nevertheless, it is to be expected that either through inadvertence or unfamiliarity with the practices of transfer agents, persons making inquiries may omit some of the information required under § 240.17Ad-5 (a), (b), (c) or (d) or will request information which refers to a time earlier than the time periods specified in the rule.

In these circumstances, § 240.17Ad-5(e) requires the transfer agent to confirm promptly receipt of the inquiry and to respond as soon as possible thereto. If insufficient information was provided in the inquiry to enable the transfer agent to research the question, the transfer agent should request the necessary additional information in its confirmation.

COMMENTS RECEIVED

During the comment period on § 240.17Ad-5(e), which ended on August 15, 1977, the Commission received three comment letters. One letter recommended a minor alteration in the language of the rule. In response to this comment, the Commission has made an editorial change in the language of the rule. Another let-

[1] See Securities Exchange Act Release No. 34-13636 (June 16, 1977); 12 SEC Docket 853 (June 28, 1977); 42 FR 32404 (June 24, 1977).

ter endorsed both the purpose of § 240.17 Ad–5(e) and the rule itself. The final letter asserted that the "additional paperwork and procedural burden" imposed on banks was unwarranted. Since paragraph (e) requires only what good business practice demands, it does not impose any additional paperwork or procedural burden on a transfer agent which is fulfilling its responsibilities to the public. Furthermore, the rule applies to all registered transfer agents and not just bank transfer agents.

STATUTORY BASIS AND COMPETITIVE CONSIDERATIONS

Section 240.17Ad–5(e) is adopted pursuant to the Securities Exchange Act of 1934, in particular Sections 2, 17, 17A and 23(a) thereof, 15 U.S.C. 78b, 78q, 78q–1 and 78w(a). Since only a minor editorial change has been made to § 240.17Ad–5(e) as proposed in response to a comment received, the Commission has determined that further notice and public procedure thereon are unnecessary.[2]

The Commission finds that any burden upon competition imposed by this rule is necessary and appropriate in the public interest, for the protection of investors and to facilitate the establishment of a national system for the prompt and accurate clearance and settlement of transactions in securities.

CONSULTATION WITH FEDERAL BANK REGULATORY AGENCIES

In acordance with Section 17A(d)(3)(A)(i) of the Act, 15 U.S.C. 78q–1(d)(3)(A)(i), the Commission consulated with and requested the views of the Federal bank regulatory agencies at least fifteen days prior to this announcement.

Accordingly, 17 CFR Part 240 is amended by adding paragraph (e) to § 240.17Ad–5 as follows:

§ 240.17Ad–5 Written inquiries and requests.

* * * * *

(e) When any person makes a written inquiry or request which would qualify under paragraph (a), (b), (c) or (d) of this section except that it fails to provide all of the information specified in those paragraphs, or requests information which refers to a time earlier than the time periods specified in those paragraphs, a registered transfer agent shall confirm promptly receipt of the inquiry or request and shall respond to it as soon as possible.

* * * * *

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

DECEMBER 1, 1977.

[FR Doc.77–35181 Filed 12–8–77;8:45 am]

[2] See Administrative Procedure Act, 5 U.S.C. 551, 553(b)(B).

[4110–03]

Title 21—Food and Drugs

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

SUBCHAPTER A—GENERAL

[Docket No. 75C–0283]

PART 73—LISTING OF COLOR ADDITIVES EXEMPT FROM CERTIFICATION

PART 81—GENERAL SPECIFICATIONS AND GENERAL RESTRICTIONS FOR PROVISIONAL COLOR ADDITIVES FOR USE IN FOODS, DRUGS, AND COSMETICS

Logwood Extract; Confirmation of Effective Date

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: This document confirms the effective date of November 1, 1977, of a regulation concerning the use of logwood extract in coloring nylon and silk nonabsorbable sutures for use in general and ophthalmic surgery.

DATE: Effective date confirmed: November 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Gerad L. McCowin, Bureau of Foods (HFF–334), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, D.C. 20204, 202–472–5740.

SUPPLEMENTARY INFORMATION: A regulation published in the FEDERAL REGISTER of September 30, 1977 (42 FR 52393), added § 73.1410 (21 CFR 73.1410) to Subpart B of Part 73 (21 CFR Part 73) to provide for the safe use of logwood extract in coloring nylon and silk nonabsorbable sutures for use in general and opthalmic surgery. The regulation also amended § 81.1(f) (21 CFR 81.1(f)), by deleting "logwood" from the provisionally listed colors.

Under the Federal Food, Drug, and Cosmetic Act (sec. 706 (b), (c), and (d), 74 Stat. 399–403 (21 U.S.C. 376 (b), (c), and (d)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), notice is given that no objections or requests for hearing were filed in response to the regulation of September 30, 1977. Accordingly, the amendments promulgated thereby became effective on November 1, 1977.

Dated: December 2, 1977.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.77–35165 Filed 12–8–77;8:45 am]

[4110–03]

[Docket No. 76C–0386]

PART 74—LISTING OF COLOR ADDITIVES SUBJECT TO CERTIFICATION

D&C Green No. 5; Confirmation of Effective Date

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: This document confirms the effective date of November 1, 1977, of a regulation concerning the use of D&C Green No. 5 for coloring nylon 6 [poly-(*e*-caprolactam)] nonabsorbable surgical sutures for use in general surgery. The regulations also deleted the requirement that surgical sutures colored with D&C Green No. 5 conform in all respects to the requirements of the United States Pharmacopeia.

EFFECTIVE DATE: Effective date confirmed, November 1, 1977.[1]

FOR FURTHER INFORMATION CONTACT:

Gerad L. McCowin, Bureau of Foods (HFF–334), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C Street SW., Washington, D.C. 20204, 202–472–5740.

SUPPLEMENTARY INFORMATION: A regulation published in the FEDERAL REGISTER of September 30, 1977 (42 FR 52395) amended § 74.1205 *D&C Green No. 5* (21 CFR 74.1205) to provide for the safe use of D&C Green No. 5 for coloring nylon 6 [poly-(*e*-caprolactam)] nonabsorbable surgical sutures for use in general surgery and deleted the requirements that nylon nonabsorbable sutures colored with D&C Green No. 5 conform in all respects to the requirements of the United States Pharmacopeia.

Under the Federal Food, Drug, and Cosmetic Act (sec. 706(b), (c), and (d), 74 Stat. 399–403 (21 U.S.C. 376(b), (c), and (d))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), notice is given that no objections or requests for hearing were filed in response to the order of September 30, 1977. Accordingly, the amendments promulgated thereby became effective on November 1, 1977.

Dated: December 1, 1977.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.77–35114 Filed 12–8–77;8:45 am]

[1] As published on September 30, 1977 (42 FR 52395), the effective date read October 31, 1977, due to an editorial error. The correct effective date was November 1, 1977.

[4110–03]

SUBCHAPTER B—FOOD FOR HUMAN CONSUMPTION

[Docket No. 76P–0128]

PART 133—CHEESES AND RELATED CHEESE PRODUCTS

Caciocavallo Siciliano, Mozzarella, Low Moisture Mozzarella and Provolone Cheeses; Standards of Identity; Confirmation of Effective Date of Amendments

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: This document confirms the effective date of revised standards of identity for caciocavallo siciliano, mozzarella, low moisture mozzarella, and provolone cheeses, and the cross-referenced cheeses, part-skim mozzarella and low moisture part-skim mozzarella. Published in the FEDERAL REGISTER of August 2, 1977 (42 FR 39101), the revised standards provide for the addition of safe and suitable antimycotic agents during a specified step in the manufacturing process and require label declaration of all optional ingredients.

EFFECTIVE DATES: Voluntary compliance may have begun October 3, 1977. Mandatory compliance is required for all products initially introduced into interstate commerce: July 1, 1979.

FOR FURTHER INFORMATION CONTACT:

Eugene T. McGarrahan, Bureau of Foods (HFF–415), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C Street SW., Washington, D.C. 20204, 202–245–1155.

SUPPLEMENTARY INFORMATION: The Commissioner of Food and Drugs issued the final regulation that permits the addition of safe and suitable antimycotic agents to the curd of caciocavallo siciliano, mozzarella, low moisture mozzarella, and provolone cheeses and the cross-referenced cheeses, part-skim mozzarella and low moisture part-skim mozzarella, during the kneading and stretching (pasta filata) step of the manufacturing process. The final regulation also required label declaration of all optional ingredients. One objection, which was later withdrawn, was received in response to the final regulation.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 401, 701 (e), 52 Stat. 1046 as amended, 70 Stat. 919 as amended (21 U.S.C. 341, 371(e))) and under authority delegated to the Commissioner (21 CFR 5.1), notice is given that compliance with the amendments of § 132 111, 133.155, 133.156, and 133.181 (21 CFR 133.111, 133, 155, 133.156, and 133.181) promulgated in the FEDERAL REGISTER of August 2, 1977 (42 FR 39101) may have begun October 3, 1977, and all products initially introduced into interstate commerce on or after July 1, 1979, shall fully comply.

Dated: November 30, 1977.

JOSEPH P. HILE,
Associate Commissioner for Compliance.

[FR Doc.77–34959 Filed 12–8–77;8:45 am]

[1505–01]

SUBCHAPTER E—ANIMAL DRUGS, FEEDS, AND RELATED PRODUCTS

PART 570—FOOD ADDITIVES

General Recognition of Safety and Prior Sanction for Ingredients in Animal Feeds and Pet Food

Correction

In FR Doc. 77–29872, appearing at page 55206 in the issue for Friday, October 14, 1977, on page 55207, second column, under "Effective date:", the date "November 30, 1977" should read "November 14, 1977".

[1505–01]

SUBCHAPTER J—RADIOLOGICAL HEALTH

[Docket No. 76N–0492]

PART 1005—IMPORTATION OF ELECTRONIC PRODUCTS

Subpart C—Bonding and Compliance Procedures, Changes in Service Rates

Correction

In FR Doc. 77–29868, appearing at page 55207 in the issue for Friday, October 14, 1977, on page 55208, first column, in the table, move the words "ing hours" up; and in the equation "$\frac{4512}{1696}$ • 226 pct.", change the "226 pct." to "266 pct.".

[4110–03]

SUBCHAPTER B—FOOD FOR HUMAN CONSUMPTION

[Docket No. 77F–0084]

PART 176—INDIRECT FOOD ADDITIVES: PAPER AND PAPERBOARD COMPONENTS

Components of Paper and Paperboard in Contact With Aqueous and Fatty Foods

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration is amending the food additive regulations to provide for the safe use of a certain resin as a dry-strength agent, drainage aid, or retention aid in the manufacture of paper and paperboard for contact with fatty food. A petition was filed by the Dow Chemical Corp. requesting such use.

DATES: Effective December 9, 1977; objections by January 9, 1978.

ADDRESS: Written objections to the Hearing Clerk (HFC–20), Food and Drug Administration, Room 4–65, 5600 Fishers Lane, Rockville, Md. 20857.

FOR FURTHER INFORMATION CONTACT:

John J. McAuliffe, Bureau of Foods (HFF–334), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C Street SW., Washington, D.C. 20204, 202–472–5690.

SUPPLEMENTARY INFORMATION: A notice published in the FEDERAL REGISTER of May 6, 1977 (42 FR 23170) announced that a petition (FAP 7B3265) had been filed by Dow Chemical, U.S.A., P.O. Box 1706, Midland, Mich. 48640, proposing that § 176.170 (21 CFR 176.170) be amended to provide for the safe use of poly[acrylamide-acrylic acid-*N*-(dimethyl-aminomethyl) acrylamide] resin as a dry-strength agent, drainage aid, or retention aid in the manufacture of paper and paperboard for contact with fatty food.

The Commissioner of Food and Drugs, having evaluated the data in the petition and other relevant material, concludes that § 176.170 should be amended as set forth below.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1))) and under authority delegated to the Commissioner (21 CFR 5.1), Part 176 is amended in § 176.170 by alphabetically inserting a new item in the list of substances in paragraph (a)(5), to read as follows:

§ 176.170 **Components of paper and paperboard in contact with aqueous and fatty foods.**

* * * * *

(a) * * *

(5) * * *

List of Substances	Limitations
* * * * *	* * * * *
Poly[acrylamide - acrylic acid - *N* - (dimethyl-aminomethyl) acrylamide] (C.A. Registry No. 53800–41–2), produced by reacting 9.6–16.4 parts by weight of polyacrylamide with 1.6 parts dimethylamine and 1 part formaldehyde, and containing no more than 0.2% monomer as acrylamide, such that a 20% aqueous solution has a minimum viscosity of 4,000 cP at 25° C. as determined by Brookfield viscometer model RVT, using a No. 5 spindle at 20 r/min (or equivalent method).	For use only as a drainage aid, retention aid, or dry-strength agent employed prior to the sheet-forming operation in the manufacture of paper and paperboard at a level not to exceed 0.25 percent by weight of finished dry paper and paperboard fibers, when such paper or paperboard is used in contact with fatty foods under conditions of use described in paragraph (c) of this section, table 2, conditions of use E, F, and G.
* * * *	* * *

Any person who will be adversely affected by the foregoing regulation may at any time on or before January 9, 1978, submit to the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857, written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be separately numbered and each numbered objection shall specify with particularity the provision of the regulation to which objection is made. Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held; failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Four copies of all documents shall be submitted and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this regulation. Received objections may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This regulation shall become effective December 9, 1977.

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

Dated: December 1, 1977.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.77-35048 Filed 12-8-77;8:45 am]

[6560-01]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

[FRL 825-7; FAP 6H5106/T30]

PART 193—TOLERANCES FOR PESTICIDES IN FOOD ADMINISTERED BY THE ENVIRONMENTAL PROTECTION AGENCY

Glyphosate

AGENCY: Office of Pesticide Programs, Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule renews a food additive regulation permitting the experimental use of the herbicide glyphosate. The renewal was requested by Monsanto Co. This rule will renew the maximum permissible level for residues of glyphosate in potable water while further data is collected on glyphosate.

EFFECTIVE DATE: Effective on December 9, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. James G. Touhey, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M Street SW., Washington, D.C. 20460, 202-755-4851.

SUPPLEMENTARY INFORMATION: On August 6, 1976, the EPA announced (41 FR 32888) that in response to a petition (FAP 6H5106) submitted by Monsanto Co., 800 North Lindbergh Blvd., St. Louis, Mo. 63166, 21 CFR 193.235 was being established to permit the use of the herbicide glyphosate (*N*-(phosphonomethyl)glycine and its metabolite aminomethylphosphonic acid in a proposed experimental program involving application to the banks of small water impoundments, irrigation ditch banks, and drainage ditch banks with a tolerance limitation of 1 part per million (ppm) for residues of the herbicide and its metabolite in potable water in accordance with an experimental use permit that was being issued concurrently under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973, 89 Stat. 751; 7 U.S.C. 136(a) et seq.). This experimental program expired July 28, 1977.

Monsanto Co. has requested a two-year renewal of this temporary tolerance to permit continued testing to obtain additional data.

The scientific data reported and other relevant material have been evaluated, and it has been determined that the pesticide may be safely used in accordance with the provisions of the experimental use permit which is being issued concurrently under FIFRA. It has further been determined that since residues of the pesticide may result in potable water from the agricultural use provided for in the experimental use permit, the food additive regulation should be renewed along with the tolerance limitation.

Accordingly, a food additive regulation is established as set forth below.

Any person adversely affected by this regulation may on or before January 9, 1978, file written objections with the Hearing Clerk, EPA, Room 1019, East Tower, 401 M Street SW., Washington, D.C. 20460. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by the grounds legally sufficient to justify the relief sought.

Effective on December 9, 1977, 21 CFR Part 561 is amended as set forth below.

(Sec. 409(c)(1), Federal Food, Drug, and Cosmetic Act (21 U.S.C. 348(c)(1)).)

Dated: November 22, 1977.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

§ 193.235 [Amended]

In the last line of paragraph (a) the date is changed from "July 28, 1977" to "November 22, 1979".

[FR Doc.77-35041 Filed 12-8-77;8:45 am]

[4210-01]

Title 24—Housing and Urban Development

CHAPTER II—OFFICE OF ASSISTANT SECRETARY FOR HOUSING—FEDERAL HOUSING COMMISSIONER, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—MORTGAGE AND LOAN INSURANCE

[Docket No. R-77-491]

PART 221—LOW COST AND MODERATE INCOME MORTGAGE INSURANCE

PART 236—MORTGAGE INSURANCE AND INTEREST REDUCTION PAYMENT FOR RENTAL PROJECTS

Prepayment With Mortgage Approval

AGENCY: Department of Housing and Urban Development.

ACTION: Interim rule.

SUMMARY: The rule will permit mortgage prepayment to be subject to approval by the mortgagee when the funds for the loan are obtained by the sale of bonds. The purpose is to protect the mortgagee who has issued bonds to public investors and will have to pay a redemption penalty when the bonds are called. To provide funds to meet the redemption penalty, it will be necessary to have a similar provision in the mortgage.

DATES: All written comments and suggestions received on or before January 9, 1978, will be considered before a final rule is adopted.

ADDRESSES: All materials which persons wish to submit should refer to the above docket number and title and be sent to the Rules Docket Clerk, Office of the Secretary, Room 5218, Department of Housing and Urban Development, 451 7th Street SW., Washington, D.C. 20410. Copies of the comments submitted will be available at this address for public inspection during business hours.

FOR FURTHER INFORMATION CONTACT:

Robert I. Gould, Director, Multifamily Mortgage Insurance Division, Department of Housing and Urban Development, Washington, D.C. 20410, 202-755-8203.

SUPPLEMENTARY INFORMATION: In several States, the State housing finance agency is holding up the issuance of bonds to raise money for mortgage loans until this change is effective. Since the absence of this change is delaying a

number of housing projects, HUD has determined that the public interest would be served by making these provisions effective upon publication. Therefore, the Department has found that good cause exists for making these provisions effective upon publication on an interim basis.

A Finding of Inapplicability respecting the National Environmental Policy Act of 1969 has been made in accordance with HUD procedures. A copy of this Finding of Inapplicability will be available for public inspection during regular hours in the Office of the Rules Docket Clerk, at the above address. It is hereby certified that the economic and inflationary effects of this proposed rule have been carefully evaluated in accordance with Executive Order No. 11821.

Accordingly, it is proposed that Parts 221 and 236 be amended to read as follows:

1. Section 221.524 is amended by adding a new paragraph lettered (d) with a subheading entitled "Prepayment with mortgagee approval" to read as follows:

§ 221.524 Prepayment privileges.

* * * * *

(d) *Prepayment with mortgagee approval.* Where the mortgage is given to secure a loan made by a mortgagee which has obtained the funds for such loan by the issuance and sale of bonds or bond anticipation notes, or both, the mortgage may contain a provision that the mortgage indebtedness may not be prepaid in whole or in part without prior written consent of the mortgagee and the Commissioner. The consent of the mortgagee to prepay the debt, in whole or in part, may be conditioned upon payment to the mortgagee by the mortgagor of such fees and charges which are reasonable as determined by the Commissioner and which are related to the mortgagee's cost of redeeming the bonds or bond anticipation notes sold to finance the loan.

2. Section 236.30 is amended by adding a new paragraph lettered (e) with a subheading entitled "Prepayment with mortgagee approval' 'to read as follows:

§ 236.30 Prepayment privileges.

* * * * *

(e) *Prepayment with mortgagee approval.* Where the mortgage is given to secure a loan made by a mortgagee which has obtained the funds for such loan by the issuance and sale of bonds or bond anticipation notes, or both, the mortgage may contain a provision that the mortgage indebtedness may not be prepaid in whole or in part without prior written consent of the mortgagee and the Commissioner. The consent of the mortgagee to prepay the debt, in whole or in part, may be conditioned upon payment to the mortgagee by the mortgagor of such fees and charges which are reasonable as determined by the Commissioner and which are related to the mortgagee's cost of redeeming the bonds or bond anticipation notes sold to finance the loan.

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

Issued in Washington, D.C., on December 1, 1977.

MORTON BARUCH,
Deputy Assistant Secretary for Housing, Deputy Federal Housing Commissioner.

[FR Doc.77-35161 Filed 12-8-77;8:45 am]

[4510-27]

Title 29—Labor

SUBTITLE A—OFFICE OF THE SECRETARY OF LABOR

PART 5—LABOR STANDARDS PROVISION APPLICABLE TO CONTRACTS COVERING FEDERALLY FINANCED AND ASSISTED CONSTRUCTION (ALSO LABOR STANDARDS PROVISIONS APPLICABLE TO NON-CONSTRUCTION CONTRACTS SUBJECT TO THE CONTRACT WORK HOURS AND SAFETY STANDARDS ACT)

AGENCY: Wage and Hour Division, Labor.

ACTION: Final rule.

SUMMARY: The variation of the Contract Work Hours and Safety Standards Act which now permits 8 hours a day and 48 hours a week work by contractors providing nursing home care of veterans before overtime is due is revised to permit 8 hours a day and 80 hours in a 14-day period to be worked before overtime is due. This change is to resolve the present conflict between an authorized variation of the Contract Work Hours and Safety Standards Act and the provisions of the Fair Labor Standards Act, which arose as a result of the 1974 amendments to the Fair Labor Standards Act.

DATE: This regulation shall be effective on January 9, 1977.

FOR FURTHER INFORMATION CONTACT:

William G. Blackburn, Acting Branch Chief, Division of Government Contracts Regulations, Wage and Hour Division, Employment Standards Administration, Room S-3518, New Department of Labor Building, 200 Constitution Avenue NW., Washington, D.C. 20210, 202-523-7541.

SUPPLEMENTARY INFORMATION: The Contract Work Hours and Safety Standards Act requires payment of overtime for hours worked in excess of 8 in a day and 40 in a week. Section 105 of that Act authorizes the Secretary to prescribe regulations allowing reasonable variations under certain conditions. Pursuant to that authority, 29 CFR 5.14(d)(3) was issued which permitted contractors providing nursing home care of veterans to be in compliance with the Contract Work Hours and Safety Standards Act by paying overtime for hours worked in excess of 8 in a day and 48 in a week. When the variation was issued, the Fair Labor Standards Act permitted such overtime and in the interest of consistency between the two Acts, the variation was issued.

In the 1974 amendments to the Fair Labor Standards Act, the applicable provision was changed to require such employers to pay overtime for hours worked in excess of 8 in a day and 80 in a 14-day period. As contractors must comply with the Fair Labor Standards Act (when it is applicable), the present variation may affirmatively mislead contractors who believe that by compliance with the Contract Work Hours and Safety Standards Act variation, they are complying with the Fair Labor Standards Act also. This amendment which will resolve the conflict between the variation and the Fair Labor Standards Act as amended, was published for comment in the FEDERAL REGISTER of August 26, 1977, at 42 FR 43098. No comments were received.

At present a contractor who provides nursing home care for veterans and whose employees work not in excess of 8 hours in a day and 48 hours in a week is in compliance with the Contract Work Hours and Safety Standards Act although the contractor would be in violation of the Fair Labor Standards Act for any hours worked in excess of 80 hours in a two week period. By this variation the contractor also will be in violation of the CWHSSA for all hours worked over 80 in a two week period. As contractors may by this variation be subjected to the sanctions provided in the CWHSSA, the variation shall not be effective until 30 days after publication.

This variation is found necessary and proper and in the public interest to avoid serious impairment of the conduct of Government business.

This document was prepared under the direction and control of Xavier M. Vela, Administrator, Wage and Hour Division, Room S-3502, New Department of Labor Building, 200 Constitution Avenue NW., Washington, D.C. 20210, 202-523-8305.

Section 5.14(d)(3) of 29 CFR Part 5 is amended to read as follows:

§ 5.14 Limitations, variations, tolerances, and exemptions under the Contract Work Hours and Safety Standards Act.

* * * * *

(d) Variations * * *

(3) In the performance of any contract entered into pursuant to the provisions of 38 U.S.C. 620 to provide nursing home care of veterans, no contractor or subcontractor under such contract shall be deemed in violation of Section 102 of the Contract Work Hours and Safety Standards Act by virtue of failure to pay the overtime wages required by such section for work in excess of 8 hours in any calendar day or 40 hours in the workweek to any individual employed by an establishment which is an institution primarily engaged in the care of the sick, the aged, or the mentally ill or defective who reside on the premises if, pursuant to an agreement or understanding arrived at between the employer and the employee before performance of the work, a work period of 14 consecutive days is accepted in lieu of the workweek of 7 consecutive days for the purpose of overtime compensation and if such individual receives compensation for employment in excess of 8 hours in any workday and in excess

of 80 hours in such 14-day period at a rate not less than 1½ times the regular rate at which the individual is employed, computed in accordance with the requirements of the Fair Labor Standards Act of 1938, as amended.

Signed at Washington, D.C., on this 5th day of December 1977.

XAVIER M. VELA,
Administrator.

[FR Doc.77-35295 Filed 12-8-77;8:45 am]

[4510-27]

PART 40—FARM LABOR CONTRACTOR REGISTRATION

Issuance by Florida of Certificates of Registration and Employee Identification Cards

AGENCY: Department of Labor.

ACTION: Final rule.

SUMMARY: The State of Florida has entered into an agreement with the Secretary of Labor to issue Farm Labor Contractor Certificates of Registration and Employee Identification Cards in compliance with the Farm Labor Contractor Registration Act and regulations issued thereunder. This document adds the State of Florida to the list of states authorized to issue Certificates of Registration and Employee Identification Cards under the Farm Labor Contractor Registration Act which are entitled to the same recognition in all states as if they had been issued by the Department of Labor.

DATE: This rule was effective on October 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Solomon Sugarman, Chief, Branch of Farm Labor Law Enforcement, Office of Fair Labor Standards, Wage and Hour Division, Room S-3504, New Department of Labor Building, 200 Constitution Avenue NW., Washington, D.C. 20210, 202-523-7531.

SUPPLEMENTARY INFORMATION: The authority conferred by Section 8 of the Farm Labor Contractor Registration Act of 1963, as amended (7 U.S.C. 2047), does not require issuance of regulations to authorize the Department to enter into agreements with states under which states issue Certificates of Registration and Employee Identification Cards. Such agreements are effective upon their execution. The State of Florida has executed such an agreement effective October 1, 1977. Under § 40.43(d) of Title 29, CFR, Certificates of Registration and Employee Identification Cards issued by the State of Florida pursuant to their agreement of October 1, 1977, are entitled to the same recognition in all states as if they had been issued by the Department of Labor. Accordingly, the State of Florida is added to the list of states in § 40.43(e) which have executed such agreements in order that all other states may expeditiously recognize Certificates of Registration and Employee Identification Cards issued by the State of Florida under the Farm Labor Contractor Registration Act.

This document was prepared under the direction and control of Alvin Bramow, Acting Associate Solicitor for General Legal Services, Office of the Solicitor, Department of Labor.

Section 40.43 is amended to read as follows:

§ 40.43 Issuance of Farm Labor Contractor Certificates of Registration and Farm Labor Contractor Employee Identification Cards by States.

* * * * *

(e) The Secretary in accordance with the provisions of this section, has entered into an agreement with each State listed herein below:

* * * * *

Florida.
New Jersey.

Signed at Washington, D.C., on this 6th day of December 1977.

RAY MARSHALL,
Secretary of Labor,
U.S. Department of Labor.

[FR Doc.77-35294 Filed 12-8-77;8:45 am]

Title 20—Employees' Benefits

[4510-30]

CHAPTER V—EMPLOYMENT AND TRAINING ADMINISTRATION

TEMPORARY HOUSING FOR AGRICULTURAL WORKERS

Revocation of Rules

AGENCY: Employment and Training Administration, Labor.

ACTION: Deletion of rules.

SUMMARY: The Employment and Training Administration of the Department of Labor is deleting its temporary housing standards and adopting the temporary housing standards of the Occupational Safety and Health Administration of the Department of Labor. The purpose of this rule is to achieve a single set of housing standards for all temporary housing.

DATE: Effective date December 9, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. David O. Williams, Deputy Administrator, United States Employment Service, Room 8000, 601 D Street NW., Washington, D.C. 20213, telephone: 202-376-6674.

SUPPLEMENTARY INFORMATION: For some time interested persons, including agricultural employers and migrant organizations, have been urging the Department of Labor to adopt a single set of housing standards for temporary labor camps. The Department of Labor currently has two different sets of standards: The Employment and Training Administration (ETA) standards at 20 CFR Part 620 and the Occupational Safety and Health Administration (OSHA) standards at 29 CFR 1910.142. The ETA standards were promulgated in 1968 before the passage of the Occupational Safety and Health Act of 1970. The OSHA standards were promulgated subsequent to the passage of that Act. The OSHA standards apply to all temporary labor camps. The ETA standards apply only to the housing of employers who use the intrastate or the interstate job order clearance system of the Employment Service system. Thus, some temporary labor camps are subject to two different sets of housing standards. The two sets of standards have caused confusion and have placed administrative and enforcement-compliance burdens on employers, workers, State agencies, and the Department. The Department, in light of the President's oft-stated policy of eliminating unnecessary regulatory burdens, believes that the time has come to end this situation by adopting one set of temporary housing standards. Therefore, the Employment and Training Administration is deleting its housing standards and adopting the Occupational Safety and Health Administration standards.

The Department finds that this elimination of duplicative, yet different, housing standards is clearly in the public interest. The deletion of the ETA regulations, moreover, does not constitute rulemaking, both because it is a deletion rather than a making of a rule, and because no additional rules are being promulgated since the OSHA standards which remain are already legally applicable by their terms to all temporary labor camps. Consequently, the deletion of the ETA standards will become effective immediately upon publication of this document. Although the deletion of the ETA housing standards will become effective immediately upon the publication of this document in the FEDERAL REGISTER, the Department (that is, both the Employment and Training and Occupational Safety and Health Administrations), in recognition of the past situation, will allow employers whose housing now meets the ETA standards until January 1, 1979, to bring their housing into compliance with the OSHA standards.

Accordingly, 20 CFR Chapter V is amended as follows:

PART 602—FEDERAL-STATE EMPLOYMENT SERVICE SYSTEM

§ 602.10a [Amended]

1. In paragraph (b), the citation "602.9" is changed to "29 CFR 1910.142".

PART 603—STATE PROGRAM BUDGET PLANS UNDER THE WAGNER-PEYSER ACT

§ 603.3 [Amended]

2. In § 603.3 the citation "620" is deleted.

PART 620—HOUSING FOR AGRICULTURAL WORKERS

3. Part 620—Housing for agricultural workers is removed in its entirety.

PART 651—GENERAL PROVISIONS GOVERNING THE FEDERAL-STATE EMPLOYMENT SERVICE SYSTEM

§ 651.1 [Amended]

4. In § 651.1, paragraph (b), the citation "620" is deleted.

§ 651.7 [Amended]

5. In § 651.7, the definition of "ES regulations" is amended by deleting the citation "620".

PART 653—SERVICES OF THE EMPLOYMENT SERVICE SYSTEM

§ 653.108 [Amended]

6. In paragraph (c)(6) the words "Part 620 of this Chapter or the full set of standards set forth at" are deleted.

7. In paragraph (d)(2) the words "Part 620 of this Chapter or the full set of standards set forth at" are deleted.

PART 658—ADMINISTRATIVE PROVISIONS GOVERNING THE EMPLOYMENT SERVICE SYSTEM

§ 658.600 [Amended]

8. In § 658.600 the citation "620" is deleted.

§ 658.701 [Amended]

9. In § 658.701 the citation "620" is deleted.

Signed at Washington, D.C. this 5th day of December 1977.

RAY MARSHALL,
Secretary of Labor.

[FR Doc.77-35160 Filed 12-8-77;8:45 am]

[6560-01]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER A—GENERAL

[FRL 816-2]

PART 3—EMPLOYEE RESPONSIBILITIES AND CONDUCT

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This rule prescribes the procedures to be followed by Environmental Protection Agency (EPA) employees in filing public financial disclosure statements under the Clean Air Act (CAA) (42 U.S.C. 7401 et seq.), the Toxic Substances Control Act (TSCA) (15 U.S.C. 2601 et seq.), and the Solid Waste Disposal Act (SWDA) as amended by the Resource Conservation and Recovery Act of 1976 (42 U.S.C. 6901 et seq.). Section 318 of CAA requires each officer or employee of EPA who performs any function or duty under CAA and has any known financial interest in any person subject to CAA or any person who applies for or receives any grant, contract, or other form of financial interest pursuant to CAA to file a written statement of such interests. This requirement also applies to members of the scientific review committee under section 109 and public members of the National Commission on Air Quality. Under this rule each EPA employee or member who is not specifically exempted must file a statement of known financial interests on February 1 of each year beginning in 1978. These statements will be available to the public for examination and copying in the EPA Public Information Reference Unit. Due to the internal nature of this rule and the short period of time decreed by Congress for promulgation of this rule, this rule is published as a final rule and is effective immediately.

EFFECTIVE DATE: December 9, 1977.

FOR FURTHER INFORMATION CONTACT:

James C. Nelson, Office of General Counsel, Contracts and General Administration Branch (A-134), U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, 202-755-0794.

SUPPLEMENTARY INFORMATION: On February 4, 1977, the Environmental Protection Agency (EPA) published rules for public financial disclosure by EPA employees under two statutes: the Toxic Substances Control Act (TSCA) and the Solid Waste Disposal Act (SWDA) as amended by the Resource Conservation and Recovery Act of 1976 (42 FR 6808). These rules were published as interim final rules with an opportunity for comment. No comments were received by EPA in response to these rules. The rule published today makes certain changes and corrections to those rules, including a change in the reference of the Solid Waste Disposal Act which was incorrectly cited as the Resource Conservation and Recovery Act of 1976.

In addition, this rule includes a new provision for public financial disclosure by EPA employees under the Clean Air Act (CAA). Section 318 of CAA requires EPA employees to file statements of known financial interests they hold in any person subject to CAA or any person who applies for or receives any grant, contract, or other form of financial assistance pursuant to CAA.

Section 318 states that the Administrator shall exempt employees who occupy positions that are nonpolicymaking and nonregulatory from the requirement to file statements of known financial interests. Appendix G will contain a list of positions whose occupants will be exempt from the requirement to file statements of known financial interest. Under the procedures set forth in new section 3.307, as well as 3.305 and 3.306, in December of each year EPA will decide which positions should be exempt from the requirement to file under CAA, TSCA, and SDWA. By December 31 of each year, EPA will publish a revised list for Appendices E, F, and G. This list will apply to the statements that must be filed the following February 1.

To determine whether a position is policymaking or regulatory in nature, EPA has adopted the definitions in paragraphs (d)(3), (d)(4), and (d)(5) of section 3.305. This is a codification of the policymaking definition used in the preamble of February 4, 1977 (42 FR 6808). All positions at EPA will be evaluated each year to determine whether they should be exempt from the requirement to file under one or more of the specific acts. This review function has been assigned to the Deputy Counselors who are the Assistant Administrators, Deputy Assistant Administrators, Regional Administrators, Heads of Headquarters staff offices and Laboratory Directors.

All statements of known financial interests filed under CAA, TSCA and SWDA will be available for inspection and copying by the public in the Public Information Reference Unit (PM-213) in EPA's Headquarters at 401 M Street SW., Washington, D.C. 20460.

Section 318 also requires filing of statements of known financial interests by members of the scientific review committee under section 109(d) of the Act (42 U.S.C. 7409(d)) and by any member of the National Commission on Air Quality (Commission) appointed as a member of the public. Statements by the public members of the Commission will be filed with the Commission and reviewed by the members of the Commission in accordance with the procedures in 40 CFR Part 3. Statements filed by members of the scientific review committee will be reviewed by the Agency Counselor.

Section 318 imposes certain additional requirements. First, § 3.307(h) reflects the language in section 318(c)(1) of the Act that, after August 7, 1978, nonexempt EPA employees may not be employed by, serve as attorney for, act as consultant for, or hold any official or contractual relationship to certain businesses and organizations. Second, nonexempt EPA employees may not own, or have any financial interest in, any stocks, bonds, or other financial interests that may be inconsistent with their positions as EPA employees. Section 318(d) states that the Administrator shall promulgate rules to identify financial interests that may be inconsistent with particular nonexempt positions.

After examining the rules in 40 CFR Part 3, EPA believes that it has adequate procedures to identify and resolve financial interests that may be inconsistent with particular EPA positions. The entire review procedure set forth in 40 CFR Part 3 is designed to bring to light actual conflicts of interest or apparent conflicts of interest. Whenever conflicts or apparent conflicts have come to light, EPA has taken action to resolve them, either by removal of the employee in question from the particular matter that presents the conflict or by requiring the employee to dispose of the conflicting financial holding. Deputy Counselors have authority to place very stringent requirements on their particular employees concerning the specific types of investments they may make. Some Deputy Counselors have chosen to bar their employees from having any financial interest in any person

regulated by the particular office, even if the duties of the employee in question have no relationship to the financial interest.

At this time it would be difficult to identify specific financial interests that might be inconsistent with particular nonexempt positions and to promulgate rules identifying them. After the first statements of known financial interests are filed under CAA (February 1, 1978), the Agency Counselor and the Deputy Counselors will meet to review the statements that have been filed. After this review, they will decide whether or not it is practicable to identify specific financial interests that may be inconsistent with particular nonexempt positions and may recommend that these regulations be amended to identify specific financial interests that are inconsistent with certain positions. 40 CFR Chapter I, Part 3, is amended as follows:

1. The Table of Sections, Subpart C is amended by revising § 3.306 and by adding § 3.307 and Appendix G to read as follows:

Subpart C—Financial Interests and Investments

* * * * *

§ 3.306 Statements of known financial interests under the Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act of 1976.

§ 3.307 Statements of known financial interests under the Clean Air Act.

* * * * *

Appendix G—Positions whose incumbents are exempt from filing statements of known financial interests under the Clean Air Act.

2. Section 3.301 is amended by revising the fourth sentence of paragraph (a) and the first sentence of paragraph (d) to read as follows:

§ 3.301 General.

(a) * * * The third type is the requirement under three specific acts, the Toxic Substances Control Act (15 U.S.C. 2601 et seq., 90 Stat. 2003, Pub. L. 94–469), the Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act of 1976 (42 U.S.C. 6901 et seq., 90 Stat. 2795, Pub. L. 94–580), and the Clean Air Act, as amended (42 U.S.C. 7401 et seq., 91 Stat. 685, Pub. L. 95–95), that employees performing any functions or duties under any of the Acts must file a written statement of known financial interests in persons subject to or receiving benefits under any of the Acts. * * *

* * * * *

(d) All employees must file the statements of known financial interests referred to in paragraph (a) of this section in accordance with §§ 3.305, 3.306, and 3.307 and with the procedures set forth in Appendix D of this subpart. * * *

3. Section 3.305 is amended by adding three new paragraphs (d)(3), (d)(4), and (d)(5) and by revising paragraphs (f) and (g) to read as follows:

§ 3.305 Statements of known financial interests under the Toxic Substances Control Act.

* * * * *

(d) * * *

(3) "Policy" means a principle, plan, rule, or procedure under the Act.

(4) "Policymaking position" means a position in which the employee occupying the position has been delegated, either formally or de facto, the discretion to make a choice among two or more policies in a manner in which the alternative policies rejected by that person are not considered and reviewed at a higher level.

(5) "Regulatory position" means a position in which the employee occupying the position has been delegated, either formally or de facto, the authority to apply specific policies under the Act to persons subject to the Act or to any rule or order in effect under the Act, whether the employee's actions are reviewed by another employee or not.

* * * * *

(f) If an employee believes that the position he holds should be listed in Appendix E as exempt from the requirement to submit a statement of known financial interests because (1) he does not perform a function or duty under the Act, or (2) if he does perform a function or duty, his position is not a regulatory position or a policymaking position under the Act, the employee may file a request with his Deputy Counselor for exemption of his position from the requirements of this section. The Deputy Counselor shall evaluate the request within 30 days of receipt and submit his recommendation to the Agency Counselor. The Agency Counselor shall make a decision and notify the employee within 30 days of receipt of the recommendation. The Agency Counselor may, with the approval of the Administrator, amend Appendix E whenever appropriate, on his own initiative or in response to a request for exemption. Any amendments shall be distributed to affected employees and all Deputy Counselors and shall be available for inspection in the office of the Agency Counselor.

(g) Each December, each Deputy Counselor shall review the exemptions in Appendix E to determine whether amendments would be appropriate. The Deputy Counselor shall report any recommended changes to the Agency Counselor. The Agency Counselor shall, with the approval of the Administrator, publish any amendments to Appendix E, including any exemptions granted under paragraph (f) of this section, in the FEDERAL REGISTER by December 31 to be applicable to the statements of known financial interests to be filed the following February 1.

4. Section 3.306 is amended by revising the title, by adding two new paragraphs (d)(3) and (d)(4), and by revising paragraphs (f) and (g) to read as follows:

§ 3.306 Statements of known financial interests under the Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act of 1976.

* * * * *

(d) * * *

(d)(3) "Policy" has the meaning given in § 3.305 (d)(3) which is incorporated by reference.

(d)(4) "Policymaking position" has the meaning given in § 3.305 (d)(4 which is incorporated by reference.

* * * * *

(f) If an employee believes that the position he holds should be listed in Appendix F as exempt from the requirement to submit a statement of known financial interests because (1) he does not perform a function or duty under the Act, or (2) if he does perform a function or duty, his position is not a policymaking position under the Act, the employee may file a request with his Deputy Counselor for exemption of his position from the requirements of this section The Deputy Counselor shall evaluate the request within 30 days of receipt and submit his recommendation to the Agency Counselor. The Agency Counselor shall make a decision and notify the employee within 30 days of receipt of the recommendation. The Agency Counselor may, with the approval of the Administrator, amend Appendix F whenever appropriate, on his own initiative or in response to a request for exemption. Any amendments shall be distributed to affected employees and all Deputy Counselors and shall be available for inspection in the office of the Agency Counselor.

(g) Each December, each Deputy Counselor shall review the exemptions in Appendix F to determine whether amendments would be appropriate. The Deputy Counselor shall report any recommended changes to the Agency Counselor. The Agency Counselor shall, with the approval of the Administrator, publish any amendments to Appendix F, including any exemptions granted under paragraph (f) of this section, in the FEDERAL REGISTER by December 31 to be applicable to the statements of known financial interests to be filed the following February 1.

5. Subpart C is amended by adding the following new section after § 3.306:

§ 3.307 Statements of known financial interests under the Clean Air Act.

(a) Under section 318 of the Clean Air Act (42 U.S.C. 7618) each employee who performs any function or duty under the Act, each member of the National Commission on Air Quality appointed as a member of the public, and each member of the scientific review committee under section 109(d) of the Act (42 U.S.C.

7409(d)) shall submit on February 1 of each year a statement of known financial interests the employee or member had in the preceding calendar year in any person subject to the Act or in any person who applies for or receives any grant, contract, or other form of financial assistance pursuant to the Act. Any employee or member who knowingly violates this section may be subject to a fine of not more than $2,500 or imprisonment for not more than one year, or both.

(b) Certain employees are exempted from the requirement to file the statement of known financial interests. These employees are specified in Appendix G to this subpart.

(c) Each nonexempt employee shall submit the statement of known financial interests in accordance with the procedures set forth in Appendix D to this subpart. Each member of the scientific review committee under section 109(d) of the Act shall submit the statement of known financial interests to the Agency Counselor. Each public member of the National Commission on Air Quality shall submit the statement of known financial interests to the Commission which shall perform the functions specified for Deputy Counselors in this part.

(d) The following definitions apply to this section:

(1) "Known financial interest" has the meaning given in § 3.305(d)(1) which is incorporated by reference.

(2) "Person subject to the Act or person who applies for or receives any grant, contract, or other form of financial assistance pursuant to the Act" means any natural person, corporation, partnership, association, consortium, governmental entity, or any entity organized for a common business purpose that:

(i) Is involved in any activity subject to regulation under the Act;

(ii) Is subject to a rule or order promulgated by the Administrator under the Act; or

(iii) Is an applicant or bidder for or recipient of a grant, contract, or other form of financial assistance under the Act.

(3) "Policy" has the meaning given in § 3.305(d)(3) which is incorporated by reference.

(4) "Policymaking position" has the meaning given in § 3.305(d)(4) which is incorporated by reference.

(5) "Regulatory position" has the meaning given in § 3.305(d)(5) which is incorporated by reference.

(e) Section 318 of the Act specifies that statements of known financial interests filed under the Act are available to the public.

(f) If an employee believes that the position he holds should be listed in Appendix G as exempt from the requirement to submit a statement of known financial interests because (1) he does not perform any function or duty under the Act, or (2) if he does perform a function or duty, his position is not a regulatory position or a policymaking position under the Act, the employee may file a request with his Deputy Counselor for exemption of his position from the requirements of this section. The Deputy Counselor shall evaluate the request within 30 days of receipt and submit his recommendation to the Agency Counselor. The Agency Counselor shall make a decision and notify the employee within 30 days of receipt of the recommendation. The Agency Counselor may, with the approval of the Administrator, amend Appendix G whenever appropriate, on his own initiative or in response to a request for exemption. Any amendments shall be distributed to affected employees and all Deputy Counselors and shall be available for inspection in the office of the Agency Counselor.

(g) Each December, each Deputy Counselor shall review the exemptions in Appendix G to determine whether amendments would be appropriate. The Deputy Counselor shall report any recommended changes to the Agency Counselor. The Agency Counselor shall, with the approval of the Administrator, publish any amendments to Appendix G, including any exemptions granted under paragraph (f) of this section, in the FEDERAL REGISTER by December 31 to be applicable to the statements of known financial interests to be filed the following February 1.

(h) Notwithstanding the other provisions of this part, after August 7, 1978, no employee or special Government employee who is not listed in Appendix G as exempt may be employed by, serve as attorney for, act as consultant for, or hold any other official or contractual relationship to (other than ownership of stock, bonds, or other financial interest)—

(1) The owner or operator of any major stationary source or any stationary source which is subject to a standard of performance or emission standard under section 111 (42 U.S.C. 7411) or section 112 (42 U.S.C. 7412) of the Act;

(2) Any manufacturer of any class or category of mobile sources if such mobile sources are subject to regulation under the Act;

(3) Any trade or business association of which an owner or operator referred to in paragraph (h)(1) of this section or a manufacturer referred to in paragraph (h)(2) of this section is a member;

(4) Any organization (whether nonprofit or not) which is a party to litigation, or engaged in political, educational, or informational activities, relating to air quality.

(i) In performing their review of statements of known financial interests under this section, Deputy Counselors and the Agency Counselor shall consider whether certain financial interests of non-exempt employees may be inconsistent with the particular employee's position and duties. In particular, any financial interest that presents a conflict of interest or an apparent conflict of interest with an employee's duties under the Act shall be resolved under § 3.203.

(Sec. 308, Pub. L. 95-95, 91 Stat. 780 (42 U.S.C. 7618).)

6. Appendix D is amended to read as follows:

APPENDIX D—PROCEDURES FOR FILING STATEMENTS OF KNOWN FINANCIAL INTERESTS

(a) Procedures for employees:

(1) Each employee who is required to submit a statement of known financial interests under this subpart shall use EPA Form 3120-4 which may be obtained from his supervisor, his Deputy Counselor, or the Agency Counselor.

(2) If the employee is uncertain as to whether he must file Form 3120-4 under one or more of the acts, he may ask his supervisor, his Deputy Counselor, or the Agency Counselor for guidance. If the employee believes his position should be exempt from the filing requirement, he may request an exemption under the applicable procedure in the regulations under this subpart.

(3) The employee shall file a separate Form 3120-4 for each act under which he is required to submit information.

(4) The employee shall file each Form 3120-4 with his Deputy Counselor by the date specified in the applicable regulation in this subpart.

(5) The employee shall supply complete answers to all items on each Form 3120-4 he files, in accordance with the applicable regulations under this subpart and the instructions on Form 3120-4. If the employee does not know whether certain financial interests should be included on Form 3120-4 he may ask his Deputy Counselor or the Agency Counselor for guidance. All communications with Deputy Counselors and the Agency Counselor shall be held confidential.

(b) Procedures for supervisors and management officials:

Supervisors and management officials shall notify each employee, who is not exempt from the requirement to file Form 3120-4 under one or more of the Acts, of his obligation to file. This notice shall be given at least 30 days prior to the filing date specified in the regulations and shall include identification of each Act under which the employee is required to file, where each filing must be made, the date by which filing is due, and copies of Form 3120-4 for the employee to complete.

(c) Procedures for Agency Counselor and Deputy Counselors:

(1) Upon receipt of a Form 3120-4 from an employee, the Deputy Counselor shall review it for completeness. If any item is missing, the Deputy Counselor shall return the form to the employee for completion.

(2) If the form is complete, the Deputy Counselor shall review it in accordance with the regulations in this subpart and subpart B. If he finds the employee has included information that is not required, he shall give the employee the opportunity to submit a revised form in place of the original. After completing this and any other follow-up actions under the regulations, the Deputy Counselor shall sign the original of the form, keep the signed original of the form, and forward a copy of the signed form to the Public Information Reference Unit (PM-213).

(3) Any inquiries from an employee concerning whether he must file Form 3120-4 or what information must be included on the form shall be answered promptly so as not to interfere with the timely filing of the form.

(d) Copies of all Form 3120-4's filed under this subpart shall be kept in the Public Information Reference Unit (PM-213) where they shall be made available to the public for inspection and copying.

(e) All internal communications concerning Form 3120-4 shall be held in confidence. No disclosure of these communications shall

be made except as the Administrator may determine for good cause shown.

7. Appendix F is amended by revising the title to read as follows:

APPENDIX F—POSITIONS WHOSE INCUMBENTS ARE EXEMPT FROM FILING STATEMENTS OF KNOWN FINANCIAL INTERESTS UNDER THE SOLID WASTE DISPOSAL ACT AS AMENDED BY THE RESOURCE CONSERVATION AND RECOVERY ACT OF 1976

* * * * *

8. Subpart C is amended by adding the following new appendix after Appendix F:

APPENDIX G—POSITIONS WHOSE INCUMBENTS ARE EXEMPT FROM FILING STATEMENTS OF KNOWN FINANCIAL INTERESTS UNDER THE CLEAN AIR ACT

Employees who occupied positions listed below for the entire preceding calendar year and who continue to occupy a position listed below through the February 1 filing date are exempt from filing statements of known financial interests under the Clean Air Act. If at any time during the preceding calendar year or through the February 1 filing date an employee occupies a position not listed below, the employee must file a statement of known financial interests. Whenever the title of a position is used in the list below, it includes any person who occupies the position as "acting".

9. Section 3.607 is amended by revising paragraph (d) and by adding a new paragraph (e) to read as follows:

§ 3.607 Other statutes.

* * * * *

(d) Under section 1007 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, special Government employees are required to file a statement of known financial interests unless specifically exempted from the requirement to file. Special Government employees shall be subject to the requirements and procedures of § 3.306.

(e) Under section 318 of the Clean Air Act special Government employees are required to file a statement of known financial interests unless specifically exempted from the requirement to file. Special Government employees shall be subject to the requirements and procedures of § 3.307.

Dated: November 30, 1977.

BARBARA BLUM,
Acting Administrator.

[FR Doc 77-35291 Filed 12-8-77;8:45 am]

[6560-01]

SUBCHAPTER C—AIR PROGRAMS

[FRL 827-3]

PART 60—STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

Delegation of Authority to the Commonwealth of Puerto Rico

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: A notice announcing EPA's delegation of authority for the New Source Performance Standards to the Commonwealth of Puerto Rico is published at page 62196 of today's FEDERAL REGISTER. In order to reflect this delegation, this document amends EPA regulations to require the submission of all notices, reports, and other communications called for by the delegated regulations to the Commonwealth of Puerto Rico as well as to EPA.

EFFECTIVE DATE: December 9, 1977.

FOR FURTHER INFORMATION CONTACT:

J. Kevin Healy, Attorney, U.S. Environmental Protection Agency, Region II, General Enforcement Branch, Enforcement Division, 26 Federal Plaza, New York, N.Y. 10007, 212-264-1196.

SUPPLEMENTARY INFORMATION: By letter dated January 13, 1977 EPA delegated authority to the Commonwealth of Puerto Rico to implement and enforce the New Source Performance Standards. The Commonwealth accepted this delegation by letter dated October 17, 1977. A full account of the background to this action and of the exact terms of the delegation appears in the Notice of Delegation which is also published in today's FEDERAL REGISTER.

This rulemaking is effective immediately, since the Administrator has found good cause to forgo prior public notice. This addition of the Commonwealth of Puerto Rico address to the Code of Federal Regulations is a technical change and imposes no additional substantive burden on the parties affected.

Dated: November 22, 1977.

ECKARDT C. BECK,
Regional Administrator.

Part 60 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

(1) In § 60.4 paragraph (b) is amended by revising subparagraph (BBB) to read as follows:

§ 60.4 Address.

* * * * *

(b) * * *

(AAA) * * *

(BBB)—Commonwealth of Puerto Rico: Commonwealth of Puerto Rico Environmental Quality Board, P.O. Box 11785, Santurce, P.R. 00910

* * * * *

[FR Doc.77-35162 Filed 12-8-77;8:45 am]

[6560-01]

[FRL 827-4]

PART 61—NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS

Delegation of Authority to the Commonwealth of Puerto Rico

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: A notice announcing EPA's delegation of authority for certain categories of the National Emission Standards for Hazardous Air Pollutants regulations to the Commonwealth of Puerto Rico is published at page 62196 of today's FEDERAL REGISTER. In order to reflect this delegation, this document amends EPA regulations to require the submission of all notices, reports, and other communications called for by the delegated regulations to the Commonwealth of Puerto Rico as well as to EPA.

EFFECTIVE DATE: December 9, 1977.

FOR FURTHER INFORMATION CONTACT:

J. Kevin Healy, Attorney, U.S. Environmental Protection Agency, Region II, General Enforcement Branch, Enforcement Division, 26 Federal Plaza, New York, N.Y. 10007, 212-264-1196.

SUPPLEMENTARY INFORMATION: By letter dated January 13, 1977 EPA delegated authority to the Commonwealth of Puerto Rico to implement and enforce many categories of the National Emission Standards for Hazardous Air Pollutants regulations. The Commonwealth accepted this delegation by letter dated October 17, 1977. A full account of the background to this action and of the exact terms of the delegation appears in the Notice of Delegation which is also being published in today's FEDERAL REGISTER.

This rulemaking is effective immediately, since the Administrator has found good cause to forego prior public notice. This addition of the Commonwealth of Puerto Rico address to the Code of Federal Regulations is a technical change and imposes no additional substantive burden on the parties affected.

Dated: November 22, 1977.

ECKARDT C. BECK,
Regional Administrator.

Part 61 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

(1) In § 61.04 paragraph (b) is amended by revising subparagraph (BBB) to read as follows:

§ 61.04 Address.

* * * * *

(b) * * *

(AAA) * * *

(BBB)—Commonwealth of Puerto Rico: Commonwealth of Puerto Rico Environmental Quality Board, P.O. Box 11765, Santurce, P.R. 00910.

* * * * *

[FR Doc.77-35163 Filed 12-8-77;8:45 am]

[4110-12]

Title 45—Public Welfare

CHAPTER XIII—OFFICE OF HUMAN DEVELOPMENT SERVICES, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 1336—NATIVE AMERICAN PROGRAMS

AGENCY: Office of Human Development Services, HEW.

ACTION: Amendment to final rule.

SUMMARY: This document amends the Grant Awards section of the Native American program regulations by (1) removing the five year project period limitation, and (2) eliminating competition with other applicants for continuing grant support. These changes are being made because these provisions in the final regulation are more restrictive than the Native American Programs Act. Native American communities and urban and other tribal organizations will be able to continue their locally determined long-term programs to achieve social and economic self-sufficiency.

EFFECTIVE DATE: December 9, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. Dominic Mastrapasqua, Acting Commission of the Administration for Native Americans, 202–426–3960.

SUPPLEMENTARY INFORMATION: On January 19, 1977, final regulations were published for the purpose of implementing Title VIII (Native American Programs) created by Pub. L. 93–644. The notice of proposed rulemaking which preceded these regulations made reference to a project period but did not specify a time limit nor make reference to competition for grant awards. The final regulations contain explicit provisions for both, even though no comments were received on the pertinent section, 1336.51(f), as proposed. Over 200 comments have been received since publication of the final regulation. All commentors were opposed to the provision.

Department officials have met with representatives of Indian tribes, groups and organizations and have agreed that the practices in effect prior to January 19, 1977 should be reinstated. In the interim the Office of Human Development Services will work closely with Native American organizations and other interested groups to (1) Review the Administration for Native Americans (ANA) grants administration procedure and recommend revisions necessary to assure it is in accord with the Federal policy of Indian self-determination; (2) Establish an evaluation system for the program that assures accountability and develops accurate information regarding program performance; (3) Assure flexibility in the program to enable it to respond to the unique problems and needs of Native Americans; (4) Review all ANA programs to determine if funds should be reallocated; (5) Review the ANA funding system to assure it reflects a rational allocation of funds based on size of the service population, needs of that population, and similar factors; and (6) Develop proposed and, thereafter, final regulations to implement necessary changes. Individuals or organizations interested in further information about the project may contact the Administration for Native Americans, 200 Independence Avenue SW., Room 307–G, Washington, D.C. 20201.

Good cause exists to dispense with a notice of proposed rulemaking regarding this amendment because it is in response to the concerns expressed by those who commented on the final regulation. Also, the effect of the change is to reinstate the practices in effect prior to January 19, 1977.

NOTE.—It is hereby certified that this proposal has been screened pursuant to Executive Order No. 11821 and does not require an Inflation Impact Evaluation.

(Catalogue of Federal Domestic Assistance—13.612—Native American Programs.)

Dated: October 5, 1977.

ARABELLA MARTINEZ,
Assistant Secretary for Human Development Services.

Approved: November 23, 1977.

HALE CHAMPION,
Acting Secretary.

Section 1336.51 is amended to read as follows:

§ 1336.51 Application, review, award, and amendment of grants.

* * * * *

(f) *Grant awards.* The responsible HEW official will award a grant for financial assistance to those applicants whose approved projects will best promote the purpose of the Act and this part. All grant awards shall be in writing, and shall set forth the amount of funds awarded, the purposes for which funds are awarded and the budget period for which support is given. The initial award shall also specify the project period for which support is contemplated, provided the activity is satisfactorily carried out and Federal funds are available. Grantees applying for continuation support shall make separate applications in accordance with instructions which will be provided.

* * * * *

[FR Doc.77-35058 Filed 12-8-77;8:45 am]

[6712–01]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 21384; RM-2900]

PART 73—RADIO BROADCAST SERVICES

FM Broadcast Station in Gordonville, Mo.; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Report and order.

SUMMARY: Action taken herein assigns a first Class A FM channel to Gordonville, Missouri. The channel assignment provides for an FM station which would render a first local aural broadcast service to the community.

EFFECTIVE DATE: January 16, 1978.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Mildred B. Nesterak, Broadcast Bureau, 202–632–7792.

SUPPLEMENTARY INFORMATION:

Adopted: December 1, 1977.

Released: December 5, 1977.

In the Matter of amendment of § 73.202(b), Table of Assignments, FM Broadcasts Stations. (Gordonville, Mo.); report and order (proceeding terminated) (42 FR 46066).

By the Chief, Broadcast Bureau:

1. The Commission has under consideration the Notice of Proposed Rule Making, adopted September 2, 1977, 42 FR 46066, proposing the assignment of Channel 257A as a first FM assignment to Gordonville, Mo. The Notice was issued in response to a petition filed by Rainbow Broadcasting Co., Inc. ("petitioner"), licensee of AM daytime-only Station KJAS, Jackson, Mo. Petitioner filed supporting comments reaffirming its intention to promptly apply for a station if the channel is assigned. No oppositions to the petition have been filed.

2. Gordonville (pop. 125), situated in Cape Girardeau County (pop. 49,350),[1] is located approximately 217 kilometers (135 miles) south-southeast of St. Louis, Mo., 16 kilometers (9 miles) west of Cape Girardeau, Mo., and 8 kilometers (5 miles) south of Jackson, Mo. There is no local aural broadcast service in Gordonville.

3. Petitioner states that Gordonville is a growing community with a mayor-town board system of government. It notes that the community has a fire department, school, church, and a number of civic and social organizations. Petitioner points out that Gordonville is in the heart of a rapidly growing industrial and residential area in southeastern Missouri. It adds that according to the Mayor of Gordonville and the Southeast Missouri Regional Planning and Economic Development Commission, Gordonville will soon have final approval for the annexation of a large area surrounding Gordonville and as a result of this annexation, the community will become ten times larger in physical size and its population will increase to about 600 persons. Petitioner notes that ninety-six percent of the residents, in a survey, indicated that a radio station would be a community asset in furnishing news and community information, public service programming and emergency announcements and would be helpful to Gordonville in dealing with its problems.

4. We have given careful consideration to the proposal and believe that Channel 257A should be assigned to Gordonville, Missouri.[2] An interest has been shown for

[1] Population figures are taken from the 1970 Census.

[2] The transmitter site would have to be located 11 kilometers (7 miles) south of the community.

its use[3] and the assignment would provide the community with an opportunity to acquire its first local aural broadcast transmission service which would be in the public interest.

5. Authority for the action taken herein is contained in Sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Section 0.281 of the Commission's Rules.

6. In view of the foregoing, *it is ordered*, That effective January 16, 1978, Section 73.202(b) of the Commission's Rules, the FM Table of Assignments, as regards Gordonville, Missouri, is amended as follows:

City:	Channel No.
Gordonville, Mo	257A

It is further ordered, That this proceeding is terminated.

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082; 47 U.S.C. 154, 155, 303.)

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.77-35301 Filed 12-8-77;8:45 am]

[3] In the Notice we indicated we could consider assigning the channel to Chaffee, Missouri, instead, but no interest was expressed in such an assignment.

[7035-01]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER B—PRACTICE AND PROCEDURE

[Ex Parte No. 331]

PART 1109—REQUIREMENTS AND PROCEDURES RELATING TO RAILROAD REVITALIZATION AND REGULATORY REFORM ACT OF 1976

Expeditious Procedures for Permitting Publication of Separate Rates for Distinct Rail Services

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Rule Change to 49 CFR 1109.15(b)(2)(ii).

SUMMARY: The definition of the term "cash-outlays" in Rule 1109.15(b)(2)(ii) has been modified for purposes of clarification and to further broaden the definition so as to give the carriers greater flexibility in proposing separate rates. Section 1109.15(b)(2)(ii) of the definition is modified to read "which change directly with the carrier's production of a distinct rail service." This modification should clarify the definition by more correctly identifying the applicable investment. Section 1109.15(b)(2)(ii) is further modified to specify that either sunk and new investment or only new investment may be used in calculating cash-outlays. This change will give the carriers greater flexibility by permitting a lower minimum rate.

FOR FURTHER INFORMATION CONTACT:

Janice M. Rosenak or Harvey Gobetz, Deputy Director or Assistant Deputy Director, Section of Rates, Office of Proceedings, Interstate Commerce Commission, Washington, D.C. 20423, 202-275-7693.

SUPPLEMENTARY INFORMATION: The revised rule (49 CFR 1109.15(b)(2)(ii) reads (with new material underscored)) as follows:

§ 1109.15 Expeditious procedures for publication of separate rates for distinct services.

* * * * *

(b) * * *

(2) * * *

(ii) The annualized cash-outlays equivalent to the carrier's capital investment, including the cost of providing such capital, which change directly with the carrier's production of a distinct rail service. These cash-outlays may be determined based on either the cost of sunk and new investment combined or the cost of new investment only.

* * * * *

Issued at Washington, D.C., November 1, 1977.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc.77-35172 Filed 12-8-77;8:45 am]

[6325-01]

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of Energy

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: One position of Staff Assistant, State Relations, and one position of Staff Assistant, City and County Relations, to the Director, Office of Intergovernmental Affairs are excepted under Schedule C because they are confidential in nature.

EFFECTIVE DATE: December 9, 1977.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202-632-4533.

Accordingly, 5 CFR 213.3331(m)(5) is added as set out below:

§ 213.3331 Department of Energy.

* * * * *

(m) *Office of the Assistant Secretary for Intergovernmental and Institutional Relations.* * * *

(5) One Staff Assistant, State Relations, and one Staff Assistant, City and County Relations, to the Director, Office of Intergovernmental Affairs.

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

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

[FR Doc.77-35303 Filed 12-8-77;8:45 am]

[6325-01]

PART 213—EXCEPTED SERVICE

Department of Housing and Urban Development

AGENCY: Civil Service Commission.

ACTION: Final Rule.

SUMMARY: The positions of Special Assistant to the Assistant Secretary and Special Assistant for Program Coordination are excepted from the competitive service under Schedule C because they are confidential in nature.

EFFECTIVE DATE: December 9, 1977.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202-632-4533.

Accordingly, 5 CFR 213.3384(1)(2) is amended and (1)(4) is added as set out below:

§ 213.3384 Department of Housing and Urban Development.

* * * * *

(1) *Office of the Assistant Secretary for Neighborhood Organizations, Voluntary Associations, and Consumer Protection.* * * *

(2) Two Special Assistants to the Assistant Secretary.

* * * * *

(4) One Special Assistant for Program Coordination.

(5 U.S.C. 3301, 3302; E.O. 10577, 3 CFR 1954-1958 Comp., p. 218.)

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

[FR Doc.77-35304 Filed 12-8-77;8:45 am]

[6325-01]

PART 213—EXCEPTED SERVICE

Equal Employment Opportunity Commission

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: One Director, Office of Public Affairs, is excepted under Schedule C because it is confidential in nature.

EFFECTIVE DATE: December 9, 1977.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202-632-4533.

Accordingly, 5 CFR 213.3377(1) is added as set out below:

§ 213.3377 Equal Employment Opportunity Commission.

* * * * *

(l) One Director, Office of Public Affairs.

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

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

[FR Doc.77-35302 Filed 12-8-77;8:45 am]

[6325-01]

PART 213—EXCEPTED SERVICE

National Foundation on The Arts and the Humanities

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: This amendment changes the title of one Staff Assistant to the Special Assistant to the Chairman (for Constituency Liaison) and the Special Assistant to the Chairman (for Policy), National Endowment for The Humanities to Staff Assistant to the Special Assistant to the Chairman (for Policy), National Endowment for The Humanities. This change in title is appropriate in order to reflect more appropriately the duties of the position and to reflect on organizational redesignation of the position.

EFFECTIVE DATE: December 9, 1977.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202–632–4533.

Accordingly, 5 CFR 213.3382(l) is amended as set out below:

§ 213.3382 National Foundation on The Arts and the Humanities.

* * * * *

(l) One Staff Assistant to the Special Assistant to the Chairman (for Policy), National Endowment for the Humanities.

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

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

[FR Doc.77-35305 Filed 12-8-77;8:45 am]

[6325-01]

PART 213—EXCEPTED SERVICE

Department of State

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: One Special Assistant to the Assistant Secretary for Consular Affairs is excepted under Schedule C because it is confidential in nature.

EFFECTIVE DATE: December 9, 1977.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202–632–4533.

Accordingly, 5 CFR 213.3304(cc) is added as set out below:

§ 213.3304 Department of State.

* * * * *

(cc) *Office of the Assistant Secretary for Consular Affairs.* (1) One Special Assistant to the Assistant Secretary.

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

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

[FR Doc.77-35306 Filed 12-8-77;8:45 am]

[6325-01]

PART 213—EXCEPTED SERVICE

Veterans Administration

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: One position of Confidential Assistant to the Chief Medical Director is excepted under Schedule C because it is confidential in nature.

EFFECTIVE DATE: December 9, 1977.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202–632–4533.

Accordingly, 5 CFR 213.3327(c) is added as set out below:

§ 213.3327 Veterans Administration.

* * * * *

(c) *Office of the Chief Medical Director.* (1) One Confidential Assistant to the Chief Medical Director.

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

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

[FR Doc.77-35307 Filed 12-8-77;8:45 am]

[3410-02]

Title 7—Agriculture

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

[Lemon Regulation 123]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona lemons that may be shipped to market during the period December 11–17, 1977. Such action is needed to provide for orderly marketing of fresh lemons for this period due to the marketing situation confronting the lemon industry.

EFFECTIVE DATE: December 11, 1977.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, 202–447–3545.

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

The committee met on December 6, 1977, to consider supply and market conditions and other factors affecting the need for regulation and recommended a quantity of lemons deemed advisable to be handled during the specified week. The committee reports the demand for lemons remains similar to last week with 165's and larger steady, 200's and smaller easier.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared policy of the act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

§ 910.423 Lemon Regulation 123.

Order. (a) The quantity of lemons grown in California and Arizona which may be handled during the period December 11, 1977, through December 17, 1977, is established at 225,000 cartons.

(b) As used in this section, "handled" and "carton(s)" mean the same as defined in the marketing order.

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

Dated: December 7, 1977.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.77-35463 Filed 12-8-77;11:27 am]

[3410-07]

Title 7—Agriculture

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER H—GENERAL

(FmHA Instruction 1901-F)

PART 1901—PROGRAM RELATED INSTRUCTIONS

Subpart F—Procedures for the Protection of Historical and Archeological Properties

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: The Farmers Home Administration revises and redesignates its regulations regarding historical and archeological properties. This action is being taken because of an administrative restructuring of FmHA regulations and because changes were necessary to make more explicit and detailed the policies, procedures, and guidelines to be followed by FmHA concerning the preservation and protection of historical and archeological resources. The intended effect is to create a more orderly system of FmHA regulations, to clarify the definition of "undertaking", and to expand the definition of "project area", thus expanding the area subject to this regulation to include areas not directly under the loan or grant applications control.

EFFECTIVE DATE: December 9, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. Glenn E. Walden, 202-447-5716.

SUPPLEMENTARY INFORMATION: The February 16, 1977, issue of the FEDERAL REGISTER (42 FR 9391) contained a notice of proposed rulemaking to revise, transfer, and redesignate Part 1890r, including a change in title, to Part 1901, new Subpart F, "Procedures for the Protection of Historical and Archeological Properties," (§§ 1901.251-1901.300) under this Chapter XVIII, Title 7, Code of Federal Regulations.

This notice afforded interested persons an opportunity to submit written comments, suggestions, data, or arguments with respect to the proposal on or before March 18, 1977. In addition, comments were solicited from the Office of Archeological and Historic Preservation, National Park Service, United States Department of the Interior and the Advisory Council on Historic Preservation. All comments received were fully considered, and as a result several substantive and editorial changes in the proposed regulations have been made. The definition of "undertaking" in § 1901.253 (a) has been changed to clarify that FmHA assisted projects do not include any actual construction by FmHA and therefore would fall within the purview of section 3(b) of Pub. L. 93-291. Also, the definition of "Project Area" in § 1901.253 (j) has been changed to include not only areas directly under the loan or grant applicants control; but, also those areas which are directly and significantly impacted by an undertaking.

Several of the comments questioned the Agency being given discretion in making a distinction between undertakings that would require a historical and archeological assessment and those presumed not to require an assessment. This discretion has been given in order to provide for efficient administration of the various loan and grant assistance programs administered by the Agency. Such discretion will not alter the Agency's policy that all undertakings will be evaluated for possible scientific, prehistorical, historical, and archeological significance.

Accordingly, as revised, transferred and redesignated Subpart F of Part 1901 is set forth below.

Subpart F—Procedures for the Protection of Historical and Archeological Properties

PART 1901—PROGRAM RELATED INSTRUCTIONS

Subpart F—Procedures for the Protection of Historical and Archeological Properties

§ 1901.251 Purpose.

This Subpart prescribes Farmers Home Administration (FmHA) policies, procedures, and guidelines for compliance with Section 106 of the National Historic Preservation Act of 1966 (Pub. L. 89-665), the Reservoir Salvage Act of 1960 (Pub. L. 86-523), as amended May 24, 1974, by the Archeologic and Historic Preservation Act (Pub. L. 93-291), and Section 1(3) of Executive Order 11593.

§ 1901.252 Policy.

(a) The FmHA recognizes that significant scientific, prehistorical, historical and archeological (HA) resources are an important part of our National Heritage.

(b) The FmHA will consult with appropriate Federal, State, and local Agencies; other organizations; the State Historic Preservation Officer (SHPO) and individuals to assess the impact of any proposed FmHA undertaking on properties having historical or archeological significance in order to avoid or mitigate any adverse effects on the properties.

(c) The procedures in this Subpart have been developed in accordance with Section 1(3) of Executive Order 11593.

§ 1901.253 Definitions.

(a) "Undertaking" means any new or continuing projects or program activities supported in whole or in part through FmHA contracts, grants, subsidies, loans, or other forms of funding assistance. This does not include any actual construction by FmHA.

(b) "National Register" means the National Register of Historic Places, which is a register of districts, sites, buildings, structures, and objects, significant in American history, architecture, archeology, and culture maintained by the Secretary of the Interior under the authority of Section 2(b) of the Historic Sites Act of 1935 and Section 101(a)(1) of the National Historic Preservation Act. The National Register is published in its entirety in the FEDERAL REGISTER each year in February. Addenda are published on the first Tuesday of each month.

(c) "National Register Property" means a district, site, building, structure, or object included in the National Register.

(d) "Property eligible for inclusion in the National Register" means any district, site, building, structure, or object which the Secretary of the Interior determines is likely to meet the National Register criteria.

(e) "State Historic Preservation Officer" (SHPO) means the official within each State, designated by the Governor at the request of the Secretary of the Interior, to administer the National Register and historic preservation grants program and to coordinate preservation planning within the State.

(f) "Criteria of effect" means when any condition of an undertaking causes or may cause any change, beneficial or adverse, in the scientific, historical, architectural, archeological, or cultural character of a National Register property that qualifies the property under the National Register criteria.

(g) "Historical and archeological assessment" means a determination by the FmHA State Director using the criteria of effect as a guide, as to whether a proposed undertaking may have an effect upon any properties located within the project area which are included or eligible for inclusion in the National Register.

(h) "National Register criteria" means the following criteria established by the Secretary of the Interior for use in evaluating and determining the eligibility of properties for listing in the National Register: The quality of significance in American History, Architecture, Archeology, and the culture is present in districts, sites, buildings, structures, and objects of State and local importance, that possess integrity of location, design, setting, materials, workmanship, feeling, and association; and

(1) That are associated with events that have made a significant contribution to the broad patterns of our history; or

(2) That are associated with the lives of persons significant in our past; or

(3) That embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high

artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or

(4) That have yielded, or may be likely to yield, information important in prehistory or history.

(i) "FmHA official" means the FmHA County Supervisor, the FmHA State Director or his designated representative.

(j) "Project area" means those geographical or legally defined areas directly under or to be under the applicants control that are affected by the undertaking such as building sites, easements, rights-of-way, leasehold interests and those areas which are directly and significantly impacted by the undertaking.

(k) "Advisory council" means the Advisory Council on Historic Preservation, Suite 430, 1522 K Street NW., Washington, D.C. 20005, created by Title II of Pub. L. 89-665 and charged with the responsibility of advising the President, Congress, and others on matters relating to historic preservation.

(l) "HA" as used in this regulation is an abbreviation of the term "scientific, prehistorical, historical, and archeological."

§ 1901.254 Scope.

FmHA will evaluate all undertakings for possible HA significance. This Subpart covers the following types of undertakings:

(a) *Undertakings requiring a historical and archeological assessment.* Although the following undertakings are presumed to involve nonfederally owned lands, they may have an effect on properties having HA significance and, therefore, will require a historical and archeological assessment:

(1) Loans and grants for the development of business and industry including guaranteed loans.

(2) Loans and grants for multiple family housing projects of 25 or more dwelling units.

(3) Subdivision plans submitted for approval having 25 or more building sites.

(4) Loans and grants in rural areas to construct, enlarge, extend, or otherwise improve:

(i) Community water, sanitary sewage, solid waste disposal, and storm waste water disposal systems.

(ii) Other essential community facilities such as fire and rescue, health, safety, public buildings, schools, transporation, traffic, and law enforcement.

(5) Loans to develop community irrigation, drainage, and other soil and water conservation and use facilities.

(6) Loans to acquire and develop grazing land for livestock of an association of members.

(7) Loans in areas designated by the Soil Conservation Service (SCS), U.S. Department of Agriculture (USDA), to conserve and develop natural resources and to contribute to economic improvement of the area.

(8) Loans to protect and develop land and water resources in small watersheds.

(9) Loans to permit Indian tribes to buy land within their reservations.

(b) *Undertakings presumed not to require a historical and archeological assessment.* The following undertakings are generally presumed to involve nonfederally owned lands and not to have an effect on properties of historical and archeological value and will therefore not usually require a historical and archeological assessment. However, when the State Director or County Supervisor finds or has had communication or obtains information from a recognized historical and archeological authority that a specific undertaking may have an effect on a property included or eligible for inclusion in the National Register, a historical and archeological assessment will be made.

(1) Loans to farmers and ranchers in rural areas for the purchase, development, and operation of farms and ranches.

(2) Loans to individual families in rural areas for the purchase, construction, or improvement of single family residences.

(3) Loans and grants for multiple family housing projects of not more than 24 family dwelling units.

(4) Subdivision plans submitted for approval having 24 or less building sites.

(5) Loans to farmers, ranchers, and other rural residents to develop land, water, and other related resources for increased production of food and other crops, improved pastures, feed crops, water facilities for livestock, and improved habitats for fish and wildlife.

(6) Emergency and disaster loans to farmers, ranchers and other rural residents in declared or designated areas as a result of a major or national disaster.

§ 1901.255 Historical and archeological assessments.

(a) The FmHA official, normally the FmHA County Supervisor, who receives a preapplication or application for loan or grant assistance on an undertaking that may have an effect on HA properties will, as part of the process, take the following actions:

(1) Carefully review the State supplements issued by the State Director pursuant to § 1901.262(a) to determine whether there are any properties within the project area that appear in the National Register.

(2) Document the following:

(i) A brief narrative report of the findings and conclusions of an on-site reconnaissance of the project area.

(ii) Any "in-house" knowledge of known or suspected HA sites in the project area.

(3) Submit the information outlined in paragraph (a)(2) of this section to the FmHA State Director as part of the preapplication or application.

(b) Upon receipt of the preapplication/application, the FmHA State Director will, as a concurrent part of the preapplication/application review, prepare a historical and archeological assessment of the undertaking. In making the assessment the State Director will consider information from the following sources:

(1) State and Regional Clearinghouse comments.

(2) Information submitted by the County Supervisor pursuant to paragraph (a) (2) of this section.

(3) Factual comments or recommendations of the SHPO or other responsible Federal, State, or local officials.

(4) Any other reliable information concerning properties in the project area having HA significance.

(c) Upon completion of the preapplication or application review, the State Director will take the following actions:

(1) When his assessment indicates that no properties of HA significance will be effected by the proposed undertaking, he will proceed with processing of the preapplication or application.

(2) When his assessment indicates that there are properties included in the National Register that may be effected by the proposed undertaking, he will in consultation with the SHPO, the applicant and its representatives, and other appropriate historical and archeological authorities plan appropriate measures to avoid or mitigate any adverse effects. He will also notify the Advisory Council and Secretary of the Interior of the proposed undertaking, and of its possible effect on the National Register properties and provide them with a copy of the proposed plan in order to afford them a reasonable opportunity for comment. Comments that are received within 45 calendar days of notification in accordance with the requirements for comment as outlined in section 106 of the National Historic Preservation Act of 1966, will be considered in further development of the undertaking.

(3) When his assessment indicates that there are properties that may be eligible for inclusion in the National Register, based on his application of the National Register criteria, he will request the Regional Director of the National Park Service, U.S. Department of the Interior, Attention: Interagency Archeological Services, in writing, to cause a survey of the project area to be made to determine the significance of the properties in accordance with section 3(b) of Pub. L. 93-291. The State Director's letter to the Regional Director should request a response within 45 calendar days as to whether the National Park Service intends to cause a survey to be made, declines to undertake a survey, or that a survey is not warranted based on available data. The addresses of the Regional Offices of the National Park Service are listed in Exhibit A of this Subpart. If no response is received within the 45-day period, the State Director will proceed as outlined in paragraph (c)(7) of this section.

(4) The State Director will cooperate fully with the National Park Service in the conduct of a survey should one be undertaken to assure that:

(i) The professional archeologist/historian conducting the survey provides

his written opinion as to the eligibility of any identified properties for inclusion in the National Register.

(ii) When the professional archeologist/historian recommends recovery, protection, or preservation of identified properties, the National Park Service is requested to undertake this project.

(5) When the survey made in paragraph(c)(3) of this section does not identify any historical and archeological properties that may be eligible for inclusion in the National Register, or the National Park Service is not going to undertake activity pursuant to paragraph (c)(4)(ii) of this section, the State Director, after consultation with the SHPO and the National Park Service, will document the findings and proceed with processing of the application.

(6) When the survey identifies properties that may be eligible for inclusion in the National Register, the State Director will request the SHPO to proceed with the nomination of such properties. The State Director will then proceed as outlined in paragraph (c)(2) of this section for any properties accepted for inclusion in the National Register.

(7) When the National Park Service declines to cause a survey to be made or determines that one is not warranted, the State Director will document such facts and proceed with processing of the application.

§§1901.256–1901.258 [Reserved]

§ 1901.259 Actions to be taken when archeological properties are discovered during construction.

(a) When properties of significant HA value are discovered during construction, the State Director will immediately consult with the applicant, the SHPO and the Regional Director of the National Park Service to determine whether there is sufficient factual evidence to warrant a decision to stop construction and undertake detailed survey and recovery.

(b) When the consultations in paragraph (a) of this section result in a determination by the National Park Service to request the applicant to stop construction, such stop action should be taken so that the Park Service can initiate measures for immediate recovery within 60 days after notification of a discovery.

(c) When the consultations in paragraph (a) of this section do not result in a determination by the National Park Service to stop construction and to undertake a survey and recovery, construction should be permitted to proceed with caution. In the event that the National Park Service determines that recovery is necessary, the FmHA applicant/borrower and the Park Service should determine that the consent of all persons, associations, or public entities having legal interest in the property involved has been secured. Also, the applicant should be informed that the Secretary of the Interior is authorized to compensate any person, association, or public entity damaged as a result of delay in construction or as a result of the temporary loss of the use of public or any nonfederally owned land

(d) No survey or recovery work will be required which in the determination of the State Director would seriously impede FmHA actions in providing assistance where the State Director determines that immediate action is required to avoid loss or damage of life or property. Nevertheless, appropriate measures will be taken to the extent practical to preserve, protect, or mitigate any damage to properties having HA significance.

§ 1901.260 Coordination with other Agencies.

(a) When other Agencies are directly involved in any undertaking that requires a historical and archeological assessment, the State Director will contact the Agencies concerned to determine if a joint assessment will be prepared and whether a single lead Agency will assume primary responsibility for preparing the assessment.

(b) When a lead Agency is agreed upon other than FmHA, FmHA will provide that Agency with information about its respective areas of responsibility. Assessments will indicate Agency participation and concurrence.

(c) When FmHA program activities are planned that primarily supplement those of the SCS, USDA, such as watershed projects, resource conservation and development measures, and irrigation and drainage projects, the SCS will be designated as the lead Agency.

§ 1901.261 [Reserved]

§ 1901.262 State supplement.

(a) The State Director shall be responsible for preparing a list of all properties included in the National Register in his area of jurisdiction and issuing such list as a part of a State supplement. Such a list will be updated as needed to reflect changes in the National Register.

(b) State Directors may also supplement this Subpart and its Exhibit as appropriate to meet State and local laws and regulations.

§§ 1901.263—1901.300 [Reserved]

Attachments: Exhibit A.

NATIONAL PARK SERVICE, U.S. DEPARTMENT OF THE INTERIOR REGIONAL OFFICES

Contact should be made to: Chief, Interagency Archeological Services Division, Office of Archeological and Historic Preservation, National Park Service.

The three Regional Offices are:

San Francisco Office: Old Post Office Building, Mission and 7th Streets, Post Office Box 5700, San Francisco, Calif. 94104.

States covered: Arizona, Utah, Idaho and West, including Hawaii and Alaska. Attention: Mr. Garland Gordon. Telephone: 415–556–7711.

Denver Office: 1978 South Garrison Street, Denver, Colo. 80225.

States covered: Wisconsin, Iowa, Missouri, Oklahoma, Texas and West to San Francisco area. Attention: Mr. Jack R. Rudy. Telephone: 303–234–2560.

Atlanta Office: 730 Peachtree Street, Atlanta, Ga. 30308.

States covered: All others East of Denver area. Attention: Mr. Wilford Husted. Telephone: 404–526–2611.

Authorities. 16 U.S.C. 470; 7 U.S.C. 1989; 42 U.S.C. 1480; 42 U.S.C. 2942; 5 U.S.C. 301; Sec. 10 Pub. L 93-357, 88 Stat. 392; delegation of authority by Sec. of Agri., 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development, 7 CFR 2.70; delegations of authority by Dir., OEO, 29 FR 14764, 33 FR 9850.

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

Dated: November 21, 1977.

GORDON CAVANAUGH,
Administrator,
Farmers Home Administration.

[FR Doc.77-35263 Filed 12-8-77;8:45 am]

[3410-37]

Title 9—Animals and Animal Products

CHAPTER III—FOOD SAFETY AND QUALITY SERVICE, MEAT AND POULTRY INSPECTION, DEPARTMENT OF AGRICULTURE

PART 331—SPECIAL PROVISIONS FOR DESIGNATED STATES AND TERRITORIES; AND FOR DESIGNATION OF ESTABLISHMENTS WHICH ENDANGER PUBLIC HEALTH AND FOR SUCH DESIGNATED ESTABLISHMENTS

PART 381—POULTRY PRODUCTS INSPECTION REGULATIONS

Designation of the State of New Hampshire

AGENCY: Food Safety and Quality Service, USDA.

ACTION: Final rule.

SUMMARY: The Secretary of Agriculture hereby designates the State of New Hampshire as required under section 301(c)(3) of the Federal Meat Inspection Act and section 5(c)(3) of the Poultry Products Inspection Act. Representatives of the Governor of New Hampshire have advised this Department that the State of New Hampshire is no longer in a position to continue administering the State meat and poultry inspection programs after January 2, 1978. Accordingly, effective January 9, 1978, all establishments operating under the New Hampshire meat or poultry inspection programs shall be subject to the provisions of titles I and IV of the Federal Meat Inspection Act and sections 1–4, 6–10, and 12–22 of the Poultry Products Inspection Act.

EFFECTIVE DATE OF THIS DOCUMENT: December 9, 1977.

FOR FURTHER INFORMATION CONTACT:

Dr. J. K. Payne, Director, Federal-State Relations Staff, Field Operations, Meat and Poultry Inspection Program, Food Safety and Quality Service, U.S. Department of Agriculture, Washington, D.C. 20250, 202-447-6313.

SUPPLEMENTARY INFORMATION: Representatives of the Governor of the State of New Hampshire have advised this Department that the State of New Hampshire is no longer in a position to continue administering the State meat inspection program after January 2, 1978, and have requested the Department to assume the responsibility for carrying out the provisions of titles I and IV of the Federal Meat Inspection Act, with respect to establishments within the State at which cattle, sheep, swine, goats, or equines are slaughtered or their carcasses, or parts or products thereof, are prepared for use as human food, solely for distribution within such State, and with respect to intrastate operations and transactions concerning meat products and other articles and animals subject to the Federal Meat Inspection Act, and persons, firms, and corporations engaged therein.

Also, representatives of the Governor of the State of New Hampshire have advised this Department that the State of New Hampshire is no longer in a position to continue administering the State poultry inspection program after January 2, 1978, and have requested the Department to assume the responsibility for carrying out the provisions of sections 1-4, 6-10, and 12-22 of the Poultry Products Inspection Act with respect to establishments within the State at which poultry are slaughtered or poultry products are processed for use as human food, solely for distribution within such State, and with respect to intrastate operations and transactions concerning products and other articles and animals subject to the Poultry Products Inspection Act, and persons, firms, and corporations engaged therein.

The Secretary heretofore determined that the State of New Hampshire had developed and activated requirements at least equal to the requirements under titles I and IV of the Federal Meat Inspection Act and sections 1-4, 6-10, and 12-22 of the Poultry Products Inspection Act. However, such titles and sections contemplate continuous, ongoing programs, and in view of the termination date now applicable to the New Hampshire programs, it is hereby determined that New Hampshire is not effectively enforcing requirements at least equal to those imposed under titles I and IV of the Federal Meat Inspection Act and sections 1-4, 6-10, and 12-22 of the Poultry Products Inspection Act. Therefore, notice is hereby given that the Secretary of Agriculture designates said State under section 301(c)(3) of the Federal Meat Inspection Act and section 5(c)(3) of the Poultry Products Inspection Act.

On January 9, 1978, the provisions of titles I and IV of the Federal Meat Inspection Act shall apply to intrastate operations and transactions in said State and to persons, firms, and corporations engaged therein, to the same extent and in the same manner as if such operations and transactions were conducted in or for "commerce," within the meaning of the Federal Meat Inspection Act, and any establishment in the State of New Hampshire which conducts any slaughtering or preparation of carcasses or parts or products thereof of cattle, sheep, swine, goats, horses, mules, or other equines, must have Federal inspection or cease its operations, unless it qualifies for an exemption under section 23(a) or 301(c) of the Federal Meat Inspection Act.

Also, on January 9, 1978, the provisions of sections 1-4, 6-10, and 12-22 of the Poultry Products Inspection Act shall apply to intrastate operations and transactions in said State and to persons, firms, and corporations engaged therein, to the same extent and in the same manner as if such operations and transactions were conducted in or for "commerce," within the meaning of the Poultry Products Inspection Act, and any establishment in the State of New Hampshire which conducts any slaughtering or processing of poultry or poultry products must have Federal inspection or cease its operations, unless it qualifies for an exemption under section 15 or 5(c)(2) of the Poultry Products Inspection Act.

Therefore, the operator of each such establishment who desires to continue any such operations after January 2, 1978, should immediately communicate with the Regional Director for Meat and Poultry Inspection, as listed below, for information concerning the requirements and exemptions under the Acts and application for inspection and survey of the establishment:

Dr. M. J. Hatter, Director, Northeastern Meat and Poultry Inspection Program, Seventh Floor, 1421 Cherry St., Philadelphia, Pa. 19102, telephone 215-597-4219.

Accordingly, the table in § 331.2 of the Federal meat inspection regulations (9 CFR 331.2) is amended as follows:

§ 331.2 [Amended]

1. In the "State" column, "New Hampshire" is added immediately below "Nevada."

2. In the "Effective date of application of Federal provisions" column, "January 9, 1978" is added on the line with "New Hampshire."

(Secs. 21 and 301(c), 34 Stat. 1260, as amended; 21 U.S.C. 621, 661(c); 42 FR 35625-35632.)

§ 381.221 [Amended]

Further, the table in § 381.221 of the poultry products inspection regulations (9 CFR 381.221) is amended as follows:

1. In the "State" column, "New Hampshire" is added immediately below "Nevada."

2. In the "Effective date of application of Federal provisions" column, "January 9, 1978" is added on the line with "New Hampshire."

(Secs. 5(c) and 14, 71 Stat. 441, as amended, 21 U.S.C. 454(c), 463; 42 FR 35625-35632.)

These amendments of the Federal meat inspection regulations and the poultry products inspection regulations are necessary to reflect the determination of the Secretary of Agriculture under section 301(c) of the Federal Meat Inspection Act and section 5(c) of the Poultry Products Inspection Act. It does appear that public participation in this rulemaking proceeding would make additional relevant information available to the Secretary. Therefore, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that such public procedure is impracticable and unnecessary.

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

Done at Washington, D.C., on: December 7, 1977.

JOSEPH A. POWERS,
Acting Administrator, Food Safety and Quality Service.

[FR Doc.77-35394 Filed 12-8-77;8:45 am]

proposed rules

[4810–33]

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

[12 CFR Ch. I]

TRANSACTIONS WITH INSIDERS ON PREFERENTIAL TERMS

Policy Statement

AGENCY: Comptroller of the Currency.

ACTION: Proposed policy statement.

SUMMARY: The proposed policy statement, which when adopted will be issued as a banking circular, declares that certain transactions with insiders and their interests on terms more favorable than those afforded other bank customers are deemed to be imprudent banking practices. The statement notes that, when discovered by national bank examiners, such transactions will be criticized and correction requested. Specific types of transactions commented upon include loans to officers, directors, significant shareholders, and their business and family interests. The policy statement also comments upon reciprocal arrangements which allow insiders of one bank to obtain preferential terms from another bank, and the practice of furnishing trust services at reduced rates to insiders. Comment is invited on both the policy statement and on the most appropriate means of correcting the preferential transactions discussed.

DATES: Comments must be received in duplicate by January 20, 1978.

ADDRESS: Comments should be addressed to John E. Shockey, Chief Counsel, Comptroller of the Currency, Washington, D.C. 20219.

FOR FURTHER INFORMATION CONTACT:

Ford Barrett, Assistant Chief Counsel, Comptroller of the Currency, 202–447–1896.

The text of the proposed policy statement follows:

Policy Statement on Transactions With Insiders on Preferential Terms

Abusive transactions by bank insiders have been a cause of continuing concern to the Comptroller of the Currency and other bank regulatory agencies. The Comptroller's Office now proposes to issue a series of policy statements identifying and restating its policy concerning specific types of insider transactions which are deemed by the Comptroller to be an abuse of bank assets, a violation of fiduciary responsibilities at common law and under 12 U.S.C. 73, and in some cases a violation of other federal statutes. When such abuse insider transactions are detected by bank examiners, the transactions will be criticized and correction will be requested. Corrective measures will range from requiring (a) adoption of definitive written policies and procedures designed to police and place responsibility for such transactions to (b) reimbursement by insiders or approving directors of unwarranted monetary benefits conferred on an insider. Specific types of transactions which have proved to be recurring and thus warrant the immediate attention of bank directors are discussed below.

1. Extensions of Credit on Preferential Terms to Executive Officers

Extensions of credit to executive officers or preferential terms, i.e., terms more favorable than those extended to borrowers of comparable credit standing,[1] are prohibited by 12 U.S.C. § 375a. The terms "extension of credit" and "executive officer" as used in this statute are defined in Federal Reserve Regulation O, 12 CFR Part 215, and accompanying intrepretations.

2. Extensions of Credit on Preferential Terms to Directors Significant Shareholders, or Companies They Control

Unlike loans to executive officers, loans to directors or significant shareholders[2] or companies they control are not governed by a specific Federal statute. Nevertheless, common law fiduciary principles do apply. For the reasons stated below, the Comptroller believes that such extensions of credit on terms more favorable than those accorded nonaffiliated borrowers of comparable credit standing are unwise and may expose the board of directors to liability for breach of its fiduciary obligations.

Although Congress has not legislated specifically in the area of loans to directors, it has shown a special sensitivity to a bank's dealings with its directors. See, for example, 12 U.S.C. 375 which governs purchases from and sales to directors of securities and other property, and 12 U.S.C. 376, which prohibits a member bank from paying directors a higher rate of interest than is paid to other depositors on similar deposits.

While not specifically mandated by statute, the philosophy of parity between bank-affiliated borrowers and nonaffiliated borrowers would seem applicable to other dealings, including loan transactions, between a bank, its directors and significant shareholders. Directors have an affirmative duty to promote and advance the interests of their corporation and bank directors, who should be concerned with the welfare of depositors as well as that of customers and stockholders, have a special obligation in this respect. Indeed, bank directors are required by Federal law (12 U.S.C. 73) to take an oath that they will "diligently and honestly" administer the bank's affairs.

To say that a director's loan should be granted on the same terms accorded a similarly situated non-affiliated borrower is not depriving the director of a substantial benefit. The director still enjoys at least one significant advantage: his affiliation with the bank and the bank's concomitant familiarity with him and his business affairs probably makes it more likely, even during times of tight money, that he will succeed in securing a loan. This advantage should not be magnified by preferential terms.

Loans to directors or significant shareholders on preferential terms deprive the bank of the greater return that it could have earned from a more advantageous investment. For this reason such loans could be considered a waste of corporate assets, for which directors might be held personally liable. Moreover, the availability of loans on preferential terms may encourage a director or significant shareholder to seek extensions of credit he may not need or for which he is not eligible, with the result that both the borrower and the bank may become overextended. Additionally, the perception of a bank as a source of easy credit for insiders does not comport with its obligations to serve the whole community or with the public trust in the bank's operation.

In light of the above, extensions of credit on preferential terms to directors and significant shareholders and companies they control are regarded by the Comptroller as an imprudent banking practice.

3. Extensions of Credit on Preferential Terms to Immediate Families

Extensions of credit on preferential terms to members of the immediate families of executive officers, directors or significant shareholders or their business interests represent an abuse of bank assets where such terms would not have

[1] Preferential terms can include unusually favorable interest rates, liberal repayment programs and maturities, reduced collateral requirements and extensions of credit not supported by current financial worth or capacity to repay.

[2] For the purposes of this policy statement a significant shareholder is one who directly or indirectly owns or controls more than 10 percent of the bank's outstanding shares.

been granted but for the influence of the insider.

4. RECIPROCAL LENDING ARRANGEMENTS

Preferential term loans on a reciprocal basis between banks to each other's directors and executive officers carry essentially the same potential for unsound extensions of credit as is present in the case of direct loans to insiders. Such transactions frequently commit bank assets on the basis of considerations of benefit to individual insiders rather than on the basis of proper credit judgments and bank profitability. When the transactions are made on preferential terms, they will be deemed by the Comptroller's Office to be an abuse of the assets of the lending bank.

5. FEE CONCESSIONS ON TRUST SERVICES

The unprofitable nature of some bank trust departments is attributable in part to unwarranted fee concessions on trust services to officers, directors, significant shareholders, and their family or business interests. Such fee concessions deprive shareholders of a reasonable return on their investment and are inconsistent with sound trust department operation.

Dated: December 5, 1977.

JOHN G. HEIMANN,
Comptroller of the Currency.

[FR Doc.77-35285 Filed 12-7-77;8:45 am]

[6210-01]

FEDERAL RESERVE SYSTEM

[12 CFR Part 226]

[Reg. Z; Docket No. R-0134]

TRUTH IN LENDING

Right of Rescission

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Proposed rule.

SUMMARY: This proposed rule seeks to clarify the application of the right of rescission in connection with open end credit accounts. Regulation Z provides that in the case of any credit transaction in which a security interest is taken in the principal residence of the consumer, the consumer shall have three business days to rescind that transaction. The regulation requires creditors to disclose this right to the consumer, and the credit proceeds may not be disbursed during the three-day period. Questions have been raised on the application of these provisions to open end credit plans. The Board's proposal would clarify these provisions by requiring creditors to give the required notice of the right of rescision to consumers who pledge their homes as security for an open end line of credit at the time the open end account is entered into as well as prior to any subsequent increase in the line of credit underlying the account. The Board views this proposal as consistent with the congressional purpose in creating the right of rescision and with its efforts to simplify Truth in Lending disclosures without sacrificing the Act's consumer protection features.

DATE: Comments must be received on or before February 1, 1978.

ADDRESS: Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. All material submitted should include Docket No. R-0134.

FOR FURTHER INFORMATION CONTACT:

Glenn E. Loney, Acting Chief, Fair Credit Practices Section, Division of Consumer Affairs, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, 202-452-2412.

SUPPLEMENTARY INFORMATION: The Board of Governors of the Federal Reserve System is publishing for comment a proposed amendment to Regulation Z designed to clarify the application of the right of rescission to open end credit accounts. Section 226.9(a) of the regulation provides customers with a right to rescind any consumer credit transaction in which a security interest is taken in the customer's home. When the right of rescission exists, § 226.9(b) requires creditors to give consumers notice of that right. These provisions could be interpreted as providing a right to rescind and requiring notice of that right each time a transaction takes place under a open end credit plan.

The Board understands that it was Congress' purpose in enacting the right of rescission to permit consumers to reconsider important credit transactions in which a security interest is taken in their homes. Accordingly, Congress provided consumers with a three-day cooling-off period in which to reconsider such credit decisions. The Board believes that this purpose will be served by providing the right to rescind and notice of that right in an open end credit context upon the opening of such an account and upon any subsequent increase in the underlying line of credit associated with the account. As a technical matter, the proposal also calls for providing the right of rescission and notice of the right at the time a security interest is taken covering an open end account if a security interest was not taken at the time the account was opened.

A requirement that the right of rescission notice be given with each transaction under an account, in the Board's view, would unduly frustrate and complicate the administration of open end credit plans without substantially increasing the customer's awareness of the significance of pledging his or her home as security for such credit.

Pursuant to the authority granted in 15 U.S.C. Section 1604 (1970), the Board proposes to amend Regulation Z, 12 CFR Part 226, as follows:

§ 226.9 Right to rescind certain transactions.

* * * * *

(g) *Exceptions to general rule.* * * *

(6) Individual transactions under an open end credit account provided that the disclosure required under paragraph (b) of this section is made at the time the disclosures required under § 226.7(a) are required to be made, or, if the security interest is not retained or acquired at the time the § 226.7(a) disclosures are required to be made, prior to the time a security interest is retained or acquired, and in any case prior to the time of any subsequent increase in the line of credit.

To aid in the consideration of the proposal by the Board, interested persons are invited to submit relevant data, comments or arguments. All such materials should be submitted in writing to Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, and should be received not later than February 1, 1978. All materials submitted should include the Docket Number R-0134. Such information will be made available for inspection and copying upon request, except as provided in § 261.6(a) of the Board's rules regarding availability of information (12 CFR 261.6(a)).

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)).

By order of the Board of Governors, December 5, 1977.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.77-35233 Filed 12-8-77;8:45 am]

[6750-01]

FEDERAL TRADE COMMISSION

[16 CFR Part 416]

PESTICIDE ADVERTISING

Termination of Rulemaking Proceeding

AGENCY: Federal Trade Commission.

ACTION: Withdrawal of Proposed Trade Regulation Rules.

SUMMARY: The Commission proposed various versions of a trade regulation rule concerning pesticide advertising, which were published on January 2, 1968 (33 FR 918); February 6, 1969 (34 FR 1773); and August 11, 1970 (35 FR 12727). In 1974 and 1975 the Commission entered into consent agreements with three pesticide manufacturers alleged to have engaged in deceptive and unfair advertising of pesticide products. On June 8, 1977, the Commission decided based upon a staff report not to proceed to promulgate a proposed trade regulation rule. The Commission has placed on the public record the staff report on advertising in the pesticides industry.

ADDRESS: Staff report available at: Federal Trade Commission, Room 130, 600 Pennsylvania Avenue NW., Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT:

Margaret Carlson, Division of Marketing Practices, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580, 202–523–3940.

SUPPLEMENTARY . INFORMATION: I. The Commission previously proposed various versions of a trade regulation rule concerning pesticide advertising in 1968, 1969, and 1970. (See Staff Report on Pesticide Advertising (hereinafter "Staff Report") Part III, Section B.) In 1974–75 consent orders were entered against three companies due to alleged deceptive and unfair advertising of pesticides. (Staff Report, Part III). Following these orders, staff undertook an investigation of the marketing practices of the entire pesticide industry. Based on information developed during that investigation, the Commission has determined not to proceed with rulemaking or adopt an industry guide with regard to pesticide advertising at the present time for several reasons:

(1) The incidence of arguably deceptive advertising for pesticides appears to have decreased to a small fraction of what it was when the Commission initiated these proceedings. (Staff Report, Part II, Section A.) There is evidence which suggests that consumers believe pesticides are dangerous. (Staff Report, Part II, Section B.) The use of absolute safety claims in pesticide advertising, a practice tending to undermine this belief and one of the chief reasons for the Commission's special interest in this area, has now virtually ceased. The number of troublesome advertisements occurring at the present is sufficiently few that those ads can be handled on a case-by-case basis.

(2) The potential for consumer injury from the few arguably deceptive ads which remain has been substantially reduced due to the 1972 amendments to the Federal Insecticide, Fungicide, and Rodenticide Act. (Staff Report, Part III, Section A.) According to the amendments:

(a) All pesticide labels must bear extensive cautions and warnings for use designed to provide the pesticide user with sufficient information to protect himself and the environment from harm.

(b) The more hazardous products, labeled "restricted-use," will be classified for use by or under the supervision of certified applicators. Only products whose risk of harm is small or negligible will be classified for general use under the new classification scheme schedule to take effect October 21, 1977.

(c) The EPA has proposed regulations for the child-proof packaging of pesticide products. A large proportion of pesticide injuries involve children under 10 years of age and child-proof packaging is the most direct way of reducing these injuries.

(3) Pesticide-related fatalities appear to be decreasing. Many of the fatalities which have occurred in recent years were intentional or of indeterminate cause. In few, if any, of these cases was there a clear causal link between the fatality and safety claims in advertising. (Staff Report, Part III, Section A; Appendix B.)

III. The Commission will continue to monitor advertising for violations of the Federal Trade Commission Act, and will take such action as it considers to be appropriate should violations occur. The Federal Trade Commission intends to enter into an interagency agreement with the Environmental Protection Agency, so as to better coordinate the activities of those two agencies in their regulation of the pesticides industry.

For the further information of interested persons wishing to comment on this action, the Staff Report has been placed on the public record and can be obtained in Room 130, Federal Trade Commission, 600 Pennsylvania Avenue NW., daily between the hours of 8:30 a.m. and 5 p.m. Comments should be directed to the attention of Margaret Carlson, Attorney, Division of Marketing Practices, Federal Trade Commission, Washington, D.C. 20580.

Issued: December 7, 1977.

By direction of the Commission.

CAROL M. THOMAS,
Secretary.

[FR Doc.77-34988 Filed 12-8-77;8:45 am]

[6351–01]

COMMODITY FUTURES TRADING COMMISSION

[17 CFR Parts 1, 17 and 18]

GENERAL REGULATIONS UNDER THE COMMODITY EXCHANGE ACT; REPORTS BY FUTURES COMMISSION MERCHANTS AND FOREIGN BROKERS; REPORTS BY TRADERS

Proposed Revision of Forms and Proposed Rulemaking

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Commodity Futures Trading Commission is proposing to amend certain reporting requirements for foreign traders, domestic traders, and futures commission merchants ("FCM's") by revising CFTC Forms 40 and 102 as well as by amending §§ 17.01 and 18.04 of the Commission's regulations under the Commodity Exchange Act, 17 CFR 17.01, 18.04 (1977), and by adding new §§ 1.33 and 17.04 to the Commission's regulations. In addition, the Commission is proposing to publish, on a monthly basis, aggregate position information on foreign participants in U.S. futures markets; to require foreign traders who trade on domestic contract markets to appoint an agent in the United States for service of process; and, to require foreign traders to appoint an agent in the United States to file any information and reports required by the Commission of such trader as condition to trading in these markets. Also the Commission is considering whether to adopt regulations which would impose special trading requirements on foreign participants trading in United States futures markets.

DATES: Comments must be received on or before February 1, 1978. Proposed effective date: April 1, 1978.

ADDRESS: Comments on the proposal should be sent to: Commodity Futures Trading Commission, 2033 K Street NW., Washington, D.C. 20581. Attention: Secretariat.

FOR FURTHER INFORMATION CONTACT:

Lamont L. Reese, Office of the Chief Economist, Commodity Futures Trading Commission, 2033 K Street NW., Washington, D.C. 20581, 202–254–7446.

SUPPLEMENTARY INFORMATION: The Commission is proposing specific amendments to its regulations relating to reporting requirements as follows:

1. To require each FCM who carries an omnibus account [1] to maintain records of and to report to the Commission pursuant to Part 17 of the Commission's regulations the gross positions for all individual accounts represented in any omnibus account.

2. To revise CFTC Forms 40 [2] and 102 [3] to:

a. require the reporting of information that would no longer be reported if the Commission eliminates the series '03 reports as it has previously proposed;[4]

b. require identification of foreign governments, their agents, foreign entities specially acknowledged by a statute or regulation of a foreign jurisdiction, entities financed by a foreign government either through ownership of capital assets or the provision of operating expenses, and companies incorporated or organized under the laws of a foreign jurisdiction; and

c. require the telephone numbers of account owners and controllers.

3. To revise Form 40 to:

a. require a reporting trader to identify his employer if the employer uses the futures market; and

b. require reporting traders to provide information regarding registration status with the Commission.

4. To require the Form 40 to be updated at least once each year rather than once every two years.

5. To revise Form 102 to require additional information relative to account controllers.

6. To include among the information specifically enumerated by Commission regulation as part of the information required to be furnished on the Form 102 the FCM's name, address, signature, title (in cases where the FCM or foreign broker is a firm and an officer or other

See footnotes at end of article.

authorized agent signs on the firm's behalf), and date of signing.

In addition to the foregoing proposals, the Commission is proposing to amend its existing regulations or perhaps to adopt new regulations affecting foreign participation. However, at this time the Commission is not proposing the specific language of these proposals. These proposals are as follows:

1. To require FCM's who presently carry accounts for foreign brokers on an undisclosed basis, (i.e., where the identity and position of the customers of the foreign broker are undisclosed to the carrying FCM) whether through omnibus accounts or otherwise, to prepare and transmit to the Commission on a daily basis account identification information on Form 102 and position information respecting each trader's account carried by such foreign broker.

2. To require foreign traders who trade on domestic contract markets to appoint an agent for service of process in the United States as a condition to trading.

3. To require foreign traders who trade on domestic contract markets to appoint an agent in the United States to file all reports and information required by the Commission of such trader as a condition to trading.

And, finally, the Commission is proposing to publish, on a monthly basis, the aggregate positions of foreign participants on each contract market.

Discussion of the Commission Proposals

The primary aim of the Commission proposals is to permit the Commission to monitor more efficiently foreign participation in domestic futures markets.

The Commission has a basic responsibility to preserve orderly markets by preventing and eliminating adverse market situations and manipulative market practices. To carry out its responsibility effectively, the Commission must be able to identify market participants and to take action against persons who are about to engage in, are engaging in, or have engaged in violations of various provisions of the Act or the regulations thereunder. These considerations apply with equal force to both domestic and foreign market participants.

Those who participate in futures trading conducted on domestic contract markets necessarily are subject to the provisions of the Act and the Commission's regulations governing this trading. Nevertheless, there are special political and jurisdictional considerations associated with effective market surveillance and prompt enforcement of the Act and regulations in the case of market participants who are located outside the United States, particularly in the case of market participant which is a foreign government.[6] In the past, Commision experience is obtaining information from foreign traders has not been uniformly successful. Because of communications difficulties, the failure of some foreign brokers to identify their customers and of some foreign traders to provide information as required by the Commission's regulations, prompt and accurate identification of foreign traders and determination of their positions and intensions with regard to their use of the futures markets has not always been possible. If permitted to continue, this situation could hamper the Commission in discharging its regulatory responsibilities promptly, particularly in identifying persons who may potentially be in a positon to disrupt the markets.

In addition, the Commission recognizes the potential undesirable impact on its surveillance program caused by FCM's carrying omnibus accounts who report and record the positions in such accounts on a net basis. Gross position information is more desirable than net position information for surveillance purposes. However, in some instances FCM's carrying omnibus accounts record and report net position information. As a consequence the Commission may be deprived of gross position information that it considers necessary for effective market surveillance.

Also, the Commission recognizes that there will be a need to obtain additional reporting information from FCM's and traders which either is not currently required to be reported, will no longer be reported if the Commission eliminates the series '03 reports as it has previously proposed, or simply is not reported in violation of the Commission's reporting requirements.

Proposals for Specific Amendment to Commission Regulations

Recording and reporting positions in omnibus accounts on a gross basis

Section 17.01(a) of the Commission's regulations requires FCM's to submit on the appropriate series '01 form information showing each reportable open contract position for each future in accounts carried by the reporting FCM. However, the regulation does not specify whether such positions should be reported on a gross basis i.e., total long contracts and total short contracts for each future, or on a net basis, i.e., the net open contracts, long or short, for each future. As a result some FCM's record and report positions on a gross basis, while others do so on a net basis.

Currently, Commission Regional Office personnel request FCM's to report gross positions where those positions represent reportable transactions which were executed on either the New York Mercantile Exchange or the Chicago Mercantile Exchange.[7] However, where positions in an account carried by an FCM represent reportable transactions executed on any other exchange, FCM's are requested to report net positions.[8]

Permitting positions to be recorded and reported on a net basis results in less effective market surveillance in cases where FCM's carry omnibus accounts. Omnibus accounts represent the transactions of two or more traders and FCM's who carry such accounts are required to report positions in the account on the appropriate series '01 forms. However, since the transactions of two or more persons are involved, such transactions may offset each other, a situation which is less common where an FCM carries an account representing transactions effected for a single trader. Reporting positions based upon offsetting transactions may give the appearance that inconsequential positions are held in any one future of a commodity when in fact substantial positions may be held.

The effectiveness of the Commission's surveillance program depends on the expeditious receipt of gross position information by the Commission. In situations where positions in an omnibus account are recorded and reported on a net basis by the FCM carrying such account, gross position information might not be received expeditiously enough for effective surveillance.

At the present time the Commission does receive gross position information from most originating FCM's but often not on a timely basis. Sections 17.02(a) of the Commission's regulations, 17 CFR 17.02(a) (1977), requires position information to be reported on the appropriate series '01 form on a daily basis and to be filed at the Commission office in the city in which is located the contract market upon which the reportable transactions were executed. Generally, since the FCM who carries an omnibus account has an office in that city, the appropriate series '01 form is received on the day of its submission. However, since the originating FCM's place of business is often located in a different city, the appropriate series '01 forms submitted to the Commission by the originating FCM are not received for three or four days, or sometimes later, depending upon the speed of the mails. Therefore, in situations where the FCM who carries the omnibus account records and reports gross positions on the appropriate series '01 form, gross position information will be received by the Commission on the day of its submission. However, in situations where the FCM who carries the omnibus account records and reports net positions, gross position information is not available to the Commission for three or four days.[9] If the FCM effecting transactions on an omnibus basis for such originating FCM were permitted to continue to record and report such transactions on a net basis, the Commission would be deprived of gross position information for a period of three or four days—a time lapse which may be detrimental for surveillance purposes.

Therefore, in order to insure the availability of gross position information on a more expeditious basis for surveillance purposes, the Commission is proposing to adopt new §§ 1.33b and 17.04 of its regulations to require all FCM's who effect transactions on an omnibus basis for another FCM or exchange member

See footnotes at end of article.

to record and report on an aggregate basis the gross positions in each individual account included in the omnibus account.[10]

REVISION OF FORMS 40 AND 102

The Commission is proposing to revise both its Forms 40 and 102 to require the reporting of the following information:

1. Certain essential information which would otherwise be lost by the intended elimination of the series '03 reports.

The Commission previously has stated that it was considering eliminating the reporting requirement that large traders file series '03 reports (see 41 FR 30351, July 23, 1976). At that time, the Commission also stated that it was considering expanding Form 40 to obtain some of the information that would otherwise be lost by dropping the series '03 reports. Although the Commission invited all interested members of the public to express their views concerning the merits of the proposed changes to the reporting system, no written or oral comments were received regarding these proposals.

A trader who is required to file a series '03 report must classify those positions which he holds as hedging or speculative. If the series '03 reports are eliminated, the Commission would lose this information. Accordingly, the Commission is proposing to revise Form 40 to require information relating to the hedging activities of reporting traders including the cash commodity hedged, the type of activities hedged, and the futures markets utilized by such traders. In addition, the Commission is proposing to revise Form 102 to require the identification of the futures commodities, if any, for which positions in the account may be associated with a commercial activity of the account owner in related cash commodities (i.e., positions which are considered hedging).

The Commission is also proposing, corresponding changes in §§ 18.04 and 17.01 of its regulations which relate to these reporting requirements. The Commission is proposing to amend § 18.04 by adding subsections (b)(4) and (c)(4) to correspond to the revisions proposed to be made in Form 40. In addition, the Commission is proposing to amend § 17.01 by adding subsection (b)(10) to correspond to the revisions proposed to be made in Form 102.

Also, a large trader is required to report on the series '03 report all positions which he holds, including those which are not required to be reported on any other form. In order to retain the ability to obtain this information if the series '03 forms are discontinued, the Commission is proposing to revise Form 40 to require information concerning whether the reporting trader owns or controls accounts which are carried through more than one FCM. If this revision is implemented, the FCM's listed could be contacted in those instances where the Commission desires total position information on traders required to file a Form 40. The Commission proposes to amend § 18.04 by adding subsection (a)(7) to correspond to the proposed revision of Form 40.

2. Identification of foreign governments, their agents, and foreign entities specially acknowledged by foreign state statute or regulation, and foreign-based companies.

Since foreign governments have both the potential to affect domestic futures prices by their actions, and the ability to become very large position holders on domestic contract markets, the Commission feels it is necessary to require foreign governmental elements or companies financially associated with foreign governments to identify themselves as such when their position information is reported. Accordingly, the Commission proposes to revise Form 102 to require identification of the account with respect to ownership or by a foreign government, agent of a foreign government, entity specially acknowledged by a statute or regulation of a foreign jurisdiction to trade for such government, or entity financed by a foreign government. In addition, the Commission proposes to revise Form 40 to require such identification information as well as information identifying companies incorporated or organized under the laws of a foreign jurisdiction. Also, the Commission is proposing to revise Form 40 to require information revealing the nature of the relationship between foreign governments and their agents, entities specially acknowledged by a statute or regulation of a foreign jurisdiction to trade for such government, or any other entities trading on domestic contract markets which are controlled or financed by such government.

The Commission is also proposing at this time corresponding changes in §§ 17.01 and 18.04. The Commission is proposing to amend § 17.01 by adding subsection (b)(9) to correspond to the revisions proposed to be made in Form 102. In addition, the Commission is proposing to amend § 18.04 by adding subsections (c)(1), (c)(2), and (d)(1) through (d)(5) to correspond to the revisions proposed to be made in Form 40.

PROPOSALS AFFECTING FORM 40 ONLY

The Commission is proposing to revise the format of its Form 40 by separating it into four parts. This will enable the Forms to be completed and processed more quickly. Part A shall be completed by all traders who hold or control a reportable position. Part B shall be completed by those reporting traders who have an individual account or participate in a joint account or partnership account. Part C shall be completed by those reporting traders who participate in an account other than an individual, joint, or partnership account. And Part D shall be completed by reporting traders who are foreign governments, agents of foreign governments, or entities specially acknowledged by a statute or regulation of a foreign jurisdiction to trade for such government.

In addition, the Commission is proposing to revise its Form 40 to require the following specific information:

1. The name and principal business of the reporting trader's employer where the trader is not self-employed, if the employer uses the futures market.

Past Commission investigations have uncovered concerted market actions by employers and employees who hold accounts in their separate names. Due to the potential for market disruption by accounts which are traded in concert, the Commission is proposing to revise Form 40 to require those traders who are not self-employed to identify their employer and his principal business if the employer uses the futures market. The Commission is proposing to amend § 18.04 by adding subsection (b)(5) to correspond to this change in Form 40.

2. The reporting trader's registration status.

Of course, a reporting trader's registration status is available to the Commission by reference to its registration records. However, providing this information on the Form 40 will permit the Commission to reduce the time necessary to enter the information into the Commission's market surveillance systems. Accordingly, the Commission is proposing to revise Form 40 to require the registration status of the reporting trader. In addition, the Commission is proposing to amend § 18.04 by adding subsection (a)(4) to correspond to the revisions proposed to be made in Form 40.

3. The place of birth and the date of birth of the reporting trader.

The Commission believes that this information is necessary to obtain registration information when the reporting trader registers in some capacity with the Commission subsequent to filing his Form 40. A situation may arise where the Comimssion desires information on a reporting trader's registration status which he acquired subsequent to filing his Form 40. In order for the Commission to obtain such information it must check its registration computer files. The information proposed to be required will uniquely identify the reporting trader in such computer files. Accordingly, the Commission is proposing to revise Form 40 to require the reporting trader's place and date of birth. At this time, the Commission is proposing to amend § 18.04 by adding subsection (a)(1) to correspond to the proposed revision in Form 40.

UPDATING FORM 40'S

The Commission is proposing, at this time, to amend its regulation § 18.04(f) to require the Form 40's to be updated at least once each year. Currently the Commission's staff requests that Form 40's be updated every two years. Due to the importance of the information contained in the Form 40 to its market surveillance and research programs, the Commission believes the two-year time span should be shortened to one year, to make that information more current. Accordingly, the Commission is propos-

See footnotes at end of article.

ing to amend its regulations to require the Form 40 to be updated whenever the information on file changes but, in any event, at least once a year.

PROPOSALS AFFECTING FORM 102 ONLY

1. Business or Occupation of the Account Controller—The Commission is proposing to revise its Form 102 to require reporting of the business or occupation of account controllers. Form 102 currently requires the submission of such information with respect to account owners. The Commission believes that such information also is required for adequate identification of account controllers. The Commission is also proposing to amend § 17.01 by adding a new subsection (b)(4) to correspond to the change in Form 102.

2. Telephone Numbers of the Account Owner and Controller—Form 40 requires account owners and controllers to supply their telephone numbers. However, in many instances the Commission must contact either the account owner or controller prior to receiving his telephone number on the Form 40. Since Form 102 is filed with the Commission prior to the Form 40, the Commission is proposing to revise Form 102 to require submission of the telephone numbers of account owners and controllers thereby providing the Commission with availability to such information on a more expeditious basis.

The Commission is proposing to amend § 17.01 by adding new subsections (b)(3) and (b)(7) to correspond to the revisions proposed to be made in Form 102.

MISCELLANEOUS AMENDMENTS AND REVISIONS

A number of minor modifications to the Commission's regulations and Forms 40 and 102 are proposed which are intended to make clear the types of information which the Commission is seeking and which will delete information which the Commission no longer considers necessary for its surveillance program.

GENERAL PROPOSALS

While certain of the following proposals will also necessitate amendments to Commission regulations, neither the specific language of the amendments nor the specific regulations to be amended are being proposed at this time

ACCOUNT IDENTIFICATION AND POSITION INFORMATION ON THE CUSTOMERS OF FOREIGN BROKERS

Under § 17.00(a) of the Commission's regulations, 17 CFR § 17.00(a) (1977), each foreign broker who carries accounts and who effects transactions for such accounts through a futures commission merchant on an undisclosed basis is required to prepare and submit to the Commission information showing the separate reportable open contract positions in each account.[11] In addition, such foreign broker is required to submit to the Commission account identification information on Form 102 when the appropriate series '01 form is submitted to the Commission for the first time.

See footnotes at end of article.

Preparation of a series '01 form and, in appropriate cases, a Form 102 is required for each business day on which there are reportable transactions and § 17.02(b) of the Commission's regulations, 17 CFR 17.02(b) (1977), requires that such forms be transmitted to the Commission on a weekly basis.[12] However, not all foreign brokers are willing to transmit such forms and even in those cases where they are transmitted, they often arrive two or three weeks subsequent to the date of the reportable transaction. If permitted to continue, this situation could be detrimental to the Commission in discharging its regulatory responsibilities since identifying persons who potentially might be in a position to disrupt the markets could not be accomplished expeditiously.

The Commission believes that an effective means of assuring that it receives this information as promptly as possible is to require that FCM's carrying accounts for foreign brokers prepare and submit to the Commission the appropriate forms containing information identifying each separate account carried by the foreign broker as well as information showing the separate reportable positions in each account. The effect of this proposal would be that omnibus accounts carried by FCM's for foreign brokers would no longer be permitted to be carried on an undisclosed basis. If this proposal were implemented the Commission could obtain the appropriate information more expeditiously, since under § 17.02(a)(2) of the Commission's regulations, FCM's are required to transmit such forms on a daily basis. This, of course, would make it necessary for FCM's to obtain the information needed to prepare the forms from the foreign broker on a daily basis.

ACCESS TO U.S. FUTURES MARKETS BY FOREIGN PARTICIPANTS

The Commission has not adopted any specific policy concerning foreign participation in domestic futures markets. However, in view of an increased interest in the use of futures markets in recent years by foreign participants, increased price volatility and public sensitivity to possible foreign disruption of U.S. futures markets, a need has been perceived by the Commission to decide on a policy concerning access to domestic markets by foreign participants

During the last decade increased attention has been given to the role commodity futures exchanges might play in international economic policy. There have been suggestions that national and international agencies, whose goal is the stabilization of commodity prices or the movement of prices to higher or lower levels, may find it less costly to exert influence in the futures rather than in the cash markets.

In addition, there is concern that foreign state traders, because of their relative size, might be more inclined to act to acquire market positions that would result in a threatened or actual market manipulation or corner, and that a foreign government might attempt to use the United States futures markets as a means of acquiring scarce supplies.

Notwithstanding the above, the Commission also recognizes the increased international characteristics of futures markets that have developed in recent years and the desirability of maintaining open market access to all potential participants. This is particularly true in the case of the "world commodities" that first became subject to regulation under the Act in 1975. Unduly restricting foreign participation in U.S. futures markets may not insulate futures prices from international supply and demand forces, including policy decisions of foreign governments concerning price levels of commodities they produce. Moreover, the cash markets for many domestically-produced agricultural commodities are truly international in character. Therefore, the price effects of foreign sales can still be transferred to U.S. futures prices via the cash market, though perhaps in a less effective manner than through the futures markets.

Based on the foregoing, the Commission is considering whether or not to adopt regulations which would impose special requirements on foreign traders' market activities in U.S. futures markets in addition to or different from those imposed on domestic traders. The Commission is interested in receiving comments regarding whether any special trading requirements in addition to or different from those imposed on domestic traders should be imposed on foreign traders.

One example of such a requirement would be fore the Commission to impose, or require a contract market to impose, special trading and position limits on all foreign traders during the delivery period. The Commission is interested in specific comments regarding this and other examples of special trading requirements which might be imposed on foreign participants.

PUBLICATION OF AGGREGATE POSITIONS OF FOREIGN PARTICIPANTS

In view of an increasing congressional and public interest in the extent to which foreign entities are involved in trading futures contracts on domestic markets, the Commission is proposing to publish on a monthly basis the aggregate positions of foreign participants on each contract market in each commodity. Such positions would be shown in the Commission's monthly publication of commitments of traders as an aggregrate percent long and short of the open interest on each contract market provided that such publication does not separately disclose the business dealings of any individual trader. The Commission is interested in receiving comment on the need for and the impact of publishing aggregate foreign position data and the possible need to show, on an aggregrate basis, futures positions which may be owned or controlled by foreign governments separately from those of other foreign traders.

SERVICE OF PROCESS ON FOREIGN TRADERS

The Commission is proposing to require all foreign traders who desire to

trade on or through facilities of domestic contract markets to file with the Commission in advance an irrevocable consent appointing an agent in the United States to receive service of process in any proceeding that may be instituted for violation of the Act or the regulations thereunder. Domestic FCM's would be prohibited from accepting orders from foreign traders unless that consent had been filed.

DESIGNATION OF AN AGENT BY A FOREIGN TRADER FOR PURPOSES OF FILING REPORTS

The Commission is proposing to require all foreign traders who desire to trade on or through facilities of domestic contract markets to designate an agent in the United States to file all information and reports required by the Commission of such foreign trader. Domestic futures commission merchants who could themselves act as such agent would be prohibited from accepting orders from foreign traders unless such an agent was designated.

In consideration of the foregoing, the Commission, pursuant to its authority contained in sections 4g(1), 4g(3), 4g(4), 4i, and 8a(5) of the Commodity Exchange Act, 7 U.S.C. 6g(1), 6g(3), 6g(4), 6i, and 12a(5), (Supp. V, 1975), hereby proposes to revise CFTC Form 40, contained in Appendix A, and CFTC Form 102, contained in Appendix B, and to amend Parts 1, 17 and 18 of Chapter I of Title 17 of the Code of Federal Regulations as follows:

PART 1—GENERAL REGULATIONS UNDER THE COMMODITY EXCHANGE ACT

1. A new § 1.33b is added to read as follows:

§ 1.33b Record of positions in Omnibus Account.

Each futures commission merchant who carries an account for another futures commission merchant or member of a contract market on an omnibus basis shall record and maintain a daily record of the gross long and gross short positions open in each future in each individual account included in the omnibus account at the close of the market each day. Such gross positions shall be reported to the Commission for each business day in accordance with the requirements of Part 17 of this Chapter.

PART 17—REPORTS BY FUTURES COMMISSION MERCHANTS AND FOREIGN BROKERS

1. Section 17.01(b) is amended to read as follows:

§ 17.01 Special account designation and identification.

(a) * * *

(b) *Identification of Special Account.* When a Special Account is reported for the first time, the futures commission merchant or foreign broker shall identify the account to the Commission on Form 102, showing the information requested thereon, including:

(1) The name and address of the account owner.

See footnotes at end of article.

(2) The number assigned to that account for purposes of reporting the account on series '01 reports.

(3) Telephone number of account owner.

(4) Business or occupation of the account owner or controller.

(5) Kind of account.

(6) The name and address of other person(s) if any whose futures trading is controlled by the account.

(7) The name, address, telephone number and business or occupation of other person(s), if any, who controls the trading of this account.

(8) The name(s) and location(s) (city and state) of other person(s) if any who has a financial interest in or guarantees this account.

(9) Identification of account with respect to ownership or control by a foreign government, agent of a foreign government, entity specially acknowledged by a statute or regulation of a foreign jurisdiction, or entity financed in whole or part by a foreign government either through ownership of capital assets or the provision of operating funds.

(10) Commodities in which positions in the account are associated with a commercial activity of the account owner in a related cash commodity (i.e., those considered as hedging).

(11) Name and address of the futures commission merchant or the foreign broker carrying the account, the signature and title of the authorized representative of the firm filing the report, and the date of signing the Form 102.

* * * * *

2. A new § 17.04 is added to read as follows:

§ 17.04 Reporting positions in Omnibus Accounts.

When submitting reports required in § 17.00(a) of these regulations respecting omnibus accounts, each futures commission merchant shall show gross positions (i.e., the total long contracts and the total short contracts for all individual accounts included in any such omnibus account) in any commodity.

PART 18—REPORTS BY TRADERS

1. Section 18.04 is amended to read as follows:

§ 18.04 Statement of reporting trader.

Every trader who holds or controls a reportable position shall file with the Commission a "Statement of Reporting Trader" on Form 40. Each trader shall file his initial Form 40 at such time as the Commission directs. Subsequent filings shall be made at the time specified in paragraph (f) of this section. All traders shall complete Part A of the Form 40 and in addition shall complete:

Part B—If the trader has an individual account or is a participant in a joint account or partnership account; or

Part C—If the trader participates in an account other than an individual, joint account, or partnership account; and

Part D—If the trader is a foreign government, agent of a foreign government, entity specially acknowledged by foreign state statute or regulation, or entity financed in whole or part by a foreign government either through ownership of capital assets or the provision of operating funds. Note: Traders who complete Part D must also complete Part A and either B or C.

(a) Information to be furnished by all traders in Part A of the Form 40 shall include:

(1) Name of reporting trader, and if the trader is an individual, his date of birth and place of birth.

(2) Principal business or occupation of the reporting trader.

(3) Type of account.

(4) Registration status with the Commission, if any.

(5) The name and address of each person whose commodity futures account is controlled by the reporting trader.

(6) The name and address of each person who controls the account of the reporting trader.

(7) The names and locations of all futures commission merchants through whom accounts owned or controlled by the reporting trader are carried if such accounts are carried through more than one futures commission merchant.

(8) The names and locations (city and state) of persons who have a financial interest in or guarantee the account of the reporting trader and an indication of which persons have financial interest of 10% or greater in the account.

(9) Information concerning ownership or control by a foreign government, agent of a foreign government, entity specially acknowledged by a statute or regulation of a foreign jurisdiction, or entity financed by a foreign government either through ownership of capital assets or provision of operating expenses.

(b) Information to be furnished in Part B of the Form 40 shall include:

(1) Mailing address of the reporting trader.

(2) Telephone number of the reporting trader.

(3) If the trader is self employed and engaged in the marketing of a cash commodity or in a business activity which is hedged by use of the futures market, the cash commodity hedged, types of activities hedged, and the futures markets utilized.

(4) If the trader is not self employed, the name of the person employing the trader and principal business if the employer is engaged in the marketing of a cash commodity or in business activities which are hedged by using the futures market.

(5) The name, address, and type of any organization in which the reporting trader participates in the management if such organization holds another futures trading account.

(6) If the reporting trader is a partnership, the name and address of each general partner and the name of the partner who ordinarily places orders.

(c) Information to be furnished in Part C of the Form 40 shall include:

See footnotes at end of article.

(1) Identification of companies not incorporated or organized under the laws of any State or other jursidiction in the United States and names of parent companies not incorporated or organized under the laws of any State or other jurisdiction in the United States and the address of each headquarter's office.

(2) Names and addresses of all related companies that trade in commodity futures (parent, subsidiary or affiliate) and whether or not the related companies are incorporated or organiezd under the law of any State or other jurisdiction in the United States.

(3) Name, address, and business telephone number of person(s) actually responsible for the direction of futures trading.

(4) If the company is engaged in the marketing of a cash commodity or in a business activity which is hedged by using the futures markets, the cash commodity marketed, types of activities hedged, and futures markets utilized.

(d) Information to be furnished in Part D of the Form 40 shall include:

(1) Name of country or government that owns or controls the account or for which the reporting trader is an agent, has specially acknowledged the reporting trader by a statute or regulation of such country or government, or finances the trader either through owenrship of capital assets or provision of operating expenses.

(2) If an agent of a foreign government, a description of the relationship to such government.

(3) If acknowledged by a statute or regulation of a foreign jurisdiction, the form and a description of such acknowledgement.

(4) If control of trading is exercised by a foreign government, a description of the nature of such control.

(5) If financed in whole or in part by a foreign government, a description of the nature of such financing.

(e) Signature of the trader and date of signing the report. If the account is in the name of an organization, signature should be that of a partner, officer, or trustee authorized to sign on behalf of that organization.

(f) *Updating reports.*—If at the time a trader holds or controls a reportable position and (1) a Form 40 previously filed by the trader is then no longer accurate because since the previous filing there has peen a change in the information required under paragraph 18.04, (a)(2), (a)(3), (a)(5), (a)(6), (a)(8), (a)(9), (b), (c), or (d), or (2) the trader has not filed a Form 40 during the previous twelve months, the trader shall file an updated Form 40 with the Commission no later than the tenth business day following the date the trader assumes the reportable position.

Issued in Washington, D.C., on December 5, 1977, by the Commission.

WILLIAM T. BAGLEY,
Chairman, Commodity Futures Trading Commission.

APPENDIX A

CFTC 40

COMMODITY FUTURES TRADING COMMISSION

STATEMENT OF REPORTING TRADER 1/

To: Commodity Futures Trading Commission

NOTICE: Failure to file a report required by the Commodity Exchange Act and the regulations thereunder, or the filing of a false or fraudulent report may be a basis for administrative action under 7 U.S.C. Sec. 9, and may be punishable by fine or imprisonment, or both, under 7 U.S.C. Sec. 13, or 18 U.S.C. Sec. 1001.

Complete and return this statement promptly. Print or type. ALL TRADERS MUST COMPLETE PART A.

PART A

1. Name.

2. Principal Business or Occupation of the Reporting Trader.

3. Type of Account (Check One Only).

a. __ Individual
b. __ Joint
c. __ Partnership
d. __ Other--Specify (i.e., corporations, associations trusts, etc.

In addition to Part A, you must also complete Part B

In addition to Part A, you must also complete Part C

4. Are You Registered with the Commodity Futures Trading Commission as:

a.	A futures commission merchant?	__ Yes	__ No
b.	A floor broker?	__ Yes	__ No
c.	An associated person of an FCM?	__ Yes	__ No
d.	A commodity trading advisor?	__ Yes	__ No
e.	A commodity pool operator?	__ Yes	__ No

5. Do You Control the Futures Trading for Any Other Traders? __ Yes __ No

If "Yes," Give Names and Addresses of Such Traders (Use Continuation Sheets if Necessary).

Names	Addresses

6. Does Any Other Person Control the Trading of Your Account? (Do Not Include Brokers Who Merely Execute Your Orders.) __ Yes __ No

If "Yes," Give Names and Addresses of Such Traders (Use Continuation Sheets if Necessary).

Names	Addresses

7. Do you Own or Control Futures Positions or Transactions in Accounts Carried Through More Than One FCM? __ Yes __ No

If "Yes," Give Names and Locations (City and State) of All FCM's Through Whom You Now Carry Accounts.

Names	Locations

See footnotes at end of article.

APPENDIX A

8. Does Any Other Person Have Any Financial Interest in or Guarantee Your Account?

If "Yes," Give Name(s) and Location(s) (City and State) of Such Person(s). (Indicate Which Person(s) Has a Financial Interest of 10% or Greater.)

Name(s) & Location(s) (City and State)	Financial Interest of 10% or More
_____	__ Yes __ No
_____	__ Yes __ No
_____	__ Yes __ No

9. Do You Represent a Foreign Government, Act as An Agent of a Foreign Government, Receive Financing from a Foreign Government Either Through Ownership of Capital Assets or Provision of Operating Expenses, or Are You an Entity Specially Acknowledged by a Statute or Regulation of a Foreign Jurisdiction?

__ Yes __ No If "Yes," Also Complete Part D in Addition to Part B or C.

PART B

If You Checked Items 3a, 3b, or 3c, in Part A, complete this part of the form

1. Mailing Address (Number, Street, City, State, Zip Code).

_____

2. Telephone Number

3. Date of Birth. 4. Place of Birth. _____, _____ (City) (State)

5. Are You Self Employed and Engaged in the Production, Merchandising or Processing of Any Cash Commodities or in Any Other Business Activity Which You Hedge by Using the Futures Markets? __ Yes __ No

a. If "Yes," For Each Cash Commodity Designate the Futures Market Used and the Occupation Associated with Your Hedging Activity on the Attached Schedule A.

b. If "No," Is Your Employer Engaged in the Marketing of Cash Commodities or in Business Activities That Are Hedged by Using the Futures Markets?

__ Yes __ No

If "Yes," Answer (1) and (2) Below:

(1) Employer's Name _____
(2) Employer's Principal Business _____

6. Do You Participate in the Management of Any Organization That Holds Another Futures Trading Account?

If "Yes," Give Name and Address of Organization and Check Type.

_____ __ Corporation
__ Partnership
__ Trust
__ Other (Specify) _____

See footnotes at end of article.

7. For Partnerships: List Name and Address of Each Partner, Indicate Which Partner Ordinarily Places Orders. (Not Required If You Are a Futures Commission Merchant Registered Under the Commodity Exchange Act.)

Names	Addresses

PART C
(For "Other" Accounts Only)

If You Checked Item 3d in Part A, Complete This Part of the Form

1. For Companies Such As Corporations, Associations and Trusts:

a. Is This Company Incorporated or Organized Under the Law of any State or Other Jurisdiction in the United States? __ Yes __ No

b. List All Parent Companies That are Not Incorporated Under U.S. Law and Give the Address of Each Headquarter's Office.

Names	Addresses

c. Give Names and Addresses of All Related Companies That Trade in Commodity Futures. Show Whether the Related Company is Your Parent (P) or a Subsidiary (S) and Indicate Whether or Not the Related Companies are Organized or Incorporated Under the Laws of any State or Other Jurisdiction in the United States.

/ / Incorporated or Organized / / Not Incorporated or Organized	
/ / Incorporated or Organized / / Not Incorporated or Organized	

d. Give Name, Office Address and Busines Telephone Number of Ferson or Persons Actually Responsible for Your Futures Trading.

Phone: _____

Phone. _____

2. Is This Company Engaged in the Marketing of Cash Commodities or in Business Activities Which It Hedges by Using the Futures Markets? __ Yes __ No

If "Yes," For Each Cash Commodity Designate the Futures Market Used and the Occupation Associated with Your Hedging Activity on the Attached Schedule A.

PART D
(For Traders Representing Foreign Governments, Acting as Agents of Foreign Governments, Entities Specially Acknowledged by Foreign State Statute or Regulation, or Entities Financed by Foreign Governments)

If You Answered Yes to Item 9 of Part A, Complete This Part of the Form

1. Country or Government for Which the Trader is a Representative, for Which the Reporting Trader is an Agent, Which has Acknowledged the Reporting Trader by State Statute or Regulation or Which Finances the Trader.

See footnotes at end of article.

2. If You Are an Agent of a Foreign Government, Describe Your Relationship to That Government.

3. If Acknowledged by a Statute or Regulation of a Foreign Jurisdiction the Form and a Description of Such Acknowledgement.

4. If the Government Indirectly or Directly Controls Your Trading Briefly Describe the Nature of the Control.

5. If a Foreign Government Finances You, Either Through Capital Ownership of Your Assets or the Provision of Operating Capital, Briefly Describe Such Financial Relationships.

This Statement Should be Signed by the Trader Personally. If the Account Is in the Name of an Organization, a Partner, Officer or Trustee Should Sign This Form. His Name and Title Should be Printed on the Lines Above the Signature.

Name (Print or Type)	: Title
Signature	: Date

See footnotes at end of article

APPENDIX A

SCHEDULE A

Cash Commodity Hedged	Occupation Associated With Your Hedging Activity for Each Cash Commodity	Futures Market Used (i.e., Corn, Wheat, etc.)
Part 1: For Futures Markets Other Than Financial Instruments and Foreign Currencies		
_____	☐ Producer ☐ Livestock Feeder ☐ Merchandiser ☐ Other _____ (specify) ☐ Processer	_____
_____	☐ Producer ☐ Livestock Feeder ☐ Merchandiser ☐ Other _____ (specify) ☐ Processor	_____
_____	☐ Producer ☐ Livestock Feeder ☐ Merchandiser ☐ Other _____ (specify) ☐ Processor	_____
_____	☐ Producer ☐ Livestock Feeder ☐ Merchandiser ☐ Other _____ (specify) ☐ Processor	_____
Part 2: For Futures Markets in Financial Instruments (i.e., GNMA's and T-Bills)		
_____	☐ Dealer ☐ Financial Intermediaries 1/ ☐ Investment Groups 2/ ☐ Other _____ (specify)	_____
_____	☐ Dealer ☐ Financial Intermediaries 1/ ☐ Investment Groups 2/ ☐ Other _____ (specify)	_____
Part 3: For Futures Markets in Foreign Currencies		
_____	☐ Dealer/Broker ☐ Foreign Investor ☐ Importer/Exporter ☐ Other _____ (specify)	_____
_____	☐ Dealer/Broker ☐ Foreign Investor ☐ Importer/Exporter ☐ Other _____ (specify)	_____

1/ Includes commercial banks, savings and loans, credit unions, mutual savings banks, mortgage banks.

2/ Includes pension funds, mutual funds, college endowment funds, insurance companies.

See footnotes at end of article.

APPENDIX B

CFTC Form 102 (__77)

COMMODITY FUTURES TRADING COMMISSION

Identification of "Special Accounts"

For Administrative Use Only

Trader Code: _____

FCM Code: _____

COMMODITY FUTURES TRADING COMMISSION : Instructions to Futures Commission Merchants and Foreign Brokers are on the reverse side.

NOTICE: Failure to file a report required by the Commodity Futures Trading Commission Act and the regulations thereunder, or the filing of a false or fraudulent report may be a basis for administrative action under 7 U.S.C. Sec. 9, and may be punishable by fine or imprisonment, or both, under 7 U.S.C. Sec. 13, or 18 U.S.C. Sec. 1001.

PLEASE TYPE OR PRINT

1. NAME OF ACCOUNT

2. ACCOUNT NUMBER

STREET

3. PHONE NUMBER OF ACCOUNT OWNER

CITY : STATE : ZIP CODE

4. BUSINESS OR OCCUPATION OF THE ACCOUNT

5. KIND OF ACCOUNT (Check one only)

__ INDIVIDUAL
__ JOINT
__ PARTNERSHIP
__ CORPORATION
__ TRUST
__ OTHER (specify) _____

FUTURES COMMISSION MERCHANT:
__ HOUSE
__ HOUSE OMNIBUS
__ CUSTOMER OMNIBUS

FOREIGN BROKER:
__ HOUSE
__ CUSTOMER ACCOUNT

6. DOES THIS ACCOUNT CONTROL THE TRADING OF ANY OTHER ACCOUNTS IN ANY COMMODITY?

__ YES __ NO (If "yes" give name and address of such account(s).)

(Attach a continuation sheet if necessary)

7. DOES ANY OTHER PERSON(S) CONTROL THE TRADING OF THIS ACCOUNT? __ YES __ NO

(If "yes" complete the following for such person(s).)

Name _____ Phone No. _____
Street _____ Business or Occupation _____
City _____ State _____ Zip _____

(Attach a continuation sheet if necessary)

8. DOES ANY OTHER PERSON(S)

(A) HAVE ANY FINANCIAL INTEREST IN THIS ACCOUNT? __ YES __ NO
(B) GUARANTEE THIS ACCOUNT? __ YES __ NO

(If "yes" to (A) or (B), give the names(s) and location(s) (city and state) of such person(s).)

Person(s) Having Financial Interest	Guarantors

(Attach a continuation sheet if necessary)

9. IS THIS ACCOUNT OWNED OR CONTROLLED BY A FOREIGN GOVERNMENT, AGENT OF A FOREIGN GOVERIMENT, ENTITY SPECIALLY ACKNOWLEDGED BY A STATUTE OR REGULATION OF A FOREIGN JURISDICTION, OR AN ENTITY FINANCED IN ANY WAY BY A FOREIGN GOVERNMENT?

__ YES __ NO (If "yes") Name of Country or Government _____

10. ARE TRADES AND POSITIONS FOR ANY FUTURES COMMODITIES IN THIS ACCOUNT ASSOCIATED WITH COMMERCIAL ACTIVITY OF THE ACCOUNT OWNER IN ANY RELATED CASH COMMODITIES (i.e., positions considered as hedging)?

__ YES __ NO (If "yes" list those commodities.)

11. FIRM NAME AND ADDRESS (Include zip code)

12. SIGNATURE

13. TITLE

14. DATE

See footnotes at end of article.

APPENDIX B

INSTRUCTIONS TO FUTURES COMMISSION MERCHANTS AND FOREIGN BROKERS

Assign an account number to each special account reported for the first time on the CFTC series '01 report. (Such account number must not be changed or assigned to any other special account without prior approval of the Commodity Futures Trading Commission.) Complete the Form 102 and transmit it in a sealed envelope marked "CONFIDENTIAL." Use a separate sheet for each account.

If only part of the information requested on this form is available (Items 1 through 5), please insert it and submit the partially completed form to the CFTC on the first day the account appears on the series '01 report. Make a notation that the balance of the information will follow. You are required to follow up immediately with a revised CFTC Form 102 when all the information requested is available.

FOOTNOTES

[1] For the purpose of this notice, an omnibus account is defined as an account carried by an FCM for and in the name of another FCM, exchange member, or foreign broker which consists of the trading positions of two or more persons which are not separately identified. In an omnibus account neither the identity nor number of traders whose positions are represented in the account are disclosed to the FCM carrying the account; nor are the individual positions of a trader identified.

[2] The amended Forms 40 and 102 are set forth as an appendix to this notice. The Form 40 is required to be filed with the Commission by reporting traders and contains background information on such traders. 17 CFR 18.04 (1977).

[3] The Form 102 is required to be filed with the Commission by futures commission merchants and contains account identification information. 17 CFR 17.01 (1977).

[4] The series '03 reports are required to be filed with the Commission by large traders. A large trader is one who owns or controls a position in any one future of any commodity which equals or exceeds certain levels as set forth in § 15.03(a) of the Commission's regulations. 17 CFR 15.03(a) (1977). Once traders have obtained a reportable position, they must report trades, positions, exchanges of futures for cash, and deliveries on series '03 reports and they must classify such positions as hedging or speculative. 17 CFR 18.00 (1977).

[5] If these amendments are implemented, foreign brokers will no longer be permitted to have their omnibus accounts carried by an FCM on an undisclosed basis, since full disclosure of the identity of individual customers will be required.

[6] Passage of the Foreign Sovereign Immunities Act of 1976, Pub. L. No. 94-582 (October 21, 1976), 90 Stat. 2891, et. seq., deals with one of these considerations. That Act basically provides, among other things, that a foreign state, including its agencies or instrumentalities, will not be immune from the jurisdiction of the courts of the United States in any case where the action is based upon commercial activity of a foreign state carried on in the United States, upon an act performed in the United States, in connection with a commercial activity of a foreign state elsewhere, or upon an act performed outside the United States in connection with a commercial activity of a foreign state elsewhere that causes a direct effort in the United States.

[7] Since the clearing associations of those two exchanges utilize, and require submission from FCM's of, gross position information to determine margin requirements, it is more convenient for those FCM's who effect transactions on these exchanges to submit similar information for purposes of filing the appropriate series '01 form.

[8] Similar considerations for the administrative convenience of FCM's attend the requirement to report net positions, since the clearing associations of all exchanges except the New York Mercantile Exchange and Chicago Mercantile Exchange utilize net position information to determine margin requirements. However, even in those cases where a clearing association utilizes and requires submission of net position information, regional office personnel will request gross position information where:

1. The positions are held by one person in more than one account;

2. The positions represent spreads between different contracts in the same commodity; or

3. The positions are those against which delivery notices have been stopped or issued but upon which actual delivery has not been made.

[9] Although the originating FCM is not required to report gross position information, he must report position information on the appropriate series '01 forms for each one of the accounts which he carries on an omnibus basis through another FCM. 17 CFR 17.00(a) (1977). Generally in such cases the originating FCM reports gross position information for each such account.

[10] See n. 5. supra.

[11] Such information is reported by the foreign broker on the appropriate series '01 form.

[12] By way of contrast, domestic FCM's are required under § 17.02(a)(2) to transmit such forms on a daily basis.

[FR Doc.77-35044 Filed 12-8-77;8:45 am]

[1505-01]

DEPARTMENT OF LABOR

Employment and Training Administration

[20 CFR Part 640]

STANDARD FOR BENEFIT PAYMENT PROMPTNESS—UNEMPLOYMENT COMPENSATION

Revision of Standard

Correction

In FR Doc. 77-33659, appearing at page 59952 in the issue of Tuesday, November 22, 1977, make the following changes to the table on page 59953:

1. The last two entries for June 30, 1977, under both "Intrastate claims" and "Interstate claims", should be replaced by dashes.

2. The first entry for Mar. 31, 1978, under the heading "Intrastate claims", should read, "83".

[4110-03]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 101]

[Docket No. 75N-0256]

MISLEADING VIGNETTES

Withdrawal of Proposal and Termination of Rule Making Procedure

AGENCY: Food and Drug Administration.

ACTION: Termination of proposal.

SUMMARY: The Commissioner of Food and Drugs is withdrawing a proposal to require a labeling disclaimer for vignettes on packaged foods. Comments indicate that such regulation would not be in the consumer's best interest.

EFFECTIVE: December 9, 1977.

FOR FURTHER INFORMATION CONTACT:

Howard N. Pippin, Bureau of Foods (HFF-312), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C Street SW., Washington, D.C. 20204, 202-245-3092.

SUPPLEMENTARY INFORMATION: In the FEDERAL REGISTER of June 14, 1974 (39 FR 20888), the Commissioner issued a proposal to require that food labels bearing vignettes depicting food, ingredients, or components not actually in the package bear a statement to that effect. This would have been an amendment to 21 CFR 101.18 (formerly 21 CFR 1.15 prior to recodification published in the FEDERAL REGISTER of March 15, 1977 (42 FR 14302)) that would have extended the same vignette label disclaimer presently required for packaged "main dishes" under 21 CFR 102.28 (formerly 21 CFR 102.12) to all packaged foods.

Forty-five comments were received on this proposal. Four comments specifically

supported it; 17 expressed the view that the proposal needed to be revised so as to apply only to obviously misleading vignettes; and 24 comments opposed the proposal.

The Commissioner has considered each of the comments and has decided to withdraw the proposal and terminate the rule making on the proposed amendment to § 101.18 for the following reasons:

1. The principal objection made by the coments was that the proposed amendment would require disclaimers on packages bearing vignettes which are not misleading. This objection was made by most of the comments seeking to have the proposal withdrawn entirely and by most of those comments asking for a modification of the amendment.

Those seeking a revision of the proposal asked either that particular exemptions be spelled out or that the proposal be modified so as to apply only to the obviously misleading vignettes. A few of these comments drew attention to the preamble's reference to "misleading vignettes" as an indication of the intent of the proposed amendment. Two other comments requesting that the proposal be revised, and one asking that the proposal be completely withdrawn, contended that the widely used phrase "serving suggestion" on the labels of some packages bearing vignettes provides adequate notice to consumers that everything depicted is not in the package.

Since the issuance of the proposed amendment to § 101.18, the Commissioner has determined that there is little evidence of consumers being misled by labeling vignettes on packaged foods in general and that existing regulations regarding false and misleading representations provide adequate protection to consumers and adequate guidance to industry with regard to labeling vignettes, and that therefore promulgation of this regulation is not warranted at this time. The withdrawal of this proposal does not preclude similar rulemaking from being proposed in the future should the Commissioner determine it is needed, nor does it preclude other regulatory actions against individual products whose label vignettes are false or misleading.

2. Four comments, in addition to voicing the belief that the consumer is not misled by all label vignettes, noted the detrimental economic effect the proposed amendment would have on the consumer. These critics of the proposal indicated that consumers would have to bear the burden of new labeling costs when the information provided would often be self-evident.

The Commissioner agrees that the total costs which would be passed on to consumers due to industry compliance with this regulation, although perhaps relatively small, would appear to outweigh the anticipated consumer benefits.

The Commissioner, after considering all of the comments, concludes that the proposed amendment is not in the best interests of consumers and is therefore withdrawing the June 14, 1974 proposal and terminating rule making proceedings in that regard.

Dated: November 30, 1977.

JOSEPH P. HILE,
Associate Commissioner for Compliance.

[FR Doc.77-34960 Filed 12-8-77;8:45 am]

[4110-03]

[21 CFR Parts 145, 150, 172, 180, 189, 310, 430, 510, 589, and 700]

[Docket No. 77N-0085]

SACCHARIN AND ITS SALTS

Hearing

AGENCY: Food and Drug Administration.

ACTION: Notice of public hearing.

SUMMARY: The Commissioner of Food and Drugs announces that a public hearing will be held on Thursday, January 12, 1978 to receive information and views from interested persons on the form, text, and manner of display in retail establishments of the notice to consumers of the warning statement required to be on the label and labeling of foods containing saccharin. The warning statement and the notice in retail establishments are required by the Saccharin Study and Labeling Act, Pub L. 95-203, November 23, 1977.

DATES: The public hearing will be held on January 12, 1978; written notices of participation by December 23, 1977.

ADDRESS: Written notices of participation should be sent to the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857.

FOR FURTHER INFORMATION CONTACT:

Ted Herman, Compliance Regulations Policy Staff (HFC-10), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-3480.

SUPPLEMENTARY INFORMATION: On November 3 and 4, 1977, the House of Representatives and the U.S. Senate, respectively, passed and sent to the President the Saccharin Study and Labeling Act, Pub. L. 95-203, 1977 (the "SSLA"). The President signed the bill on November 23, 1977. Among other things, the SSLA prohibits the Food and Drug Administration (FDA) from prohibiting the use of saccharin as a food additive or in drugs and cosmetics solely on the basis of scientific evidence about the cancer-causing properties of saccharin available to FDA on the day the SSLA was enacted (November 23, 1977) and directs FDA to arrange for various studies to be conducted on "carcinogenic and other toxic substances in food and concerning the toxicity of saccharin and the health benefits, if any, resulting from the use of nonnutritive sweeteners."

Also, the SSLA requires that the label and labeling of food containing saccharin introduced or delivered for introduction into interstate commerce on or after February 21, 1978, bear the following warning in a conspicuous place: "Use of this product may be hazardous to your health. This product contains saccharin which has been determined to cause cancer in laboratory animals." Food containing saccharin that does not bear this warning would be misbranded under new section 403(o) of the Federal Food, Drug, and Cosmetic Act ("the act") (21 U.S.C. 343(o)). Tentative guidelines for implementation of this label warning requirement were published in the FEDERAL REGISTER of November 15, 1977 (42 FR 59119). An informal hearing to discuss the tentative guidelines was held on December 2, 1977. Final guidelines will be published soon in the FEDERAL REGISTER.

Section 4(b)(1) of the SSLA, in adding section 403(p)(1) of the act (21 U.S.C. 343(p)(1)), also requires that retail establishments in which food containing saccharin is sold (except restaurants, including fast food establishments) display a notice conveying to consumers the warning statement requried to be on the label and labeling of food containing saccharin. In addition, the SSLA authorizes FDA to promulgate regulations prescribing the form, text, and manner of those notices "after an oral hearing but without regard to the National Environmental Policy Act of 1969 and chapter 5 of section 553 of title 5, United States Code." This notice is to announce the opportunity for the hearing contemplated by section 4(b)(4) of the SSLA.

The SSLA does not require that the Commissioner formally propose the "form, text, and manner of display" of the retail establishment notices. However, to assist interested persons in providing information and views about this matter, the Commissioner has decided to state in this notice what he believes would be a reasonable "form, text, and manner of display" for the retail establishment notices.

The Commissioner proposes to require that the retail establishment notice be printed in a combination of red and black ink on white card stock and be at least 11 inches by 14 inches. The text and layout of the notice would be as follows:

The background of the bold heading ("Saccharin Notice") and the boxed warning statement would be bright red and the lettering, white. The remaining background would be white with black ink. All lettering would be in Gothic typeface.

The SSLA does not specify the number of notices that a retail establishment should display to inform consumers adequately about the potential hazards associated with saccharin use. The Joint Explanatory Statement of the Committee of Conference, Cong. Rec. H12183, daily ed., November 3, 1977, states that Congress did not anticipate that more than three notices would be required to be displayed in any retail establishment. The Commissioner concludes that three notices in each retail establishment should adequately inform consumers about saccharin.

The Commissioner proposes that a notice be displayed in each of the following locations in retail establishments:

1. Near the entrance to the store and arranged so that consumers are likely to see the notice upon entering;

2. Centrally located in the aisle or other area of the establishment in which soft drinks containing saccharin are displayed. If there is more than one such place, then in the store area where the greatest quantity of diet soft drinks are displayed;

3. In the area in the establishment in which the largest quantity of saccharin-containing foods (including saccharin sold in package form as a sugar substitute) are displayed, other than the area where diet soft drinks are displayed.

Each notice would be required to be displayed prominently, in a manner highly visible to consumers (e.g., not shielded by other store signs or merchandise displays), and set up to reduce the likelihood that a notice will be torn, defaced, or removed. The Commissioner recognizes that retail establishment managers cannot ensure that no notice will be torn, defaced, or removed. Store managers and their employees are urged, however, to pay particular attention to the condition of the notices and to replace or repair promptly any that become torn, defaced, or removed.

The Commissioner also recognizes that three notices may not be necessary in all retail establishments, particularly small convenience stores. Suggestions about the number and placement of the notices in those stores are solicited for the hearing. If appropriate, the regulation issued after the hearing, which will prescribe the form, text, and manner of display of the retail establishment notices, will include provisions that apply particularly to small retail establishments.

Section 4(b)(2) of the SSLA requires that each manufacturer of food which contains saccharin must provide retail establishments with the notices to be displayed there. The Commissioner proposes to require that each manufacturer of food containing saccharin supply three notices to each retail establishment in which his products are sold. The Commissioner will also require that each manufacturer arrange to supply promptly additional notices to any retail establishment that asks for them. The Commissioner will consider alternative arrangements for distributing the notices to retail establishments, including joint distribution by several manufacturers or distribution through trade associations.

Retail establishments will, no doubt, initially have more notices than they are required to display. Although a retail establishment would be free to display more than three notices, the purpose in requiring each manufacturer to provide three notices to each store is to ensure that the stores have an adequate supply of extra notices. This will enable stores to replace promptly notices that are torn, defaced, or removed. The continuing obligation of the manufacturers to supply notices to retail establishments will ensure that adequate numbers of notices are on hand in retail establishments even after the initial supply of those notices is exhausted.

Finally, the Commissioner advises that the regulation to be issued after the hearing will be effective on publication in the FEDERAL REGISTER. Under section 4(b)(1) of the SSLA, food that contains saccharin and is sold in retail establishments (not for immediate consumption) on or after the 90th day after the effective date of those regulations will be misbranded within the meaning of new section 403(p) of the act if the retail establishment fails to display the prescribed notices.

In preparing a regulation after the hearing, the Commissioner will give careful consideration to all views presented. A verbatim transcript of the hearing will be prepared and be available to the public in the office of the Hearing Clerk.

The hearing will be held on January 12, 1978 in Room 1409 of Federal Office Building No. 8, 200 C Street SW., Washington, D.C. 20204. The hearing will begin at 9 a.m. The presiding officer will be Howard Roberts, Acting Director, Bureau of Foods, FDA.

A written notice of participation must be filed pursuant to § 12.45 (21 CFR 12.45) with the Hearing Clerk (HFC–20), Food and Drug Administration, Room 4–65, 5600 Fishers Lane, Rockville, Md. 20857, not later than December 23, 1977. The envelope containing the notice of participation should be prominently marked "Retail Establishment Notice." The notice of participation itself must contain the Hearing Clerk Docket No. 77N–0085, the name, address, and telephone number of the person desiring to make a statement, along with any business affiliation, a summary of the scope of the presentation, and the approximate amount of time being requested for the presentation. A schedule for the hearing will be mailed to each person who files a notice of participation; the schedule will also be available from the Hearing Clerk. Individuals and organizations with common interests are urged to consolidate or coordinate their presentations.

In the event that the responses to this notice of hearing are so numerous that insufficient time is available to accommodate the full amount of time requested in the notices of participation received, the Commissioner will allocate the available time among the persons wishing to make oral presentations to be used as they wish. Written comments will be received on the day of the hearing.

The hearing will be open to the public. Any interested person who appears at

the hearing may be heard with respect to matters relevant to the issues under consideration.

Dated: December 5, 1977.

DONALD KENNEDY,
Commissioner of Food and Drugs.

[FR Doc.77-35173 Filed 12-6-77;1:13 pm]

[4110-03]

[21 CFR Parts 601 and 610]

[Docket No. 77N-0091]

BACTERIAL VACCINES AND BACTERIAL ANTIGENS

Opportunity for Hearing on Intent To Revoke Certain U.S. Licenses

AGENCY: Food and Drug Administration.

ACTION: Proposal; opportunity for hearing.

SUMMARY: This document provides a notice of opportunity to request a hearing and submit additional data and comment on a proposed revocation of licenses for certain bacterial vaccines and bacterial antigens with "No U.S. Standard of Potency." This action implements the conclusions of the Commissioner of Food and Drugs based upon the recommendations of an advisory review panel.

DATES: The licensees may submit written requests for a hearing to the Hearing Clerk, Food and Drug Administration, by January 9, 1978, and any data justifying the hearing must be submitted by February 7, 1978. Other interested persons may submit comments on the proposed revocation to the Hearing Clerk by February 7, 1978.

ADDRESS: Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857.

FOR FURTHER INFORMATION CONTACT:

John J. Singleton, Bureau of Biologics (HFB-620), Food and Drug Administration, Department of Health, Education, and Welfare, 8800 Rockville, Pike, Bethesda, Md. 20014, 301-443-1920.

SUPPLEMENTARY INFORMATION: In the FEDERAL REGISTER of November 8, 1977 (42 FR 58266), the Commissioner of Food and Drugs announced his intention to revoke the license(s) for bacterial vaccines and bacterial antigens with "No U.S. Standards of Potency," based on the recommendation of the Panel on Review of Bacterial Vaccines and Bacterial Antigens with "No U.S. Standards of Potency," and the Commissioner's concurrence, that the products are unsafe, ineffective, or misbranded (category II, 21 CFR 601.25(f)(2)) or that the data are insufficient to classify the products as safe and effective (category III B, 21 CFR 601.25(f)(3)). The basis of the Panel's recommendation, with which the Commissioner agrees and adopts as the grounds for revocation, is contained in the November 8 FEDERAL REGISTER document.

These revocation procedures will be unnecessary for Immunovac Oral Vaccine Tablets, Immunovac Respiratory Vaccine, Mixed Infection Phylacogen, *N. Catarrhalis* Immunogen (Combined), *N. Catarrhalis* Vaccine (Combined) and Streptococcus Immunogen, Arthritis, manufactured by Parke-Davis and Co., License No. 1, because at the request of the licensee, the product licenses were revoked on November 4, 1977.

The Commissioner of Food and Drugs is proposing to revoke the U.S. Licenses for certain bacterial vaccines and bacterial antigens with "No. U.S. Standard of Potency." These products consist of individually licensed organisms or their derivatives, or mixtures of organisms or their derivatives and are grouped into regulatory categories as follows:

1. *Category II. Biological products determined to be unsafe or ineffective or to be misbranded and should not continue in interstate commerce:* Bacterial Vaccine Diagnostics, (bacterial vaccines for diagnostic use containing, (1) *Aerobacter aerogenes*, (2) *Corynebacterium pseudodiphtheriticum*, (3) *Diplococcus pneumoniae*, mixed, (4) *Escherichia coli*, (5) *Gaffkya tetragena*, (6) *Hemophilus influenzae*, (7) *Hemophilus pertussis*, (8) *Klebsiella pneumoniae*, (9) *Neisseria catarrhalis*, (10) *Proteus vulgaris*, (11) *Pseudomonas aeruginosa*, (12) *Salmonella enteritidis*, (13) *Salmonella paratyphi*, (14) *Salmonella schottmulleri*, (15) *Salmonella typhosa*, (16) *Shigella dysenteriae*, (17) *Shigella flexneri*, (18) *Staphylococcus albus* and *aureus*, (19) *Streptococcus fecalis, pyogenese, viridans* and *nonhemolyticus*), manufactured by Hollister-Stier, Division of Cutter Laboratories, License No. 8, Docket No. 77N-0091; Bacterial Vaccine T-50 made from *Streptococcus pyogenes* Type L-8 or by prescription, manufactured by Hollister-Stier, Division of Cutter Laboratories, License No. 8, Docket No. 77N-0091.

2. *Category IIIB. Biological products for which available data are insufficent to classify their safety and effectiveness and should not continue in interstate commerce:* Mixed Respiratory Bacteria (made from, (1) *Staphylococcus aureus* and *albus*, (2) *Streptococcus mitis* and *salivarius*, (3) *Streptococcus pyogenes*, group A, (4) *Diplococcus pneumoniae*, I, II, and III, (5) *Klebsiella pneumoniae*, two strains, (6) *Neisseria catarrhalis*), manufactured by Center Laboratories, Inc., License No. 193, Docket No. 77N-0091; Staphage Lysate (SPL), Type I and Types I and III for Staphylococcal Disease (bacterial antigen made from staphylococcus), manufactured by Delmont Laboratories, Inc., License No. 299, Docket No. 77N-0091; V-677 Streptococcus Vaccines (Intravenous) manufactured by Eli Lilly and Co., License No. 56, Docket No. 77N-0091; Respiratory Bacterial Antigen Complexes, Pooled Stock B.A.C. No. 1, (bacterial antigens made from: (1) *Diplococcus pneumoniae*, (2) Streptococcus species, (3) Staphylococcus species, (4) *Neisseria catarrhalis*, (5) *Escherichia coli*, (6) *Hemophilus influenzae*), manufactured by Hoffmann Laboratories, Inc., License No. 283, Docket No. 77N-0091; Pooled Stock B.A.C. No. 2 (Bacterial antigens made from: (1) *Diplococcus pneumoniae*, (2) *Klebsiella pneumoniae*, (3) Streptococcus species, (4) *Pseudomonas aeruginosa*, (5) *Escherichia coli*, (6) *Aerobacter aerogenes*), manufactured by Hoffmann Laboratories, Inc., License No. 283, Docket No. 77N-0091; Gram Negative B.A.C. (Bacterial antigens made from: (1) *Pseudomonas aeruginosa*, (2) *Escherichia coli*, (3) *Aerobacter aerogenes*, manufactured by Hoffmann Laboratories, License No. 283), Docket No. 77N-0091; Pooled Skin B.A.C. (Bacterial antigens made from (1) *Staphylococcus*, (2) *Proteus vulgaris*), manufactured by Hoffmann Laboratories, Inc., License No. 283, Docket No. 77N-0091; Bacterial Vaccines for Treatment, (Special Mixtures containing one or more of the following organisms, (1) *Aerobacter aerogenes*, (2) *Corynebacterium pseudodiphtheriticum*, (3) *Corynebacterium* (*Propionibacterium*) *acnes*, (4) *Corynebacterium xerosis*, (5) *Escherichia coli*, (6) *Gaffkya tetragena*, (7) *Hemophilus pertussis*, (8) *Proteus vulgaris*, (9) *Pseudomonas aeruginosa*, (10) *Shigella paradysenteriae* (Type Y), (11) *Salmonella paratyphi*, (12) *Salmonella schottmülleri*, (13) *Salmonella typhosa*, (14) *Shigella dysenteriae*, (15) *Shigella flexneri*, (16) *Streptococcus fecalis*, (17) *Staphylococcus albus*, and (18) *Staphylococcus aureus*), manufactured by Hollister-Stier, Division of Cutter Laboratories, License No. 8, Docket No. 77N-0091; PIROMEN (Pseudomonas polysaccharide), manufactured by Travenol Laboratories, Inc., License No. 140, Docket No. 77N-0091.

Accordingly, pursuant to § 12.21(b) (21 CFR 12.21(b)), the Commissioner is offering an opportunity for a hearing on the proposed revocation of existing licenses for products placed in these categories. A written request for a hearing by a licensee may be submitted to the Hearing Clerk, Food and Drug Administration, by January 9, 1978, and any data justifying a hearing must be submitted by February 7, 1978. Other interested persons may submit comments on the proposed revocation to the Hearing Clerk, Food and Drug Administration, by February 7, 1978.

The procedures and requirements governing this notice of opportunity for hearing—a notice of appearance and request for hearing, the submission of data, information, and analyses to justify a hearing, other comments, and a grant or denial of hearing—are contained in 21 CFR Part 12 and 21 CFR 314.200. See 21 CFR 601.7(a).

The failure of a licensee to file timely written appearance and request for a hearing constitutes an election of the licensee not to avail itself of the opportunity for a hearing concerning the pro-

posed license revocation and a waiver of any contentions concerning the legal status of the product at issue. Any such product may not thereafter lawfully be marketed, and the Federal and Drug Administration will initiate appropriate regulatory action to remove such product from the market. Any biological product marketed with an approved license is subject to regulatory action at any time.

A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for a hearing that there is no genuine and substantial issue of fact that precludes the revocation of the license, or when a request for a hearing is not made in the required format or with the required analyses, the Commissioner will enter summary judgment against the licensee requesting the hearing, making findings and conclusions, denying a hearing.

All submissions pursuant to this notice shall be filed in four copies. Such submissions, except for data and information prohibited from public disclosure pursuant to 21 U.S.C. 331(j) or 18 U.S.C. 1905, may be seen in the office of the Hearing Clerk, Food and Drug Administration, between 9 a.m. and 4 p.m., Monday through Friday.

This notice is issued under the Public Health Service Act.

(Sec. 351 58 Stat. 702 as amended (42 U.S.C. 262) and the Federal Food, Drug, and Cosmetic Act (secs. 201, 502, 505, 701, 52 Stat. 1040–1042 as amended, 1050–1053 as amended, 1055–1056 as amended by 70 Stat. 919 and 72 Stat. 948 (21 U.S.C. 321, 352, 355, 371)).)

Dated: November 29, 1977.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.77-35047 Filed 12-8-77;8:45 am]

[3410-11]

DEPARTMENT OF AGRICULTURE

Forest Service

[36 CFR Chapter II]

RIGHTS-OF-WAY ON NATIONAL FOREST SYSTEM LANDS

AGENCY: Forest Service, USDA; Bureau of Land Management, Interior.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Forest Service and the Bureau of Land Management are jointly studying changes needed in procedures used to issue rights-of-way on the public lands and National Forest System lands. This action is required by Title V of the Federal Land Policy and Management Act of 1976. An outline of proposed rulemaking is available for review at all Bureau of Land Management State offices, Forest Service Regional Offices, and the Washington, D.C. offices of both agencies.

DATES: Written comments on the outline should be received on or before February 1, 1978. Public meetings: January 9, 1978 at Sacramento, Calif.; January 11, 1978 at Salt Lake City, Utah; January 13, 1978 at Denver, Colo.; January 16, 1978 at Washington, D.C.

ADDRESSES: Send comments to: Chief, Forest Service (5400), P.O. Box 2417, Washington, D.C. 20013; or Director (321), Bureau of Land Management, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT:

John Tucker, Forest Service, Room 1013, 1621 North Kent Street, Rosslyn, Va., 703–235–2161; or Tom Rodda, Bureau of Land Management, Room 508, Board of Trade Building, 1129 20th Street NW., Washington, D.C., 202–343–5537.

SUPPLEMENTARY INFORMATION: The outline suggests, for comment purposes, a common approach to issuing rights-of-way on the public lands and National Forests. Rights-of-way for roads, railroads, pipelines (other than oil and gas), communications, water developments, and electric power are involved. In addition, the new law requires for the first time that communities, counties, State and Federal agencies will have to apply for rights-of-way for public roads and other facilities on lands administered by the Bureau of Land Management.

The agencies would prefer written statements which will be made a part of the record. However, informal public meetings will also be held for the purpose of receiving viewpoints of interested groups and individuals prior to developing formal regulations. Public meetings are scheduled to be held as follows:

January 9, 1978, Room 102, Consumer Affairs Building, 1020 N Street, Sacramento, Calif.

January 11, 1978, Room 128, The Salt Palace, 100 South West Temple, Salt Lake City, Utah.

January 13, 1978, Room 703, Colorado State Bank Building, 1600 Broadway, Denver, Colo.

January 16, 1978, Main Auditorium, Interior Building, 18th and C Streets NW., Washington, D.C.

Meetings will begin at 2 p.m. and 7:00 p.m., except the Washington, D.C. meeting which will begin at 9 a.m. with no evening session.

Although the meetings will be informal, interested individuals, representatives of organizations, and public officials wishing to speak at the meetings should contact the Public Affairs Officer at the Bureau of Land Management State Office in the cities listed not later than one week before the meetings in order to be scheduled on the program. Oral statements will be limited to 15 minutes. Forest Service and Bureau of Land Management personnel will be present to respond to questions.

All comments and recommendations received will be considered in drafting proposed regulations. When developed, the proposed regulations will be published in the FEDERAL REGISTER as proposed rules, allowing opportunity for further comment before final regulations are adopted.

Dated: December 2, 1977.

RICHARD L. DUESTERHAUS,
Acting Deputy Assistant Secretary of Agriculture.

[FR Doc.77-35260 Filed 12-8-77;8:45 am]

[6560-01]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

[FRL 828-1]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Revisions to the Rules and Regulations of the Plumas County, Mariposa County, and Sierra County Air Pollution Control Districts in the State of California

AGENCY: U.S. Environmental Protection Agency.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Plumas County, Mariposa County and Sierra County Air Pollution Control Districts (APCD) have adopted changes to their rules and regulations concerning equipment upset and breakdown. These revisions have been submitted to the Environmental Protection Agency (EPA) by the California Air Resources Board as revisions to the California State Implementation Plan (SIP). The intended effect of the revisions is to update the rules and regulations, and to correct deficiencies in the SIP. The EPA invites public comments on these proposed rules, especially as to their consistency with the Clean Air Act.

DATES: Comments may be submitted up to January 9, 1978.

ADDRESSES: Comments may be sent to:

Regional Administrator, attention: Air and Hazardous Materials Division, Air Programs Branch, California SIP Section (A-4), United States Environmental Protection Agency, Region IX, 215 Fremont Street, San Francisco, Calif. 94105.

Copies of the proposed revisions are available for public inspection during normal business hours at the EPA Region IX Office at the above address and at the following locations:

Plumas County Air Pollution Control District, County Courthouse, Quincy, Calif. 95971.

Mariposa County Air Pollution Control District, Highway 140, Mariposa, Calif. 95338.

Sierra County Air Pollution Control Board, County Courthouse, Downieville, Calif. 95936.

California Air Resources Board, 1709 11th Street, Sacramento, Calif. 95814.

Public Information Reference Unit, Room 2922 (EPA Library), 401 M Street SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

David R. Souten, Chief, California SIP Section, EPA, Region IX, 415–556–7288.

SUPPLEMENTARY INFORMATION: The California Air Resources Board submitted on June 6, 1977 proposed revisions to the following rules:

PLUMAS COUNTY APCD

Rule 404—Upset Conditions, Breakdown or Scheduled Maintenance

MARIPOSA COUNTY APCD

Rule 404—Upset Conditions, Breakdown or Scheduled Maintenance

SIERRA COUNTY APCD

Rule 404—Upset Conditions, Breakdown or Scheduled Maintenance

Pursuant to Section 110 of the Clean Air Act, as amended, and 40 CFR Part 51, the Administrator is required to approve or disapprove the proposed regulations as SIP revisions. The Regional Administrator hereby issues this notice setting forth these revisions as proposed rulemaking and advises the public that interested parties may participate by submitting written comments to the EPA Region IX Office. Comments received on or before January 9, 1978, will be considered, and made available for public inspection at the EPA Regional Office and the EPA Public Information Reference Unit.

(Secs. 110, 301(a) of the Clean Air Act, as amended (42 U.S.C. 7410, 7601(a)).)

Dated: November 11, 1977.

PAUL DE FALCO, Jr.,
Regional Administrator.

[FR Doc.77-35166 Filed 12-8-77;8:45 am]

[6560-01]

[40 CFR Part 60]

[FRL 828-3]

STATIONARY GAS TURBINES

Standards of Performance for New Stationary Sources Extension of Comment Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The deadline for submittal of comments on the proposed standards of performance for stationary gas turbines, which were proposed on October 3, 1977 (42 FR 53782), is being extended from December 2, 1977, to January 31, 1978.

DATE: Comments must be received on or before January 31, 1978.

ADDRESSES: Comments should be submitted (preferably in triplicate) to the Emission Standards and Engineering Division (MD–13), Environmental Protection Agency, Research Triangle Park, N.C., attention: Mr. Don R. Goodwin. All public comments received may be inspected and copied at the Public Information Reference Unit (EPA Library), Room 2922, 401 M Street SW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT:

Don R. Goodwin, Director, Emission Standards and Engineering Division (MD–13) Environmental Protection Agency, Research Triangle Park, N.C. 27711, 919–541–5271.

SUPPLEMENTARY INFORMATION: On October 3, 1977 (42 FR 53782), the Environmental Protection Agency proposed standards of performance for the control of emissions from stationary gas turbines. The notice of proposal requested public comments on the standards by December 2, 1977. Due to a delay in the printing and shipping of the Standards Support and Environmental Impact Statement, sufficient copies of the document have not been available to all interested parties in time to allow their meaningful review and comment by December 2, 1977. EPA has received a request from the industry to extend the comment period by 60 days through January 31, 1978. An extension of this length is justified since the printing and shipping delay has resulted in approximately a seven week delay in processing requests for the document.

Dated: December 2, 1977.

EDWARD F. TUERK,
Assistant Administrator for Air and Waste Management.

[FR Doc.77-35293 Filed 12-8-77;8:45 am]

[6712-01]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 20781; RM-2585]

TELEVISION BROADCAST STATIONS IN HUNTSVILLE AND DECATUR, ALA.

Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Further Notice of Proposed Rule Making.

SUMMARY: This proposes to delete TV Channel 23, and add Channel 54 at Decatur, Ala., and is an alternative to be considered along with the FCC's original proposal in this proceeding, to add Channel 54 at nearby Huntsville, Ala.

DATES: Comments must be filed on or before January 16, 1978, and reply comments on or before February 6, 1978.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Carol P. Foelak, Broadcast Bureau, 202–632–7792.

SUPPLEMENTARY INFORMATION:

Adopted: November 30, 1977.

Released: December 6, 1977.

In the matter of amendment of § 73.606(b), Table of Assignments, Television Broadcast Stations. (Huntsville and Decatur, Ala.)[1] Further notice of proposed rule making (41 FR 21367).

By the Chief, Broadcast Bureau:

1. In response to a petition filed by Pioneer Communications, Inc. ("Pioneer"), we adopted a Notice of Proposed Rule Making, 41 FR 17785 pub. April 28, 1976), which proposed adding TV Channel 54 at Huntsville, Ala.

2. Comments supporting the proposal were filed by the petitioner. Comments opposing the proposal were filed by Rocket City Television, Inc. ("Rocket City"), licensee of WAAY–TV, Channel 31, Huntsville, Ala.; and Tennessee Valley Radio and Television Corp. ("Tennessee Valley"), licensee of WYUR(TV), Channel 48, Huntsville, Ala. Reply comments were filed by Pioneer and Tennessee Valley. All pleadings were timely filed or filed late with our permission.

3. Huntsville (1970 pop. 139,282), seat of Madison County (1970 pop. 186,540), is located 37 kilometers (23 miles) northeast of Decatur, Ala., and 132 kilometers (83 miles) north of Birmingham, Ala. The four UHF television channels assigned to Huntsville are occupied by Stations WHNT–TV, Channel 19 (CBS); WAAY–TV, Channel 31 (NBC); WYUR (TV), Channel 48 (ABC); and WHIQ (TV), Channel *25 (noncommercial educational). Channel 23 is the only channel assigned to Decatur, and it is presently unoccupied.

4. Pioneer states generally that with three successful UHF network affiliates in the Huntsville area, there is need for an independent program service and that it has an interest in applying for Channel 54 if it is assigned. It states there is no indication that Channel 54 is required elsewhere in the region and notes that it would not have to be deleted elsewhere to accommodate an assignment at Huntsville.

5. The opponents argue that Huntsville and Decatur are part of the same TV market, as recognized in trade publications and by the Commission for the purposes of its cable rules (see Section 76.51). They say that since Channel 23, the only assignment at Decatur, is vacant, no channel should be added at Huntsville as this would foreclose development of Channel 23. Further, they say, whether considering the population of Huntsville alone, with four existing TV assignments, or of Huntsville and Decatur together, with five existing assignments, an additional assignment is not warranted, based on the population criteria enunciated in the Commission's Sixth Report and Order on Television Allocations, 41 F.C.C. 148, 169 (1952).

6. In reply, Pioneer reiterates generally that the whole area would benefit from an additional TV station. It states that the existing Huntsville stations provide a high quality signal to all of Decatur and

[1] This community has been added to the caption.

says that the new station and existing stations should seek additional means of serving the needs of Decatur. It asserts that Channel 23, at Decatur cannot be developed as a competitive station notes that Tennessee Valley's predecessor licensee of Channel 48, Huntsville had operated on Channel 23, Decatur, for several years before abandoning it in favor of Channel 48 in Huntsville. It states that while the Huntsville stations transmit from sites at 1,000 to 1,200 feet above sea level, Decatur, measured at the County Court House, is only 583 feet above sea level. Channel 23, it notes, cannot operate from the Huntsville sites due to mileage separation requirements. Because of the height advantage enjoyed by the Huntsville stations, Pioneer believes that a competitive station could not possibly be developed on Channel 23 at Decatur.

7. The pleadings have raised important questions concerning the use of Channel 23 and service to Decatur. We believe these matters should be further explored before we act to decide whether to proceed with the Channel 54 proposal at Huntsville. In accordance with the (Sixth Report and Order (supra), we certainly would place a higher priority on having a first operating station at Decatur, than a fifth (fourth commercial) at Huntsville. Huntsville stations, with only a secondary obligation to serve Decatur, cannot substitute for a station at Decatur with a primary obligation to Decatur. However, such a theoretical observation canont obscure the fact that there seems to be no interest in Channel 23. If Channel 23 really is impractical for use at Decatur, then it should be deleted. Moreover, if interest in another channel, at Decatur, were expressed, such an assignment could be considered. In fact, Channel 54 could be assigned to Decatur or to Huntsville. While it instead could be assigned to them both on a hyphenated basis,[3] we are not inclined to offer this proposal if no interest in a Decatur assignment is proposed. If there were such an expression of interest, we would prefer to consider a Decatur assignment without hyphenation. If there is no such interest we can proceed to consider assigning it to Huntsville. To resolve these issues, we seek comments on the needs of Decatur and Huntsvile and on the suitability of Channels 23 and 54 to respond to these needs.

8. *Conclusion.*—The Commission proposes to amend the Television Table of Assignments, § 73.606(b) of the Commission's rules and regulations, for the communities listed as follows:

City	Channel Nos.	
	Present	Proposed
Decatur, Ala	23	54
Huntsville, Ala	19,*25+31+,48−	19,*,25+, 31+,48−

9. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are included herein.

NOTE.—A showing of continuing interest is required by paragraph 2 below before a channel will be assigned.

10. Interested parties may file comments on or before January 16, 1978, and reply comments on or before February 6, 1978.

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's Rules, it is proposed to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings required.*—Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.*—The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420 (d) of Commission Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.*—Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making above. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b), and (c) of the Commission Rules.)

5. *Number of copies.*—In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.*—All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc.77-35300 Filed 12-8-77;8:45 am]

[3] If Channel 23 were deleted, Decatur would become an unlisted community eligible to seek use of a channel assigned elsewhere. However, it is more than the 15 mile latitude this rule provides from Huntsville, so the only way it could be used at either place is if there is a hyphenated assignment.

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.

[3410-11]

DEPARTMENT OF AGRICULTURE

Forest Service

ENVIRONMENTAL STATEMENTS UNDER PREPARATION AS OF OCTOBER 15, 1977

A list of environmental statements is here published to provide timely public information on the status of Forest Service environmental statements under preparation as of October 15, 1977. Persons interested in a particular action and environmental statement should contact the responsible official directly.

For ease in use of this list, statements are grouped by Forest Service organizational units proposing the action. Statements marked with an asterisk indicate, in total or in part, land management planning, developments, or activities within inventoried roadless areas. National Forest inventoried roadless areas are defined as roadless and undeveloped areas 5,000 acres or larger, or of such size they can be managed in their natural condition, and except that smaller areas adjoining existing Wilderness and Primitive Areas could be included. Existing Wilderness and Primitive Areas are excluded from this definition.

Forest Service field addresses are given at the end of the listing of environmental statements.

R. MAX PETERSON,
Deputy Chief, Forest Service.

Forest Service environmental statements under preparation as of October 15, 1977

[Forest Service addresses at end of table]

Title of environmental statement	Location of proposal	Nature of proposal (i.e., land use, herbicides, etc.)	Responsible official	Date draft filed with CEQ (or estimated date)	Estimated date of final
WASHINGTON OFFICE					
*Great Bear Wilderness Study	Flathead, Lewis and Clark National Forests, Mont.	Wilderness Study	Chief	8/77	5/78
*Elkhorn Wilderness Study Area	Helena National Forest, Mont	do	do	1/78	10/78
*Teton Corridor Wilderness Study-Proposal	Bridger-Teton National Forest, Wyo.	Legislation	do	9/76	12/77
Snake Wyoming Wild and Scenic River	do	do	do	10/78	9/79
Round Lake Wilderness Study Area	Chequamegon National Forest, Wis.	do	do	12/77	10/78
Flynn Lake Wilderness Study Area	do	do	do	12/77	10/78
*Cougar Lakes	Gifford Pinchot and Snoqualmie National Forests, Wash.	Wilderness study	do	8/77	7/78
*Illinois River Study	Siskiyou National Forest, Oreg.	Legislative	do	4/77	3/78
Lower Minam	Wallowa-Whitman National Forest, Oreg.	Wilderness study	do	8/77	6/78
*St. Vrain Wilderness Study	Arapaho and Roosevelt National Forests, Colo.	do	do	11/76	10/77
Comanche-Big South	Roosevelt National Forest, Colo.	Wild and scenic river	do	5/78	12/78
Encampment Wild and Scenic River Study	Routt National Forest, Colo.	do	do	1/78	6/78
Sopchoppy Wilderness	Apalachicola National Forest, Fla.	Wilderness study	do	2/78	6/78
*Granite Timber Sale	Tongass National Forest, Alaska.	Timber sale	do	12/77	7/78
*Alaska Lumber and Pulp 1981-1986 Operating Period.	do	Timber sale 5-yr plan	do	7/79	12/79
*Ketchikan Pulp Co. Operating Period	do	Timber sale 5-yr	do	12/77	7/78
AuSable Wild and Scenic River Study	Huron National Forest, Mich.	Legislation	do	3/78	10/78
Manistee Wild and Scenic River Study	Manistee National Forest, Mich.	do	do	2/78	9/78
Cranberry Wilderness Study Area	Monongahela National Forest, W. Va.	do	do	12/77	4/78
Land Exchange With Lake Forest Enterprises	Superior National Forest, Minn.	Land exchange	do	7/76	1/78
*Snow Mountain	Mendocino National Forest, Calif.	Wilderness study	do	1/78	7/78
Tuolumne Wild and Scenic River	Stanislaus National Forest, Calif.	Wild and scenic river study.	do	5/78	5/79
*North Fork American River Wild and Scenic	Tahoe National Forest, Calif	do	do	12/77	12/78
*Mount Shasta Wilderness	do	do	do	12/77	12/78
*Sheep Mountain Wilderness Study Area	Angeles National Forest, Calif	Wilderness study	do	1/78	7/78
REGIONAL OFFICE, MISSOULA, MONT., REGION 1 (NORTHERN REGION)					
*Beaverhead	Beaverhead National Forest, Mont.	Land management plan	Regional forester	2/77	1/78
Sapphires	Bitterroot National Forest, Mont.	do	do	4/78	9/78
*Bertie Lord-Meadow-Cameron	do	do	do	12/77	5/78
Timber Management	do	Resource plan	do	2/78	6/7[illegible]

Forest Service environmental statements under preparation as of October 15, 1977—Continued

Title of environmental statement	Location of proposal	Nature of proposal (i.e., land use, herbicides, etc.)	Responsible official	Date draft filed with CEQ (or estimated date)	Estimated date of final
REGIONAL OFFICE, MISSOULA, MONT., REGION 1 (NORTHERN REGION)—Continued					
*Lick Mountain-Rock Candy	Kootenai National Forest, Mont.	Land management plan	do	11/77	7/78
Star	do	do	do	11/77	6/78
*Ziegler	do	do	do	12/77	8/78
Rocky Mountain Front	Lewis and Clark National Forest, Mont.	do	do	10/77	4/78
Coeur d'Alene	St. Joe National Forest, Idaho	do	do	11/77	4/78
Big Creek/North Fork	do	do	do	9/77	1/78
Grandmother Mountain	do	do	do	6/78	10/78
Quartz Mountain	Kaniksu National Forest, Idaho.	do	do	3/78	8/78
*West End	Lolo National Forest Mont	do	do	11/77	4/78
*Lower Rock Creek	do	do	do	12/77	7/78
*Sacajawea-Cutoff	do	do	do	11/77	4/78
West Nezperce	Nezperce National Forest, Idaho.	do	do	11/78	8/79
*Gospel Hump	do	do	do	12/77	8/78
Hot Point	do	do	do	11/77	5/78
Timber Management	do	Resource plan	do	1/78	7/78
Hayden-Wolf Lodge	Kaniksu National Forest, Idaho.	Land management plan	do	4/78	9/78
Upper Rock Creek	Deerlodge National Forest, Mont.	do	do	2/77	11/77
Little Boulder-Whitetail	do	do	do	5/78	9/78
Eastside-Lockhardt-Browns Gulch	do	do	do	8/78	1/79
Highlands	do	do	do	2/79	8/79
Anaconda/Hamilton Transmission Line	Deerlodge, Bitterroot, Lolo National Forests, Mont.	Powerline	do	3/78	7/78
Anaconda	Deerlodge National Forest, Mont.	Land management plan	do	10/78	3/79
Island	Flathead National Forest, Mont.	do	do	12/77	8/78
Logan	do	do	do	11/77	5/78
Smith River and Logging Pilgrim	Lewis and Clark National Forest, Mont.	do	do	12/77	8/78
Yogo-Bear and Dry Wolf	do	do	do	7/78	4/79
Crazy Mountains	Lewis and Clark, Gallatin National Forests, Mont.	do	do	2/79	
*Placid-Blanchard	Lolo National Forest, Mont	do	do	2/77	12/77
*Big Hole	do	do	do	5/76	12/77
Ashland	Custer National Forest, Mont	do	do	10/77	2/78
Beartooth Face[1]	Custer, Gallatin National Forests, Mont.	do	do	9/77	2/78
Beartooth Plateau[1]	Custer, Gallatin, Shoshone National Forests, Mont. and Wyo.	do	do	7/76	12/77
East Shore Flathead Lake	Flathead National Forest, Mont.	do	do	9/77	2/78
West Half Yellowstone	Gallatin National Forest, Mont.	do	do	1/78	5/78
Hilgard-Taylor	do	do	do	9/78	1/79
Mike Horse	Helena National Forest, Mont	do	do	8/78	12/78
Magpie Confederate	do	do	do	7/76	1/78
Colorado-Unionville-Travis	do	do	do	11/76	4/78
East Belt	do	do	do	11/78	3/79
*Keeler	Kootenai National Forest, Mont.	do	do	12/77	7/78
Clearwater Working Circle Timber Plan	Clearwater National Forest, Idaho.	Revised timber management plan.	do	4/78	10/78
Cheyenne	Custer National Forest, N. Dak.	Land management plan	do	7/78	1/79
REGIONAL OFFICE, DENVER, COLO., REGION 2 (ROCKY MOUNTAIN REGION)					
*Boulder Grand Divide	Arapaho and Roosevelt National Forests, Colo.	Land management plan	Regional forester	11/78	12/77
*East Grand County	Arapaho National Forest, Colo.	do	do	12/77	3/78
Norbeck Wildlife Preserve	Black Hills National Forest, S. Dak. and Wyo.	do	do	12/77	3/78
*East River	Gunnison National Forest, Colo.	do	do	12/75	2/78
*Grand Mesa-Muddy Creek and West Elk	Gunnison and Grand Mesa National Forests, Colo.	do	do	8/78	9/78
*North Hayden	Medicine Bow National Forest, Wyo.	do	do	12/77	6/78
Prairie Dogs	All lands administered as a part of Nebraska National Forest, S. Dak. and Nebr.	Management of prairie dogs.	Forest supervisor	6/77	12/77
*Southern San Juan	Rio Grande and San Juan National Forests, Colo.; Carson National Forest, N. Mex.	Land management plan	Regional forester	9/77	10/78

Forest Service environmental statements under preparation as of October 15, 1977—Continued

Title of environmental statement	Location of proposal	Nature of proposal (i.e., land use, herbicides, etc.)	Responsible official	Date draft filed with CEQ (or estimated date)	Estimated date of final
REGIONAL OFFICE, DENVER, COLO., REGION 2 (ROCKY MOUNTAIN REGION)—Continued					
*South Fork	Rio Grande National Forest, Colo.	do	do	(*)	(*)
Timber Management Supplement	do	Resource plan	do	10/77	
*Beartooth Plateau Unit (with region 1)	Shoshone, Gallatin, and Custer National Forests, Mont. and Wyo.	Land management plan	do	8/78	2/78
Clarks Fork	Shoshone National Forest, Wyo.	do	do	6/78	12/78
Comanche-Big South Unit	Roosevelt National Forest, Colo.	do	do	5/78	12/78
Timber Management	do	Resource plan	do	2/78	8/78
*Williams Fork	Routt National Forest, Colo	Land management plan	do	12/77	4/78
*Arkansas Planning Unit	San Isabel National Forest, Colo.	do	do	11/77	3/78
*Dolores	San Juan National Forest, Colo.	do	do	9/78	4/78
*Pagosa Springs	do	do	do	12/77	6/78
*South Animas	do	do	do	1/78	8/78
*Piedra	do	do	do	4/78	10/78
Los Pinos	do	do	do	9/78	8/79
*DuNoir Special Management Unit	Shoshone National Forest, Wyo.	do	do	12/77	2/78
*Thompson Creek and Upper Crystal Units	White River National Forest, Colo.	do	do	8/78	11/77
*Upper Eagle Unit	do	do	do	11/77	3/78
*Eagle-Aspen	do	do	do	3/77	11/77
Timber Management	do	Resource plan	do	2/78	11/77
REGIONAL OFFICE, ALBUQUERQUE, N. MEX., REGION 3 (SOUTHWESTERN REGION)					
Barometer	Apache-Sitgreaves National Forest, Ariz.	Land management plan	Regional forester	10/77	4/78
Sitgreaves	do	Resource plan	do	1/78	7/78
*Manzano Mountain	Cibola National Forest, N. Mex.	Land management plan	do	1/78	7/78
Cinder Hills	Coconino National Forest, Ariz.	do	do	3/78	10/78
Oak Creek	do	do	do	1/79	6/79
Huachuca	Coronado National Forest, Ariz.	do	do	7/77	11/77
Rosemont	do	Land exchange	Forest supervisor	7/77	11/77
*Gila TM	Gila National Forest, N. Mex.	Resource plan	Regional forester	10/78	6/79
Geothermal Leasing	do	Mineral leasing	Forest supervisor	9/77	2/78
*Tusayan	Kaibab National Forest, Ariz.	Land management plan	Regional forester	2/79	8/79
South Kaibab	do	Resource plan	do	3/78	8/78
Eagle Creek Dam and Reservoir	Lincoln National Forest, N. Mex.	City water storage	Forest supervisor	4/77	12/77
*Ruidoso Unit	do	Land management plan	Regional forester	1/79	6/79
Cloudcroft Unit	do	do	do	8/79	12/79
*Tesuque Unit (Santa Fe unit enlarged)	Santa Fe National Forest, N. Mex.	do	do		
*Pecos Unit	Santa Fe National Forest, N. Mex.	Land management plan	Regional forester		
REGIONAL OFFICE, OGDEN, UTAH, REGION 4 (INTERMOUNTAIN REGION)					
Timber Management Plan	Ashley National Forest, Utah	Resource plan	Regional forester	5/77	1/78
*High Uintas South Slope	do	Land management plan	do	11/77	6/78
*Daggett-Flaming Gorge	do	do	do	1/78	8/78
Timber Management Plan	Boise National Forest, Idaho	Resource plan	do	5/78	2/78
*Landmark Planning Unit (amended final)	do	Land management plan	do	3/75	1/78
*Union Pass Planning Unit	Bridger-Teton National Forest, Wyo.	do	do	1/77	12/77
*Greys-Salt River Planning Unit	do	do	do	10/77	4/78
*Timber Management Plan	do	Resource plan	do	10/77	4/78
*Diamond Creek Planning Unit	Caribou National Forest, Idaho.	Land management plan	do	5/78	12/77
*Bear River Planning Unit	do	do	do	9/77	1/78
*Challis-Squaw Creek Planning Unit	Challis National Forest, Idaho.	do	do	12/77	6/78
*Paunsaugunt-Sevier Planning Unit	Dixie National Forest, Utah	do	do	12/77	6/78
*Pine Valley Planning Unit	do	do	do	8/78	12/78
*Fremont Planning Unit	Fishlake National Forest, Utah.	do	do	12/77	4/78
*Tushar Mountains Planning Unit	do	do	do	5/78	11/78
*Mount Moriah Planning Unit	Humboldt National Forest,	do	do	6/78	1/79
*Moab Planning Unit	Manti-LaSal National Forest, Colorado-Utah.	do	do	1/78	4/78
*Ferron-Price Planning Unit	Manti-LaSal National Forest, Utah.	do	do	1/78	7/78
*Warren Planning Unit	Payette National Forest, Idaho.	do	do	12/77	4/78

Forest Service environmental statements under preparation as of October 15, 1977—Continued

Title of environmental statement	Location of proposal	Nature of proposal (i.e., land use, herbicides, etc.)	Responsible official	Date draft filed with CEQ (or estimated date)	Estimated date of final
REGIONAL OFFICE, OGDEN, UTAH, REGION 4 (INTERMOUNTAIN REGION)—Continued					
*McCall Planning Unit	do	do	do	3/78	7/78
*Timber Management Plan	Salmon National Forest, Idaho	Resource plan	do	6/78	12/78
*Leesburg Planning Unit	do	Land management plan	do	10/77	2/78
*Leadore Planning Unit	do	do	do	4/78	8/78
*Divide Planning Unit	do	do	do	10/78	2/79
*Island Park Planning Unit	Targhee National Forest, Idaho	do	do	11/77	5/78
*Big Hole Mountains Planning Unit	do	do	do	3/78	7/78
*Timber Management Plan	do	Resource plan	do	2/78	8/78
Island Park Geothermal Leasing	do	do	do	7/78	1/79
*North Slope Planning Unit	Wasatch National Forest, Utah	Land management plan	do	3/76	6/78
*Salt Lake Land Management Plan	do	do	do	10/77	3/78
REGIONAL OFFICE, SAN FRANCISCO, CALIF., REGION 5 (CALIFORNIA REGION)					
Establishment and Improvement of Forest Stands.	California region	Reforestation program	Regional forester	12/77	4/78
*San Gabriel	Angeles National Forest, Calif	Land management plan	do	5/77	11/77
Bouquet Canyon	do	Recreation plan	do	11/77	5/78
*Trabuco	Cleveland National Forest, Calif	Land management plan	do	11/77	3/78
*Descanso	do	do	do	6/80	8/81
Timber Management Plan	Eldorado National Forest, Calif.	Resource plan	do	3/77	1/78
Inyo National Forest Unit Plan—North	Inyo National Forest Calif	Land management plan	do	3/78	11/78
Timber Management Plan	do	Resource plan	do	9/78	1/79
Long Valley KGRA	Inyo National Forest and associated national resource lands.	Geothermal leasing exploration and development.	Forest Supervisor, Inyo National Forest and Bakersfield District Manager, BLM	9/78	3/79
*North Siskiyou	Klamath National Forest, Calif.; Rogue River National Forest, Oreg., Siskiyou National Forest, Oreg	Land management plan	Regional foresters	5/78	12/78
*King Supplement	Klamath National Forest, Calif.	do	Regional forester	11/77	3/78
*Almanor Planning Unit	Lassen National Forest, Calif	do	do	9/77	8/78
*Mount Pinos	Los Padres National Forest Calif.	do	do	6/78	12/78
Mendocino National Forest Timber Management Plan.	Mendocino National Forest Calif.	Resource plan	do	11/77	3/78
Medicine Lake	Modoc National Forest, Calif	Land management plan	do	11/77	2/78
Feather River	Plumas National Forest, Calif	do	do	7/79	8/80
Timber Management Plan	Angeles, Cleveland, Los Padres, and San Bernardino National Forests, Calif.	Resource plan	do	9/77	1/78
Big Bear Basin	San Bernardino National Forest, Calif.	Land management plan	do	9/77	3/78
*South Fork Mountain	Shasta-Trinity National Forest, Calif.	do	do	9/77	1/78
*Girard-McCloud	do	do	do	12/77	3/78
Upper	Sierra National Forest, Calif	do	do	4/78	11/78
Lower	do	do	do	5/79	1/80
Timber Management Plan	do	Resource plan	do	12/77	4/78
Fox Supplement	Six Rivers National Forest, Calif.	Land management plan	do	3/78	6/78
*Chimney Rock Section of G-O Road	do	do	do	11/77	2/78
Timber Management Plan	Tahoe National Forest, Calif	Resource plan	do	12/77	4/78
National Forest lands in Tahoe Basin	Lake Tahoe Basin management unit.	Land management plan	do	10/78	7/79
REGIONAL OFFICE, PORTLAND, OREG., REGION 6 (PACIFIC NORTHWEST REGION)					
*Colville-East	Colville National Forest, Wash.	Land management plan	Regional forester	6/78	12/78
*Harvey Creek	do	do	do	11/77	5/78
*Kettle Range	do	do	do	12/76	12/77
*Sullivan-Salmo	do	do	do	11/77	8/78
*Tonasket	Colville and Okanogan National Forests, Wash.	do	do	11/77	7/78
*10-Year Timber Management Plan	Colville National Forest, Wash.	Resource plan	do	3/78	10/78
*Deschutes	Deschutes National Forest, Oreg.	Land management plan	do	8/77	1/78
*Panhandle	Deschutes, Umpqua and Winema National Forests, Oreg.	do	do	3/78	12/78
*10-Year Timber Management Plan	Umatilla National Forest, Oreg.	Resource plan	do	2/78	6/78
*Umpqua	Umpqua National Forest, Oreg.	Land management plan	do	6/77	1/78

Forest Service environmental statements under preparation as of October 15, 1977—Continued

Title of environmental statement	Location of proposal	Nature of proposal (i.e., land use, herbicides, etc.)	Responsible official	Date draft filed with CEQ (or estimated date)	Estimated date of final
REGIONAL OFFICE, PORTLAND, OREG., REGION 6 (PACIFIC NORTHWEST REGION)—Continued					
Applegate Creek Water Impoundment	do	Do. Co. water project	Forest supervisor	12/77	3/78
*10-Year Timber Management Plan	do	Resource plan	Regional forester	3/77	2/78
*Burnt Powder	Wallowa-Whitman National Forest, Oreg.	Land management plan	do	12/77	5/78
Mount Howard	do	Recreation development plan.	Forest supervisor	1/78	6/78
Kittitas	Wenatchee National Forest, Wash.	Land management plan	Regional forester	2/78	6/78
*Bellnap Springs	Willamette National Forest, Oreg.	Geothermal development	do	12/77	6/78
Breitenbush	do	do	do	10/78	12/77
Chiloquin	Winema National Forest, Oreg.	Land management plan	do	11/78	4/79
*Desolation	Malheur, Umatilla and Wallowa Whitman National Forests, Oreg.	do	do	3/78	9/78
*John Day	Malheur and Umatilla National Forests, Oreg.	do	do	2/76	2/78
*Silvies-Malheur	Malheur, Ochoco, and Wallowa-Whitman National Forests, Oreg.	do	do	8/77	4/78
*South Fork	Malheur and Ochoco National Forests, Oreg.	do	do	5/76	11/77
Green River	Mount Baker-Snoqualmie National Forest, Wash.	Watershed management plan.	do	2/79	11/79
*Mount Baker	do	Land management plan	do	1/78	9/78
*Skykomish	Mount Baker-Snoqualmie and Wenatchee National Forests, Wash.	do	do	2/78	10/78
*10-Year Timber Management Plan	Mount Baker-Snoqualmie National Forest, Wash.	Resource plan	do	3/78	11/78
*Do	Olympic W.C., Olympic National Forest, Wash.	do	do	2/79	8/79
*Do	Shelton Sus. Yield Unit, Olympic National Forest, Wash.	do	do	1/78	5/78
*McLoughlin-Klamath	Rogue River and Winema National Forests, Oreg.	Land management plan	do	4/77	12/77
*North Siskiyou	Rogue River and Siskiyou National Forests, Oreg. and Klamath National Forest, Calif.	do	do	3/78	12/78
Upper Rogue	Rogue River and Umpqua National Forests, Oreg.	do	do	1/78	6/78
*10-Year Timber Management Plan	Rogue River National Forest, Oreg.	Resource plan	do	9/77	3/78
*Chetco-Greyback	Siskiyou National Forest, Oreg.	Land management plan	do	7/78	1/79
Coquille	do	do	do	10/78	4/79
*Rogue-Illinois	do	do	do	11/78	5/78
*10-Year Timber Management Plan	do	Resource plan	do	4/78	10/78
*Alsea	Siuslaw National Forest, Oreg	Land management plan	do	11/78	5/79
*Hebo	do	do	do	10/77	5/78
*Siuslaw	do	do	do	4/79	10/79
*10-Year Timber Management Plan	do	Resource plan	do	1/78	6/78
*Elgin	Umatilla National Forest, Oreg.	Land management plan	do	11/77	5/78
*Heppner	do	do	do	4/78	11/78
*Grande Ronde	Umatilla and Wallowa-Whitman National Forests, Oreg.	do	do	8/76	11/77
*Badger-Jordan	Mount Hood National Forest, Oreg.	do	do	12/76	12/77
*Bull Run	do	do	do	8/76	1/78
*Clackamas	do	do	do	6/78	11/78
*Mount Hood Interagency	do	do	do	3/76	12/77
Mount Hood Meadows	do	Ski area development	Forest supervisor	5/77	11/77
*10-Year Timber Management Plan	do	Resource plan	Regional forester	8/76	12/77
Grassland	Ochoco National Forest, Oreg	Land management plan	do	8/78	1/79
*Ochoco-Crooked River	do	do	do	2/78	6/78
*10-Year Timber Management Plan	do	Resource plan	do	4/77	11/77
*Canal Front	Olympic National Forest, Wash.	Land management plan	do	3/78	8/78
Satsop Block	do	do	do	4/78	9/78
*Fremont	Fremont National Forest, Oreg.	do	Regional forester	3/78	10/78
*10-Year Timber Management Plan	Klamath Basin W.C., Fremont and Winema National Forests, Oreg.	Resource plan	do	8/77	3/78
*Do	Lakeview Federal Sus. Yield Unit, Fremont National Forest, Oreg.	do	do	12/77	3/78
*Bear Creek	Gifford Pinchot National Forest, Wash.	Land management plan	do	7/77	1/78

Forest Service environmental statements under preparation as of October 15, 1977—Continued

Title of environmental statement	Location of proposal	Nature of proposal (i.e., land use, herbicides, etc.)	Responsible official	Date draft filed with CEQ (or estimated date)	Estimated date of final
REGIONAL OFFICE, PORTLAND, OREG., REGION 8 (PACIFIC NORTHWEST REGION)—Continued					
*Cowlitz	do	do	do	12/77	8/78
*Lone Tree	do	do	do	12/77	5/78
Vegetation Management Revision	Oregon and Washington	Herbicide program	do	5/76	2/78
*Upper Cispus	Gifford Pinchot National Forest, Wash.	Land management plan	do	10/77	4/78
*Naches-Tieton-White River	Gifford Pinchot, Mount Baker-Snoqualmie and Wenatchee National Forests, Wash.	do	do	8/77	7/78
REGIONAL OFFICE, ATLANTA, GA., REGION 8 (SOUTHERN REGION)					
Conecuh Unit Plan	Conecuh National Forest, Ala.	Land management plan	Regional forester	11/78	12/77
Caribbean	Caribbean National Forest, P.R.	do	do	1/78	8/78
Laurel River	Daniel Boone National Forest, Ky.	do	do	2/78	2/78
Licking River	Daniel Boone National Forest, Ky.	do	do	12/77	4/78
Cumberland River	do	do	do	3/78	8/78
Beaver Creek Wilderness	do	do	do	2/77	11/77
Osceola	Osceola National Forest, Fla.	do	do	9/78	11/78
Ocala Timber Plan	Ocala National Forest, Fla	Resource plan	do	12/77	4/78
Do	do	do	do	12/77	4/78
Wakulla	Apalachicola National Forest, Fla.	Land management plan	do	1/78	7/78
Piedmont Working Circle	Sumter National Forest, S.C.	Resource plan	do	10/78	4/79
Massanutten	George Washington National Forest, Va.	Land management plan	do	7/75	12/77
Cave Mountain Lake	Jefferson National Forest, Va.	do	do	2/74	12/77
Mount Rogers National Recreation Area	do	do	do	12/77	7/78
Revised 10-Year Timber Plan	do	Resource plan	do	11/77	7/78
Kisatchie	Kisatchie National Forest, La.	Land management plan	do	12/77	5/78
Evangeline	do	do	do	1/78	8/78
Holly Spring-Tombigbee Timber Plan	Holly Spring-Tombigbee National Forest, Miss.	Resource plan	do	3/77	12/77
Black Creek	DeSota National Forest, Miss.	Land management plan	do	12/77	4/78
Chickasawhay	do	do	do	3/78	7/78
Croatan Timber Plan	Croatan National Forest, N.C.	Resource plan	do	12/77	9/78
Fourche La Fave	Ouachita National Forest, Ark.	Land management plan	do	4/78	9/78
Maumelle-Saline	do	do	do	8/77	5/78
Talimena	do	do	do	5/78	11/78
Ouachita Timber Plan	do	Resource plan	do	9/77	8/78
Ozark Timber Plan	Ozark National Forest, Ark	do	do	4/77	9/78
Wedington	do	Land management plan	do	12/77	5/78
Lee Creek	do	do	do	1/78	5/78
Mulberry	do	do	do	5/78	7/78
Sabine	Sabine National Forest, Tex	do	do	11/78	(*)
Sam Houston	Sam Houston National Forest, Tex.	do	do	11/77	(*)
Angelina Timber Plan	Angelina National Forest, Tex.	Resource plan	do	4/78	(*)
Davy Crockett Timber Plan	do	do	do	12/77	(*)
REGIONAL OFFICE, MILWAUKEE, WIS., REGION 9 (EASTERN REGION)					
Buzzard Swamp Unit	Allegheny National Forest, Pa.	Land management plan	Regional forester	10/78	12/77
Mill Creek Unit	do	do	do	6/78	12/78
Timber Management Plan	Chequamegon National Forest, Wis.	Resource plan	do	10/76	11/77
Hector Unit	Green Mountain National Forest, Vt.	Land management plan	do	6/78	12/78
Timber Management Plan	Hiawatha National Forest, Mich.	Resource plan	do	9/77	5/78
Waterville Unit	White Mountain National Forest, N.H.	Land management plan	do	8/77	12/77
Presidential Unit	do	do	do	1/78	5/78
Wild River Unit	do	do	do	4/78	9/78
Willow Springs Unit	Mark Twain National Forest, MoΔ0P1136*.	do	do	9/78	12/77
Fredericktown Unit	do	do	do	8/78	2/79
Salem/Potosi Unit	do	do	do	2/79	8/79
Monongahela National Forest Land Management Plan.	Monongahela National Forest, W. Va.	do	do	2/77	11/77
Spruce Knob Lakes Recreation Complex	do	Recreation area	do	12/77	4/78
Shavers Fork Unit	do	Land management plan	do	12/77	5/78
Fluorspar Activities in Lusk Creek	Shawnee National Forest, Ill.	Mining related	Forest supervisor	6/77	12/77
Superior National Forest Timber Resource and Land Management Plan.	Superior National Forest, Minn.	Land management plan	Regional forester	5/78	11/78

Forest Service environmental statements under preparation as of October 15, 1977—Continued

Title of environmental statement	Location of proposal	Nature of proposal (i.e., land use, herbicides, etc.)	Responsible official	Date draft filed with CEQ (or estimated date)	Estimated date of final
REGIONAL OFFICE, JUNEAU, ALASKA, REGION 10 (ALASKA REGION)					
1976-86 Chugach National Forest Timber Management Revision.	Chugach National Forest, Alaska.	Resource plan	Forest supervisor	12/77	6/78
*Cannery Creek	do	Timber sale	do	1/77	11/77
*Phase II Upper Prince William Sound	do	Land management plan	Regional forester	11/77	5/78
*Valley Timber Sale	do	Timber sale	Forest supervisor	9/76	11/77
Naked Island	do	do	do	3/77	12/77
Siwash Bay	do	do	do	10/77	3/78
Chugach Moose-Fire Management Program	do	Prescribed burning	do	3/77	12/77
Copper River	do	Land management plan	Regional forester	3/78	7/78
*Karta	Tongass National Forest, Alaska.	do	do	8/76	(*)
*Dall Island	do	do	do	9/78	2/79
*Patterson River	do	Timber sale	Forest supervisor	12/77	5/78
*Rocky Pass	do	Land management plan	Regional forester	11/77	4/78
Tongass Unit Plan	do	do	do	12/78	6/79
Tongass Area Guide	do	Area guide	do	4/77	2/78

[1] Custer National Forest is the lead forest. [2] Shoshone National Forest, R-2 is lead forest, originally the Beartooth Highway Planning Unit.
[3] Deferred, pending legislation involving Goose Creek (Deep Creek-Decker Creek-RD roadless area). [4] Postponed. [5] Deferred.

NOTE.—Forest Service addresses: Washington Office, USDA, Forest Service, 12th St. and Independence Ave., SW., Washington, D.C. 20250. Northern Region, USDA, Forest Service, Federal Building, Missoula, Mont. 59801. Rocky Mountain Region, USDA, Forest Service, 11177 West 8th Ave., P.O. Box 25127, Denver, Colo. 80225. Southwestern Region, USDA, Forest Service, 517 Gold Ave., SW., Albuquerque, N. Mex. 87102. Intermountain Region, USDA, Forest Service, 324 25th St., Ogden, Utah 84401. California Region, USDA, Forest Service, 630 Sansome St., San Francisco, Calif. 94111. Pacific Northwest Region, USDA, Forest Service, 319 Southwest Pine St., Portland, Oreg. 97208. Southern Region, USDA, Forest Service, 1720 Peachtree Rd., NW., Atlanta, Ga. 30309. Eastern Region, USDA, Forest Service, 633 West Wisconsin Ave., Milwaukee, Wis. 53202. Alaska Region, USDA, Forest Service, P.O. Box 1628, Juneau, Alaska 99802.

FOREST SERVICE

Montana, NE Washington, N. Idaho, N. Dakota, and NW S. Dakota:

Regional Forester, Northern Region, USDA Forest Service, Federal Building, Missoula, MT.

Colorado, Kansas, Nebraska, S. Dakota, and Wyoming:

Regional Forester, Rocky Mountain Region, USDA Forest Service, 1117 West 8th Ave., POB 25127, Denver, CO 80225.

Arizona and New Mexico:

Regional Forester, Southwestern Region, USDA Forest Service, Federal Building, 517 Gold Ave. SW, Albuquerque, NM 87101.

Utah, S. Idaho, W. Wyoming, and Nevada:

Regional Forester, Intermountain Region, USDA Forest Service, Federal Building, 324 25th Street, Ogden, UT 84401.

California, Hawaii, Guam, Saipan, and Pacific Trust Territories:

Regional Forester, California Region, 630 Sansome Street, San Francisco, CA 94111.

Alaska: Regional Forester, USDA Forest Service, POB 1628, Federal Office Bldg., Juneau, AK 99801.

Washington and Oregon:

Regional Forester, Pacific Northwest Region, USDA Forest Service, 319 SW Pine Street, POB 3623, Portland, OR.

Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, N. Carolina, Oklahoma, S. Carolina, Tennessee, Texas, and Virginia:

Regional Forester, Southern Region, USDA Forest Service, 1720 Peachtree Road NW, Atlanta, GA 30309.

Director, Southeastern Area, S&PF, USDA Forest Service, 1720 Peachtree Road NW, Atlanta, GA 30309.

Connecticut, Delaware, Illinois, Iowa, Indiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, W. Virginia, and Wisconsin:

Regional Forester, Eastern Region, USDA Forest Service, 633 W. Wisconsin Ave., Milwaukee, WI 53203.

Director, Northeastern Area, S&PF, USDA Forest Service, 6816 Market Street, Upper Darby, PA 19082.

[FR Doc. 77-35062 Filed 12-8-77; 8:45 am]

[3410-15]

Rural Electrification Administration

EAST RIVER ELECTRIC POWER COOPERATIVE, INC., MADISON, S. DAK.

Proposed Loan Guarantee

Under the authority of Pub. L. 93-32 (87 Stat. 65) and in conformance with applicable agency policies and procedures as set forth in REA Bulletin 20-22 (Guarantee of Loans for Bulk Power Supply Facilities), notice is hereby given that the Administrator of REA will consider (a) providing a guarantee supported by the full faith and credit of the United States of America for a loan in the approximate amount of $12,500,000 to East River Electric Power Cooperative, Inc. (East River) of Madison, S. Dak., and (b) supplementing such a loan with an REA insured loan at 5 percent interest in the approximate amount of $10,000,000 to this cooperative. These loan funds will be used to finance 226 miles of 69 kV transmission line; 3 miles of 41.6 kV transmission line; 31 substations totaling 102,250 kVA; 2 transmission stations totaling 100 MVA; system improvements; supervisory and communications equipment; and previously authorized facilities.

Legally organized lending agencies capable of making, holding, and servicing the loan proposed to be guaranteed may obtain engineering and economic information on the proposed project including the proposed schedule for loan advances to East River and projected financial forecast data relating to East River's operations from Mr. Loren A. Zingmark, Manager, East River Electric Power Cooperative, Inc., Drawer E, Madison, S. Dak. 57042.

In order to be considered, proposals must be submitted on or before January 9, 1978, to Mr. Zingmark. The right is reserved to give such consideration and make such evaluation or other disposition of all proposals received, as East River and REA deem appropriate. Prospective lenders are advised that the guaranteed financing for this project is available from the Federal Financing Bank under a standing agreement with the Rural Electrification Administration.

Copies of REA Bulletin 20-22 are available from the Director, Informa-

tion Services Division, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250.

Dated at Washington, D.C., this 2d day of December 1977.

DAVID A. HAMIL,
Administrator, Rural Electrification Administration.

[FR Doc. 77-35243 Filed 12-8-77; 8:45 am]

[6320-01]

CIVIL AERONAUTICS BOARD

[Docket No. 31418; Order No. 77-12-4]

EASTERN AIR LINES, INC.; AMERICAN AIRLINES, INC.

Order Denying Motion

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 1st day of December 1977.

By tariff revisions[1] scheduled to become effective October 7, 1977, Eastern Air Lines, Inc. (Eastern), proposed to reduce the level of its individual tour-basing (ITX) fares between Boston/New York and Acapulco/Mexico City by amounts ranging from $41 to $90. American Airlines, Inc. (American) filed tariff revisions for effect October 14, 1977,[2] intended to match Eastern's proposal in those markets and also to reduce its ITX fare between Philadelphia and Mexico City.

A motion for leave to file a late complaint requesting investigation and suspension of the Eastern and American filings was submitted by Charter Ventures, Inc. (CVI) on September 22, 1977.[3] In its motion, CVI states that it did not learn of Eastern's filing until September 20, when it was informally advised of American's filing, because "Eastern's filings are not served upon CVI and * * * there were no trade press stories or announcements of the fare action." CVI maintains that the fare reductions are of the same general character as other reductions—e.g., the Hawaii GIT fares and the transatlantic Budget and Super-APEX fares—which the Board saw fit to suspend,[4] in order to determine "the relative economics of fares for charter versus scheduled service." CVI argues that it is in the public interest for the Board to consider the present complaint as well.

The Board finds that good cause has not been shown and has decided to deny CVI's motion. It is CVI's responsibility to keep abreast of those air transportation matters in which it has an interest. In our opinion, it cannot rely on casual sources of information in the conduct of its business as an excuse for failing to file a timely complaint.

The untimeliness of CVI's complaint denied the Board time to evaluate the complaint fully and, had we felt suspension was warranted, to submit a recommendation of suspension to the President ten days before the effective date of the tariffs. Although the Board may suspend existing tariffs under section 1002(j) of the Act, CVI has not presented a compelling case for us to suspend now effective tariffs involving a promotional fare which the carriers are already marketing to the public. CVI charges that the filings are predatory and targeted at the charter market, but does not attempt to document this purported predatory threat. In fact, CVI accepts Eastern's modest estimate of generation to scheduled service for the fare—CVI even characterizes the generation as minimal—and hence appears to contradict its own charge.

Accordingly, *It is ordered*, That:

The motion of Charter Ventures, Inc., in Docket 31418, for leave to file an otherwise unauthorized document be denied.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 77-35122 Filed 12-8-77; 8:45 am]

[6320-01]

[Order No. 77-11-142; Docket No 29123; Agreement CAB 26993 R-1 and R-2; Agreement CAB 26994; Agreement CAB 26995 R-1 through R-5; Agreement CAB 26997 R-1 through R-6; Docket No. 30777; Agreement CAB 26996 R-4; Agreement CAB 26998; Agreement CAB 26999]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order

NOVEMBER 30, 1977.

Agreements have been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA). The agreements were adopted at the Composite Passenger Traffic Conference held in Cannes during October 1977.

Agreement CAB 26993 would amend currency adjustment factors for application on passenger fares from various points in Traffic Conference 2 (Europe/Africa/Middle East) to all points in Canada and Mexico; Agreement CAB 26995 would amend currency adjustment factors for application on passenger fares from Angola to all world points; Agreement CAB 26997 would remove the currency surcharges currently applied on fares from Japan to many points in the world including the United States as well as amend currency adjustment factors for application on passenger fares from Japan to various points in TC3 (Asia/Pacific); Agreements CAB 26994 and CAB 26998 amend the construction procedures of Resolutions 014a and 021L to provide a routing exception via Port-of-Spain between points in Africa and Miami and to provide that where travel involves a side trip to/from or via the country of origin, for which a separate fare is assessed, such side trip shall be ticketed separately. Agreement CAB 26996, R-4, provides that free and reduced fare transportation for IATA general agents shall be based on both the fare and any applicable surcharge, such as weekend, stopover, or peak surcharge; and Agreement CAB 26999 amends the administrative procedures for filing of Government requirements and authorizations. The agreements have both direct and indirect application in air transportation within the meaning of the Act, insofar as they affect fares to U.S. points or fares which are combinable with fares to/from U.S. points, and will be approved.

Pursuant to authority duly delegated by the Board's Regulations, 14 CFR 385.14:

1. It is not found that the following resolutions, which have direct application in air transportation as defined by the Act, are adverse to the public interest or in violation of the Act provided that approval is subject, where applicable, to conditions previously imposed by the Board:

[1] Revisions to Tariff CAB No. 415, issued by Eastern Air Lines, Inc.

[2] Revisions to Tariff CAB No. 74, issued by Air Tariffs Corp. Agent.

[3] Under Rules 505(c) and 505(e) of the Board's Rules of Practice, any complaints against the Eastern and American tariff revisions should have been filed on or before September 11 and September 19, 1977, respectively.

[4] The Hawaii GIT fares were suspended by Order 77-9-23 (September 8, 1977). The Budget and super-APEX fares were originally suspended through September 15, 1978, by Order 77-9-43 (September 7, 1977); this suspension was later reduced to the period through October 1, 1977, by Order 77-9-44 (September 13, 1977). However, the President overturned the Board's suspension of the transatlantic tariffs, and they became effective October 1, 1977.

Agreement CAB	IATA No.	Title	Application
26994	002r	Special amending resolution (new) (expedited)	1/2.
26995:			
R-2	022d	JT23/JT123 Adjustment factors for sales of passenger air transportation (amending) (expedited).	2/3; 1/2/3.
R-3	022g	JT12/JT123 (North Atlantic) Adjustment factors for sales of passenger air transportation (amending) (expedited).	1/2; 1/2/3. (TC1-Africa).
R-4	022h	JT12/JT123 (Mid-Atlantic) Adjustment factors for sales of passenger air transportation (amending) (expedited).	1/2; 1/2/3.
26996:			
R-4	205	Free or reduced fare transportation for IATA general agents (amending).	1; 2; 3; 1/2; 2/3; 3/1; 1/2/3.
26997:			
R-2	022c	TC3 Adjustment factors for sales of passenger air transportation (amending) (expedited).	3.
R-3	022e	JT31 (North and Central Pacific) Adjustment factors for sales of passenger air transportation (amending) (expedited).	3/1.
R-4	022g	Adjustment factors for sales passenger air transportation (amending).	1/2/3. (North Atlantic).
R-5	022h	do	1/2/3. (Mid Atlantic).
R-6	022i	do	1/2/3. (South Atlantic).
26998	021L	Special rates for fares currency adjustments (amending) (expedited).	1; 2; 3.
26999	200g	Filing of government requirements and authorizations (amending) (expedited).	1; 2; 3; 1/2; 2/3; 3/1; 1/2/3.

2. It is not found that the following resolutions, which have indirect application in air transportation as defined by the Act, are adverse to the public interest or in violation of the Act:

Agreement CAB	IATA No.	Title	Application
26993:			
R-1	022g	JT12/JT123 (North Atlantic) Adjustment factors for sales of passenger air transportation (amending) (expedited).	1/2; 1/2/3. (TC1-Africa).
R-2	022g	do	1/2; 1/2/3. (Canada-TC2).
26995:			
R-1	022b	TC2 (except within Europe) Adjustment factors for sales of passenger air transportation (amending) (expedited).	2.
R-5	022i	JT12/JT123 (South Atlantic) Adjustment factors for sales of passenger air transportation (amending) (expedited).	1/2; 1/2/3.
26997:			
R-1	002ii	Special amending resolution (expedited)	2/3; 1/2/3.

Accordingly, *it is ordered*, that:

Agreements CAB 26993, CAB 26994, CAB 26995, CAB 26996, CAB 26997, CAB 26998, and CAB 26999 set forth in finding paragraphs 1 and 2 above, are approved subject, where applicable, to conditions previously imposed by the Board.

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

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 77-35123 Filed 12-8-77; 8:45 am]

[6320-01]

[Order No. 77-11-145; Docket No. 30777, Agreement CAB 27018 R-1 through R-10

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order

NOVEMBER 30, 1977.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of Traffic Conference 1 of the International Air Transport Association (IATA). The agreement was adopted at the 80th Meeting of the TC1 Passenger Traffic Conference held in San Diego during September 1977.

Agreement CAB 27018, which only affects air transportation indirectly, would establish new fare levels between points within South America, effective April 1, 1978 through March 31, 1979. In general, the agreement would increase all first-class, economy, and promotional fares by five percent. In addition, the agreement proposes introduction of 6/17-day group inclusive-tour fares from Cayenne, French Guiana, and Paramaribo, Surinam, on the one hand, to points in Brazil and Peru, on the other. We will approve those portions of the agreement governing fares which are combinable with fares to/from United States points and thus have indirect application in air transportation as defined by the Act. Jurisdiction will be disclaimed on the balance of the resolutions which govern noncombinable fares between foreign points and thus have no application in air transportation.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.14:

1. It is not found that the following resolutions, incorporated in the agreement as indicated and which have indirect application in air transportation as defined by the Act, are adverse to the public interest or in violation of the Act:

Agreement CAB	IATA No.	Title	Application
27018:			
R-1	001b (II)	TC1-Special Effectiveness Resolution (tie-in)	1 (within S. America).
R-2	002	Standard Revalidation Resolution	1 (within S. America).
R-3	051d	TC1 First-Class Fares	1 (within S. America).
R-4	060	Economy-Class Conditions of Service (revalidating and amending).	1 (within S. America).
R-5	061	TC1 Economy-Class fares	1 (within S. America).

2. It is not found that the following resolutions, incorporated in the agreement as indicated, affect air transportation within the meaning of the Act:

Agreement CAB	IATA No.	Title	Application
27018:			
R-6	070j	TC1 Excursion Fares Within South America (revalidating and amending).	1
R-7	075L	TC1 30 Day Group Excursion Fares (within South America) (revalidating and amending).	1
R-8	084hh	TC1 Group Inclusive Tour Fares—South America (revalidating and amending).	1
R-9	084uu	TC1 Group Inclusive Tour Fares Cayenne/Paramaribo-Peru/Brazil (new).	1
R-10	084w	TC1 Group Inclusive Tour Fares Bolivia/Chile/Colombia/Ecuador/Peru (revalidating and amending).	1

Accordingly. It is ordered that: 1. Those portions of Agreement CAB 27018 described in finding paragraph 1 above be approved; and

2. Jurisdiction be disclaimed with respect to those portions of Agreement CAB 27018 described in finding paragraph 2 above.

Persons entitled to petition the board for review of this order pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

By James L. Deegan, Chief, Passenger and Cargo Rates Division, Bureau of Fares and Rates.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 77-35124 Filed 12-8-77; 8:45 am]

[6320-01]

[Order No. 77-11-146; Docket No. 30777; Agreement CAB 27027 R-1 through R-15]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order

NOVEMBER 30, 1977.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of the Joint Traffic Conferences of the International Air Transport Association (IATA). The agreement was adopted at the Composite Passenger Traffic Conference held in Cannes, France during October 1977.

Agreement CAB 27027, which only affects air transportation indirectly, proposes revisions to the South Atlantic fare structure effective April 1, 1978, through March 31, 1979.[1] In general, the agreement would increase specified fares by 5 percent; establish add-on fare levels for constructing special fares between United Kingdom provincial points and South America; introduce new 14-day incentive group fares; and amend various currency adjustment factors for application on local selling fares, to reflect recent changes in the monetary relationships within the South Atlantic market area. We will approve those portions of the agreement governing fares which are combinable with fares to/from U.S. points and thus have indirect application in air transportation as defined by the Act. Jurisdiction will be disclaimed on the balance of the resolutions, which govern noncombinable fares between foreign points and thus have no application in air transportation.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.14:

1. It is not found that the following resolutions, incorporated in the agreement as indicated and which have indirect application in air transportation as defined by the Act, are adverse to the public interest or in violation of the Act:

Agreement CAB	IATA No.	Title	Application
27027:			
R-1	001b	South Atlantic Special Effectiveness Resolution (Tie-in)	1/2;1/2/3.
R-2	001d	Special Emergency Escape for South Atlantic Agreements	1/2;1/2/3.
R-3	001dd	South Atlantic Escape for Normal and Special Fares	1/2;1/2/3.
R-4	001r	Special Escape for JT12/123 (South Atlantic) Agreement	1/2;1/2/3.
R-5	001u	Special Escape for South Atlantic Agreement	1/2;1/2/3.
R-6	002	Standard Revalidation Resolution (South Atlantic)	1/2;1/2/3.
R-8	022i	JT12/JT123 (South Atlantic) Adjustment Factors for Sales of Passenger Air Transportation (Revalidating and Amending).	1/2;1/2/3.
R-9	054c	South Atlantic Normal First-Class Fares (Amending)	1/2.
R-10	064c	South Atlantic Economy-Class Fares (Amending)	1/2.

2. It is not found that the following resolutions, incorporated in the agreement as indicated, affect air transportation within the meaning of the Act:

Agreement CAB	IATA No.	Title	Application
27027:			
R-7	014tt	Special Fares to/from UK (South Atlantic) (New)	1/2.
R-11	070y	South Atlantic 60-Day Economy-Class Excursion Fares (Revalidating and Amending).	1/2.
R-12	071y	South Atlantic 45-Day Economy-Class Excursion Fares (Revalidating and Amending).	1/2.
R-13	076tt	South Atlantic 14 Day Incentive Group Fares (New)	1/2.
R-14	081k	South Atlantic 28-Day Group Inclusive Tour Fares (Revalidating and Amending).	1/2;1/2/3.
R-15	094c	Emigrant Fares—Portugal to Brazil (Revalidating and Amending).	1/2.

Accordingly, it is ordered that:

1. Those portions of Agreement CAB 27027 described in finding paragraph 1 above be approved; and

2. Jurisdiction be disclaimed with respect to those portions of Agreement CAB 27027 described in finding paragraph 2 above.

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

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

By James L. Deegan, Chief, Passenger and Cargo Rates Division, Bureau of Fares and Rates.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 77-35125 Filed 12-8-77; 8:45 am]

[1] Resolutions governing certain economy-class excursion fares would be effective May 1, 1978, through April 30, 1979.

[6325-01]

CIVIL SERVICE COMMISSION

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Grant of Authority To Make a 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 Executive Assistant for Policy Development, Immediate Office, Office of Assistant Secretary for Human Development Services, Office of the Secretary.

For the U.S. Civil Service Commission.

JAMES C. SPRY,
Executive Assistant
to the Commissioners.

[FR Doc. 77-35268 Filed 12-8-77; 8:45 am]

[6325-01]

DEPARTMENT OF LABOR

Grant of Authority To Make a 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 Labor to fill by noncareer executive assignment in the excepted service the position of Director, Office of Special Investigations and Review, Office of the Secretary.

For the U.S. Civil Service Commission.

JAMES C. SPRY,
Executive Assistant
to the Commissioners.

[FR Doc. 77-35269 Filed 12-8-77; 8:45 am]

[3510-07]

DEPARTMENT OF COMMERCE

Bureau of the Census

SURVEY OF RETAIL SALES, PURCHASES, AND INVENTORIES

Notice of Consideration

Notice is hereby given that the Bureau of the Census is considering a proposal to repeat in 1977 the Annual Retail Trade Survey, which has been conducted each year since 1951 (except 1954) under title 13, United States Code, sections 182, 224, and 225. This survey is conducted to collect data covering year-end inventories, purchases, and annual sales of retail trade establishments. Additional items requesting payroll and operating expenses, capital expenditures, and changes of depreciable assets are included as supplemental data for the 1977 Census of Retail Trade. This survey, which would provide data for 1977, is the only continuing source available on a comparable classification and a timely basis for use as a benchmark for developing retail inventory estimates.

Information and recommendations received by the Bureau of the Census indicate that the data will have significant application to the needs of the public, the distributive trades, and governmental agencies, and that the data are not publicly available from nongovernment or other governmental sources.

Such a survey, if conducted, shall begin not earlier than January 9, 1978.

Reports will be required only from a selected sample of firms operating retail establishments in the United States, with probability of selection based on their sales size. The use of scientific sampling techniques will effectively serve to relieve respondent burden by not requiring this information to be reported for each establishment filing 1977 Census of Retail Trade reports. The sample will provide, with measurable reliability, statistics on the subjects specified above.

Copies of the proposed forms and a description of the collection methods are available upon request to the Director, Bureau of the Census, Washington, D.C. 20233.

Any suggestions or recommendations concerning the subject matter of this proposed survey will receive consideration if submitted in writing to the Director of the Bureau of the Census on or before January 9, 1978.

Dated: December 6, 1977.

MANUEL D. PLOTKIN,
Director,
Bureau of the Census.

[FR Doc. 77-35237 Filed 12-8-77; 8:45 am]

[3510-25]

Domestic and International Business Administration

UNIVERSITY OF CALIFORNIA—LOS ALAMOS SCIENTIFIC LABORATORY ET AL.

Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, on or before December 29, 1977.

Amended regulations issued under cited Act, (15 CFR 301) prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C. 20230.

Docket number: 78-00053. Applicant: University of California—Los Alamos Scientific Laboratory, P.O. Box 990, Los Alamos, N.M. 87545. Article: Ultrafast Streak Camera System. Manufacturer: Hadland Photonics, United Kingdom. Intended use of article: The article is intended to be used to photograph the behavior of a high velocity (up to 10^8 cm/sec) plasma stream emerging from a coaxial plasma gun. In the future it will also be used to diagnose a planned linear implosion plasma experiment. The phenomena to be studied will include the initial gas breakdown and subsequent behavior inside the gun (gun barrel phase) and the behavior of the plasma as it is injected into appropriate magnetic fields. Application received by Commissioner of Customs: November 15, 1977.

Docket number: 78-00054. Applicant: Portland State University—College of Science, P.O. Box 751, Portland, Oreg. 97207. Article: One complete Microelectrophoresis Apparatus, MKI. Manufacturer: Rank Brothers, United Kingdom. Intended use of article: The article is intended to be used to measure the surface electric charge of lipid vesicles in the presence of pesticides in order to determine the ionization and distribution of pesticides between water and lipid surface. The article will also be used by graduate students to conduct research as a part of their Ph. D. of M.S. thesis. Application received by Commissioner of Customs: November 15, 1977.

Docket number: 78-00055. Applicant: Albany Medical College, Department of Pathology. AMC, MS 210, New Scotland Avenue, Albany, N.Y. 12208. Article: LKB 8800A Ultrotome III Ultramicrotome complete and with accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used to section surgical specimens of human tissues which will then be electron microscopically investigated for diagnostic purposes. The micrographs obtained in this manner will often be used for such educational purposes as training of pathology residents and medical students. Application received by Commissioner of Customs: November 15, 1977.

Docket number: 78-00056. Applicant: Veterans Administration Hospital Laboratory Service, University and Wood-

land Avenue, Philadelphia, Pa. 19104. Article: LKB 2128-010 Ultramicrotome with Accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for sectioning of biological materials including surgical specimens, biopsy tissue, especially renal, liver, small bowel and skin. Autopsy tissues are to be studied, and the investigation of rare hematologic disorders and infections produced by viruses. Investigations will be conducted with the objective of furthering the basic knowledge on cell and tissue ultrastructure and to reveal at the ultrastructural level the molecular structure and cytochemical distribution in cells and tissues developing under normal and pathological conditions. The article will also be used in courses entitled Ultrastructure and Cytochemistry which will involve a study of general principles on techniques and the use of the electron microscope to study the fine structure of cells and various subcellular organelles and the employment of cytochemical and staining methods to localize various enzymes. Application received by Commissioner of Customs: November 16, 1977.

Docket number: 78-00057. Applicant: Wesley Medical Center, Dept. of Ob-Gyn, 550 North Hillside, Wichita, Kans. 67214. Article: Electron Microscope, Model EM 201 and accessories with plate camera. Manufacturer: Philips Electronics Instruments NVD, the Netherlands. Intended use of article: The article is intended to be used for studies of all tumors of the female reproductive system, malignant and benign; such as tumors of the ovary, endometrium, cervix, endocervix, fallopian tube, vagina and vulva. Morphological changes are described in primary and metastatic tumors. Comparative studies are done on malignant tumors before and after treatment with chemotherapy, X-ray cobalt. The article will also be used in the training of M.D., Ob-Gyn postgraduates and M.D. Pathology postgraduates. Application received by Commissioner of Customs: November 16, 1977.

Docket number: 78-00058. Applicant: Massachusetts Institute of Technology, 77 Massachusetts Avenue, Cambridge, Mass. 02139. Article: Particle and Droplet Size Distribution Analyzer Type ST1800 and accessories. Manufacturer: Malvern Instruments Ltd., United Kingdom. Intended use of article: The article is intended to be used to measure the droplet and particle size distribution both under burning and nonburning conditions in a research study on "Reduction of Pollutant Formation in Coal Particle and Liquid Fuel Spray Flames." The overall objective of this research is to study the combustion of solid and liquid fuels with particular emphasis on NO_x, particulate and heterocyclic hydrocarbon emission. This research involves the following parallel and sequential investigations: (1) Experiments with pulverized coal particles and monosize droplet streams in high temperature laminar flow furnances to determine the time resolved, evolution and chemical transformation of fuel-N compounds; (2) Monosize droplet stream pyrolysis and combustion studies in which optical diagnostics will be used to determine the temperature distribution around the reacting droplets in a quartz tube reactor; (3) Spray pyrolysis studies simulating conditions in the first stage of staged combustion systems in which the fuel-N evolution, the reactions of nitrogenous compounds and those leading to the formation of carbonaceous solids will be studied in fuel rich environments. Application received by Commissioner of Customs: November 16, 1977.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,
Special Import Programs Division.

[FR Doc. 77-35236 Filed 12-8-77; 8:45 am]

[3510-25]

Domestic and International Business Administration

ENVIRONMENTAL PROTECTION AGENCY, DENVER, COLO.

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 77-00261. Applicant: U.S. Environmental Protection Agency, National Enforcement Investigations Center, Bldg. 53, Box 25227, Denver Federal Center, Denver, Colo. 80225. Article: Ten (10) Thermoelectric Generators. Manufacturer: Global Thermoelectric Power Systems Ltd., Canada. Intended use of article: The article is intended to be used to provide electric power for operation of scientific equipment needed to monitor air and water quality for long periods at locations where this was formerly impossible or impractical.

Comments: N o comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: This application is a resubmission of Docket Number 77-00046 which was denied without prejudice to resubmission on April 11, 1977 for informational deficiencies. The foreign article provides a power output of 102 watts(w) and a fuel consumption of 13 pounds(lbs.) propane per day. The most closely comparable domestic instrument is the Model 2T9 manufactured by Teledyne Energy Systems. The Model 2T9 provides a power output of 88w and a fuel consumption of 14.4 lbs. propane per day. The National Bureau of Standards advises in its memorandum dated October 14, 1977 that (1) the capabilities of the article describes above are pertinent to the applicant's intended purposes and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended uses.

For these reasons, we find that the Model 2T9 is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,
Special Import Programs Division.

[FR Doc. 77-35180 Filed 12-8-77; 8:45 am]

[3510-25]

NATIONAL RADIO ASTRONOMY OBSERVATORY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 77-00266. Applicant: National Radio Astronomy Ob-

servatory, Associated Universities, Inc., 2010 North Forbes Boulevard, suite 100, Tucson, Ariz. 85705. Article: Klystron, Varian type VRT-2124B. Manufacturer: Varian Associates of Canada, Ltd., Canada. Intended use of article: The article is intended to be used as a phase-locked local oscillator in a millimeter wave radio astronomy receiver. This receiver is used in conjunction with a microwave antenna to measure the intensity, polarization frequency and direction of cosmic radiation.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides a frequency in the range between 140-170 gigahertz. The National Bureau of Standards (NBS) advises in its memorandum dated October 21, 1977, that (1) the capability of the article described above is pertinent to the applicant's research purposes, and (2) it knows of no domestic instrument of equivalent scientific value to the foreign article for the Applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc. 77-35178 Filed 12-8-77; 8:45 am]

[3510-25]

UNIVERSITY OF TENNESSEE

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 77-00182. Applicant: University of Tennessee, Knoxville, Tenn. 37916. Article: TEA-103-2 Prototype Gas laser and accessories. Manufacturer: Lumonics Research Ltd., Canada. Intended use of article: The article will be used in an U.S. Air Force supported program involving the cryogenic synthesis of strongly oxidizing species containing fluorine and other electronegative elements, such as the other halogens, nitrogen and oxygen. Specificially, the article will be used for excitation of low temperature reactions involving N—F and O—F bonds as well as fluorine and for exploration of synthetic routes to NF_4+salts, such as NF_4BF_6.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides a high power level (15 joules/pulse). The National Bureau of Standards (NBS) advises in its memorandum dated October 20, 1977, that the specification of the article described above is pertinent to the applicant's intended purposes. NBS also advises that it knows of no domestic instrument of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc. 77-35177 Filed 12-8-77; 8:45 am]

[3510-25]

UNIVERSITY OF WISCONSIN, OSHKOSH, WIS.

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 77-00292. Applicant: University of Wisconsin-Oshkosh, Department of Physics and Astronomy, Oshkosh, Wis. 54901. Article: Plug-in Unit for CPS-II Pulsed NMR Spectrometer. Manufacturer: Spin Lock Ltd., Canada. Intended use of article: The article will be used in a CPS-II pulsed nuclear magnetic resonance spectrometer for the study of slow (0100 MHz) molecular motion in biopolymer-water systems, tissues, viscous liquids and liquid crystals, and hydrogen-bonded and other non-metallic solids. The plug-in unit, for operation at 36 MHz, is required for solids and other samples where the signal-to-noise ratio is relatively poor and/or the nuclear resonance is broad, resulting in a short-lived (30 μsec or less) nuclear free induction decay. In all cases to be studied nuclear relaxation times will be measured to determine the nature of low frequency motion of molecular groups in the material. This article will also be used for educational purposes in the following physics courses:

82-319 Intermediate Laboratory II.
82-519 Graduate Laboratory.
82-401 and 405 Independent Study.
82-792 Research Techniques in Physics.
82-795 Thesis.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used is being manufactured in the United States.

Reasons: The application relates to an accessory for an instrument that had been previously imported for the use of the applicant institution. The article is being furnished by the manufacturer which produced the instrument with which the article is intended to be used and is pertinent to the applicant's purposes. The National Bureau of Standards advises in its memorandum dated October 19, 1977, that it knows of no domestic instrument of equivalent scientific value to the article for its intended uses.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc. 77-35179 Filed 12-8-77; 8:45 am]

[3510-12]

National Oceanic and Atmospheric Administration

FISHERY MANAGEMENT PLAN FOR THE NORTHERN ANCHOVY FISHERY

Availability of Draft Environmental Impact Statement/Fishery Management Plan and Notice of Public Hearings

Pursuant to Title III of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265), the Pacific Fishery Management Council has prepared a draft fishery management plan for the northern anchovy fishery. Concurrently, the Pacific Fishery Management Council and the National Marine Fisheries Service of the National Oceanic and Atmoshpheric Administration have jointly prepared a draft environmental impact statement for the fishery management plan in accordance with section 102(2)(C) of the National Environmental Policy Act of 1969.

The proposed action is to adopt and implement a Fishery Management Plan for the fisheries of the central subpopulation of the norther anchovy (*Engraulis mordax*) under the provisions of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265). This Act extends jurisdiction over fishery resources and establishes a program for their management. The objectives of the management plan are to allow a fishery within the U.S. Fishery Conservation Zone to harvest the optimum yield efficiently on a continuing basis, to maintain a sufficient level of anchovy biomass to sustain adequate levels of predator fish stocks, birds and mammals, and to avoid conflicts between U.S. recreational and commercial fleets. Options on six management measures: fishing seasons, area closures, size restrictions, limited entry, sex restrictions, and harvest quotas are considered.

The draft plan includes an extensive range of alternatives for public review. The Council will not make its final decisions on the management options until the public review process is complete. Written comments may be submitted on or before January 30, 1978, to the Chairman, Pacific Fishery Management Council, 526 Southwest Mill Street, Portland, Oreg. 97201, or to the Regional Director, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, Calif. 90731.

Individuals or organizations wishing to comment on the draft environmental impact statement/fishery management plan may also do so at public hearings to be held at the times and locations listed below:

City, Time and Date, and Location

Long Beach, Calif., January 14, 1978, 10 a.m., California State University, 400 South Golden Shore, Long Beach, Calif.

Monterey, Calif., January 16, 1978, 7 p.m., Steinbeck Forum, Conference Center, One Portola Plaza, Monterey, Calif.

Copies of the draft environmental impact statement/fishery management plan are available for inspection at the following locations:

Pacific Fishery Management Council, 526 Southwest Mill Street, Portland, Oreg. 97201.

National Marine Fisheries Service, Lake Union Building, room 210, 1700 Westlake Avenue North, Seattle, Wash. 98109.

National Marine Fisheries Service, room 2024, U.S. Customs Building, 300 South Ferry Street, Terminal Island, Calif. 90731.

Environmental Science Information Center, Page Building 2, room 193, 3300 Whitehaven Street NW., Washington, D.C. 20235.

This Notice of Availability is being published at the request of and in cooperation with the Pacific Fishery Management Council.

Signed this 5th day of December 1977, at Washington, D.C.

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

[FR Doc. 77-35121 Filed 12-8-77; 8:45 am]

[3510-17]

Office of the Secretary

PATENT AND TRADEMARK OFFICE ADVISORY COMMITTEE

Notice of Renewal

In accordance with the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. I and Office of Management and Budget Circular A-63 of March 1974, and after consultation with OMB, it has been determined that the renewal of the Patent and Trademark Office Advisory Committee is in the public interest in connection with the performance of duties imposed on the Department by law.

The Committee was first established in December 1975 (40 FR 54600, November 25, 1975), and it was to terminate on December 14, 1977. Its purpose was to continually advise the Patent and Trademark Office on matters concerning the patent system and the administration of the Office. The Committee has been successful in achieving this objective. Its recommendations, most of which have been accepted or are currently being studied by the Office, have meaningfully contributed to the strengthening of the patent system.

In renewing the Committee, it has been determined that the original objective of advising the Commissioner on patent related matters was important and worth continuing. The patent system has a significant impact on the development of new technology and thereby on the domestic and international economies. The Commerce Department and the Patent and Trademark Office are continually faced with a broad range of policy questions as a result of pending patent legislation, patent treaties, court decisions, and other possibilities for change. Expert advice is needed from the private sector on patents, and neither the Department nor the Office have any other advisory committee that can perform this function.

The makeup of the Committee will continue with a balanced representation of at least 8 but no more than 15 members drawn from independent and corporate inventors, patent attorneys, corporate executives, corporate research directors, members of the judiciary, consumer representatives, economists, journalists, and educators, appointed by the Secretary of Commerce.

Copies of the Committee's revised charter will be filed with appropriate committees of the Congress.

Inquiries or comments may be addressed to the Committee Control Officer, Herbert C. Wamsley, U.S. Patent and Trademark Office, Washington, D.C. 20231, telephone 703-557-3071.

Dated: December 6, 1977.

GUY W. CHAMBERLIN, Jr.,
Assistant Secretary for Administration.

[FR Doc. 77-35254 Filed 12-8-77; 8:45 am]

[3510-25]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

MALAYSIA

Establishment of Export Visa Requirement and Certification for Exempt Cotton, Wool and Man-Made Fiber Textile Products; Correction

DECEMBER 6, 1977.

On November 25, 1977, there was published in the FEDERAL REGISTER (42 FR 60197), a letter dated November 17, 1977, from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs establishing an export visa requirement and certification for exempt cotton, wool, and man-made fiber textile products from Malaysia. The date in the final sentence of paragraph one of that letter should have been February 23, 1978, instead of February 23, 1977.

RONALD I. LEVIN,
Acting Chairman, Committee for the Implementation of Textile Agreements, United States Department of Commerce.

[FR Doc. 77-35275 Filed 12-8-77; 8:45 am]

[6820-33]

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

PROCUREMENT LIST 1978

Additions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Additions to Procurement List.

SUMMARY: This action adds to Procurement List 1978 commodities to be produced by workshops for the blind or other severely handicapped.

EFFECTIVE DATE: December 9, 1977.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Va. 22201.

FOR FURTHER INFORMATION CONTACT:

C. W. Fletcher, 703-557-1145.

SUPPLEMENTARY INFORMATION: On August 5, 1977, September 30, 1977, and October 7, 1977, the Committee for Purchase from the Blind and Other Severely Handicapped published notices (42 FR 39696), (42 FR 52467), and (42 FR 54591), of proposed additions to Procurement List 1978, November 14, 1977 (42 FR 59015).

After consideration of the relevant matter presented, the Committee has determined that the commodities listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46-48(c), 85 Stat. 77.

Accordingly, the following commodities are hereby added to Procurement List 1978:

CLASS 3920

Truck, Hand (IB), 3920-00-847-1305.

CLASS 2540

Cushion Assembly, Seat Back (SH), 2540-00-678-2965.

CLASS 8345

Flag, Signal, Vehicle, Danger Red (IB), 8345-00-260-2724.

C. W. FLETCHER,
Executive Director.

[FR Doc. 77-35242 Filed 12-8-77; 8:45 am]

[6820-33]

PROCUREMENT LIST 1978

Deletion

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Deletion from Procurement List.

SUMMARY: The Committee has received a proposal to delete from Procurement List 1978 a service provided by workshops for the blind or other severely handicapped.

EFFECTIVE DATE: December 9, 1977.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Va. 22201.

FOR FURTHER INFORMATION CONTACT:

C. W. Fletcher, 703-557-1145.

SUPPLEMENTARY INFORMATION: On October 7, 1977 the Committee for Purchase from the Blind and Other Severely Handicapped published a notice (42 FR 54590), of proposed deletion from Procurement List 1978, November 14, 1977 (42 FR 59015).

After consideration of the relevant matter presented, the Committee has determined that the service listed below is no longer suitable for procurement by the Federal Government under 41 U.S.C. 46-48(c), 85 Stat. 77.

Accordingly, the following service is hereby deleted from Procurement List 1978:

SIC 0782

Grounds Maintenance, Edwards Air Force Base, Calif., for the following locations: Chapel Building No. 6447, and Housing Area "D".

C. W. FLETCHER,
Executive Director.

[FR Doc. 77-35241 Filed 12-8-77; 8:45 am]

[6820-33]

PROCUREMENT LIST 1978

Proposed Additions

AGENCY: Committee for Purchase From the Blind and Other Severely Handicapped.

ACTION: Proposed Additions to Procurement List.

SUMMARY: The Committee has received proposals to add to Procurement List 1978 services to be provided by workshops for the blind or other severely handicapped.

COMMENTS MUST BE RECEIVED ON OR BEFORE: January 12, 1978.

ADDRESS: Committee for Purchase From the Blind and Other Severely Handicapped, 2009 14th Street North, suite 610, Arlington, Va. 22201.

FOR FURTHER INFORMATION CONTACT:

C. W. Fletcher, 703-557-1145.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2), 85 Stat. 77.

If the Committee approves the proposed additions, all entities of the Federal Government will be required to procure the services listed below from workshops for the blind or other severely handicapped.

It is proposed to add the following services to Procurement List 1978, November 14, 1977 (42 FR 59015):

Packaging Services, Portsmouth Naval Shipyard, Portsmouth, N.H.

SIC 0782

Grounds Maintenance, AFRES Units, Bergstrom Air Force Base, Tex.
Grounds Maintenance, U.S. Department of Energy, Morgantown Energy Research Center, Morgantown, W. Va.

C. W. FLETCHER,
Executive Director.

[FR Doc. 77-35240 Filed 12-8-77; 8:45 am]

[3125-01]

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENTS

The following is a list of environmental impact statements received by the Council on Environmental Quality from November 28 through December 2, 1977. The date of receipt for each statement is noted in the statement summary. Under Council Guidelines the minimum period for public review and comment on draft environmental impact statements is forty-five (45) days from this FEDERAL REGISTER notice of availability. (January 23, 1978) The thirty (30) day period for each final statement begins on the day the statement is made available to the Council and to commenting parties.

Copies of individual statements are available for review from the originating agency. Back copies are also available at 10 cents per page from the Environmental Law Institute, 1346 Connecticut Avenue, Washington, D.C. 20036.

DEPARTMENT OF AGRICULTURE

Contact: Mr. Errett Deck, Coordinator, Environmental Quality Activities, U.S. Department of Agriculture, room 307A, Washington, D.C. 20250, 202-447-6827.

FOREST SERVICE

Draft

Licking River Unit Plan, Daniel Boone National Forest, several counties in Kentucky, November 29. Proposed is the implementation of a 10-year management plan for the Licking River Unit, Morehead Ranger District, Daniel Boone National Forest, located in Bath, Menife, Morgan, and Rowan Counties, Ky. The unit contains 116,693 acres of National Forest land and water area. The management plan proposes that the unit be managed for a full range of multiple use benefits including timber, water, recreation, and wildlife with emphasis on recreation development and protection of scenic qualities around the lake and along primary roads. (ELR Order No. 71460.)

Jefferson National Forest Timber Plan, Virginia, Kentucky, and West Virginia, November 29. Proposed is a timber plan for the

Jefferson National Forest located in parts of Virginia, West Virginia, and Kentucky. The plan proposes even-aged management for that part of the forest which is suitable for sustained yield timber production and which is not reserved for some other use. Uneven-aged management is proposed for 4,200 acres of northern hardwoods on the Mount Rogers National Recreation Area. Adverse effects include tempting, other silvicuitural treatments, and road construction. (ELR Order No. 71461.)

Final

Mount Hood Unit Interagency Land-Use Plan, Hood River and Clackamus Counties, Oreg., November 28. The statement contains the recommended Mount Hood interagency pian and alternatives. The plan is oriented toward improving efficiency of land use in the area by concentrating development in areas already committed, providing adequate support services, increasing agricuitural and timber productivity and maintaining the overall mountain area character. Sewage collection systems will need to be improved and expanded within compact, defined service areas. Impiementation of the pian wiii resuit in adverse effects on the soil resources and wildlife habitat due to increased popuiation in the area. Highway modifications wiii resuit in adverse effects, and energy consumption will increase. Comments made by: AHP, USDA, DOC, HUD, DOI, EPA, FPC, NASA, State and local agencies, concerned groups, and individuals. (ELR Order No. 71451.)

DEPARTMENT OF DEFENSE

ARMY CORPS

Contact: Dr. C. Grant Ash, Office of Environmentai Policy Department, Attention DAEN-CWR-P, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue SW., Washington, D.C. 20314, 202-693-6795.

Draft

Parkwood 101, Ltd., Permit Application, San Mateo County, Calif., December 1. Proposed is the fiii and development of 13 acres of wetiand adjacent to Belmont Siough, and landward of the main levee, in Redwood City, Caiif. The Applicant has received a Regionai Water Quaiiiy Control Order to prevent leaching from a former garbage dump. Fiii is proposed as the solution to stop leachate that is entering the area. Adverse effects inciude irreversible ioss of wetland; increased pressure on wetiand habitat; air, water, and noise pollution; and increased use of utiiities, services, and natural resources. (San Francisco District.) (ELR Order No. 71469.)

Final

Stocco Homes, Inc., Lagoon Development, Cape May County, N.J., December 2. Proposed is the approvai of a permit application for the construction of a waterfront residential deveiopment at Ocean City, N.J. The construction includes the dredging of two additionai lateral lagoons in an existing lagoon system, the buikheading of these new lagoons and all previously dredged lagoons, disposal of dredge spoil material behind inclosed sod banks on the site, and the building of roadways, houses and dock facilities. Construction wouid result in 113 new singie-famiiy dweiiings, with docking faciiities. (Philadelphia District.) Comments made by: USDA, DOC, DOI, EPA, HUD, AHP, State and local agencies. (ELR Order No. 71474.)

DEPARTMENT OF ENERGY

Contact: Mr. W. Herbert Pennington, Office of NEPA Coordination, Department of Energy, Washington, D.C. 20545.

Supplement

Bryan Mound Salt Dome (S-1), Brazoria County, Tex., December 2: This statement suppiements a final EIS fiied with CEQ in January of 1977 concerning the development of the Bryan Mound Salt Dome as a storage site for the Strategic Petroleum Reserve. The salt dome is located in Brazoria County, Tex. This supplement assesses the environmental impacts caused by the construction and operation of new proposed system changes in the brine pit, the new brine pipeline and injection weiis, the water intake structure, and the pipeiine from the intake structure to the site. (ELR Order No. 71475.)

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

Contact: Mr. W. Herbert Pennington, Office of NEPA Coordination, Energy Research and Development Administration, E-201, ERDA, Washington, D.C. 20545, 301-353-4241.

Final

Alternative fuels demonstration program, December 1: Proposed is an incentive program to ensure production at commercial scaie of between .35 and 1.7 miiiion barreis per commercial scaie of the equivaient of 350,000 barreis per day of synthetic fuels from coal, oil shale, and biomass (urban and other wastes). Synthetic fuels conversion piants constructed with aid of the proposed incentives wouid create air and water poiiution and soiid waste and create noise and aesthetic degradation. Conjunctive deveiopment necessary to support the piants would include mining, pipeiines, and transmission lines, each of which wouid also impact air, water, and iand. Community development or expansion wouid be required to support conversion plants in remote areas. Comments made by: USDA, DOC, HEW, DOI, DOT, TVA2, EPA, FEA, NASA, NSF, NRC, State and local agencies, concerned groups and individuals. (ELR Order No. 71464.)

ENVIRONMENTAL PROTECTION AGENCY

Contact: Peter Cook, Acting Director, Office of Federal Activities, Room WSMW 537, 401 M Street SW., Washington, D.C. 20460, 202-755-0777.

Final

Greensboro-Guilford County, 201 Wastewater System, Greensboro and Guilford Counties, N.C., December 1: The proposed project consists of construction of the necessary facilities to process and treat approximately 36 million gallons per day of wastewater for the Greensboro-Guilford County area in North Caroiina. PLans call for the upgrading of the existing North Buffalo Creek Treatment Plant to tertiary treatment at 16 MGD, abandonment of the South Buffaio Creek Treatment Plant, and construction of a 60-inch diameter outfall from that piant location to a new 20 MGD plant located 26,000 feet downstream on South Buffaio Creek. Important adverse secondary impacts inciude increased flooding and the necessity for potentially unsound flood control. (Region IV.) Comments made by: USDA, HEW, HUD, DOI, State and local agencies, concerned groups and individuals. (ELR Order No. 71470.)

Sooner Generating Station, Units 1 and 2, Noble and Pawnee Counties, Okla., November 28: Proposed is the issuance by EPA of a New Source NPDES permit to the Oklahoma Gas and Electric Co. for Sooner Generating Station. The proposed receiving water body is Greasy Creek, a tributary of the Arkansas River, in Pawnee County, Okia. The station contains 2 coal-fired generating units and associated facilities that include an area for coal storage and handling, and associated facilities. Adverse effects include soil erosion, impacts to acquatic organisms, and the elimination or aiteration of approximately 8,090 acres of terrestrial habitat. (Region VI.) Comments made by: DOI, USDA, AHP, FEA, DOT, FPC, one State agency, interest groups. (ELR Order No. 71455.)

GENERAL SERVICES ADMINISTRATION

Contact: Mr. Andrew E. Kauders, Executive Director, Environmental Affairs Division, General Services Administration, 18th and F Streets NW., Washington, D.C. 20405, 202-566-0405.

Draft

West Heating Plant, District of Columbia, November 23: This proposal concerns the West Heating Plant, located at 1051 29th Street NW., Washington, D.C. Proposed is the instaiiation of spreader-type coal stokers in oil-fired boilers III and IV while retaining oil burning capability. Existing precipitators wiii be upgraded or new precipitators wiii be installed if required for the plant to compiy with the air quality standards of the District of Columbia. Adverse impacts are those associated with construction. (ELR Order No. 71450.)

DEPARTMENT OF HUD

Contact: Mr. Richard H. Broun, Director, Office of Environmental Quality, Department of Housing and Urban Deveiopment, 451 7th Street SW., Washington, D.C. 20410, 202-755-6308.

Draft

Clayton Subdivision, Harris County, Tex., November 28: Proposed is the development of 511.5783 acres into a community composed of single-famiiy homes in Harris County, Tex. The deveiopment will accommodate approximateiy 6,206 persons. Adverse effects inciude the loss of pasture iand and an increased demand for fossii fuels through heavy dependence on the automobiie. (ELR Order No. 71456.)

Final

Settiers Viiiage Subdivision, Harris County, Tex., December 29: The proposed action is for the Department of Housing and Urban Development to accept for HUD-FHA mortgage insurance purposes the 1,285-acre Settiers Viiiage Subdivision. When compieted in approximateiy 12 years, the subdivision will contain approximately 4,170 single-family homes plus some attached single-family and multi-family housing and shopping and recreational faciiities. Adverse effects include the loss of agricultural land and an increased demand for fossil fuels through heavy dependence on the automobile for transportation. Comments made by: EPA, COE, DOI, HUD, USDA, AHP, HEW, DOT, State and local agencies. (ELR Order No. 71459.)

Steriing Green Subdivision, Harris County, Tex., December 1: Proposed is the development of 1,200 acres into a pianned community composed of single-family homes, apartments, patio homes, and townhomes with some commercial reserves in Harris County, Tex. This development provides for the planning and controlling of a

wide range of living accommodations for approximately 26,500 people. Adverse effects would include the loss of agricultural land and an increased demand for fossil fuels through heavy dependence on the automobile for transportation. Comments made by: EPA, COE, AHP, DOT, DOI, USDA, State, and local agencies. (ELR Order No. 71471.)

Section 104(h)

The following are Community Development Block Grant statements prepared and circulated directly by applicants pursuant to section 104(h) of the 1974 Housing and Community Development Act. Copies may be obtained from the office of the appropriate local chief executive. (Copies are not available from HUD.)

Draft

Santa Maria, Calif.-Westside Rehabilitation, December 1: The proposed project involves the redevelopment of 8 blocks in downtown Santa Maria to be completed in two phases. This EIS considers the impacts associated with Phase I. The Phase I project involves the demolition of approximately 20 percent of existing structures and the addition of approximately 456 parking spaces. Remaining structures will be rehabilitated to meet the building and safety codes, and at least 60 percent will be improved architecturally as well. Phase II of this multiyear project has not yet been planned in detail. (ELR Order No. 71467.)

DEPARTMENT OF THE INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, room 4256, Interior Building, Department of the Interior, Washington, D.C. 20240, 202-343-3891.

BUREAU OF RECLAMATION

Final

Missouri River Reservoirs, Water for Energy, December 1: This statement proposes to make available for energy related industrial purposes up to 1 million acre-feet of water annually from mainstem Missouri River reservoirs. The anticipated areas of water use include eastern Montana, western North Dakota, parts of western and central South Dakota, and northeastern Wyoming. Water service contracts would be issued for 40 years or less, with water delivery terminating no later than the year 2035. Impacts caused by the depletion of 1 million acre-feet of water on the mainstem are insignificant and can be minimized by modifications of existing reservoir operations. Comments made by: DOI, USDA, HEW, DOT, HUD, EPA, FPC, ERDA, OE 2, State and local agencies, concerned groups, and individuals. (ELR Order No. 71466.)

NATIONAL PARK SERVICE

Draft

Sequoia and Kings Canyon National Parks Plan, Tulare County, Calif., November 28: Proposed is a development concept plan for the Giant Forest/Lodgepole area of Sequoia and Kings Canyon National Parks, Tulare County, Calif. The plan includes provisions for converting Giant Forest to a day use area, redesigning the campground and the employee community at Lodgepole, and developing Clover Creek for visitor lodging and associated services. Adverse effects include removal of trees, and tree loss as a result of soil conpaction and interruption of hydrological patterns; construction-related pollution; and increased levels of air, water, and noise pollution. (ELR Order No. 71458.)

Final

Fire Island National Seashore, Suffolk County, N.Y., December 1: The statement concerns a master plan for Fire Island National Seashore to guide park development and managment for approximately 10 years as well as legislative actions necessary to implement the master plan. The plan includes increased access to the island and decreased pollution of estuaries. Increased urbanization of communities on Fire Island, particularly west of Point O'Woods, may result. (2 volumes.) Comments made by: AHP, COE, DOC, HUD, DOI, DOT, EPA, GSA, and State agencies. (ELR Order No. 71472.)

NUCLEAR REGULATORY COMMISSION

Contact: Mr. Voss A. Moore, Assistant Director for Environmental Projects, P-518, Washington, D.C. 20555, 301-492-8446.

Draft

Erie Nuclear Plant Units 1 and 2, Erie County, Ohio, December 1: The proposed action is the issuance of construction permits to the Ohio Edison Co., acting on behalf of itself, the Cleveland Electric Illuminating Co., Duquesne Light Co., Pennsylvania Power Co., and the Toledo Edison Co., for the construction of the Erie Nuclear Plant Units 1 and 2. Each unit of the plant will employ a pressurized water reactor to produce a warranted output of 3,760 megawatts thermal. A steam generator will use this heat to provide a net output of 1,267 megawatts of electrical capacity. The exhaust steam will be cooled using makeup water from Lake Erie. (ELR Order No. 71468.)

Moab Uranium Mill, Grand County, Utah, November 30: Proposed is the continuation of Source Material License SUA-917 issued to Atlas Corp. for the operation of the Atlas Uranium Mill in Grand County, Utah, near Moab. This authorizes a 600-ton (450-MT) per day acid leach circuit (for recovery of vanadium as well as uranium) and a 600-ton (450-MT) per day alkaline leach circuit (for other ores, including copper-bearing ores). The operation of the mill will not require the disturbance of additional lands beyond the approximately 200 acres presently committed to the project. (ELR Order No. 71462.)

Final

Yellow Creek Nuclear Plants, 1 and 2, Tishomingo County, Miss., December 1: The proposed action is the issuance of construction permits to the Tennessee Valley Authority for the construction of the Yellow Creek Nuclear Plants Units 1 and 2. The plant will employ 2 pressurized water reactors to produce up to 3,817 megawatts thermal (MWt) from each unit. The exhaust steam will be cooled by mechanical-draft cooling towers with makeup water obtained from the Yellow Creek embayment and discharged to Pickwick Lake. Construction will take place on 145 acres of the 1,160-acre wooded site. Comments made by: USDA, DOI, HEW, TVA, EPA, COE, State agencies, concerned groups, and individuals. (ELR Order No. 71465.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Affairs, U.S. Department of Transportation, 400 Seventh Street SW., Washington, D.C. 20590, 202-426-4356.

FEDERAL AVIATION ADMINISTRATION

Final

Westchester County Airport, Runway 34 Improvements, Westchester County, N.Y., November 28: Proposed is the installation of an Instrument Landing System and a Medium Intensity Approach Lighting System to serve Runway 34 at Westchester County Airport located in White Plains, N.Y. The proposed action would permit approaching aircraft to utilize Runway 34 by making a straight-in approach with electronic guidance instead of the existing circling approach. Adverse environmental effects are those which occur during construction of the project, namely, minor fossil fuel emissions. Comments made by: HUD, DOT, HEW, EPA, State and local agencies, and concerned citizens. (ELR Order No. 71457.)

FEDERAL HIGHWAY ADMINISTRATION

Draft

U.S. 98 (FAP Route 9), Mobile County, Ala., November 28: Proposed is the improvement or replacement of existing U.S. Highway 98, beginning at the Mississippi State line and ending approximately 1 mile east of Wilmer, Ala. As an improvement to the existing route, a basic five-lane curb and gutter section would be used; if placed on new location, a four-lane section with a depressed median would be used. Total project length is approximately 6 miles. Adverse effects include increased pressures for commercial development due to construction of the highway facility. (Region 4.) (ELR Order No. 71473.)

I-40, Raleigh Beltline—I-95 and Extension, several counties in North Carolina, November 28: Proposed is the construction of I-40 between Raleigh and Wilmington, N.C. The proposed project consists of a four-lane facility beginning at the current eastern terminus of I-40 on the Raleigh Beltline and continuing south to intersect existing I-95 between Dunn and Smithfield-Selma, a distance of 25-31 miles. Also proposed is the possible extension of this facility from I-95 south to Wilmington, a distance of 83-101 miles. Adverse effects include loss of agricultural land, alteration of wetlands or other sensitive areas and wildlife, and the relocation of households and businesses. (Region 4.) (ELR Order No. 71454.)

Final

I-10 Interchange, St. John the Baptist Parish, La., November 28: The proposed action involves the construction of an interchange on Interstate 10 approximately 4 miles west of the existing I-10, U.S. 51, interchange located north of LaPlace, La. The proposed interchange will serve as a connecting link for a planned parish road to be constructed between I-10 and U.S. 61. The project will irreversibly replace 52 acres of cypress-tupelo swamp. (Region 6.) Comments made by: HEW, EPA, COE, USDA, DOC, State and local agencies, and concerned citizens. (ELR Order No. 71453.)

City Boulevard, Baltimore, Md., November 30: This final EIS/4(f) statement evaluates the environmental impact resulting from the construction of the City Boulevard from Intaw Street to Russell Street and I-395 from Ostend Street to Hamburg Street with I-395 ramps extending to Russell Street and Conway Street in Baltimore City, Md. The City Boulevard would extend from Eutaw Street in the north to Russell Street in the south, a distance of 1.6 miles. The proposed Boulevard is generally a six-lane, at-grade facility with a variable width median which

would intersect for the most part, existing city streets at-grade. (Region 3.) (ELR Order No. 71463.)

Supplement

U.S. 18 and 151, Dodgeville—Mount Horeb (S-1), Iowa and Dane Counties, Wis., November 28: This statement supplements two final EISs filed with CEQ in December of 1974 concerning the U.S. 18-151 corridor extending from the Dodgeville area to the Mount Horeb area, Iowa and Dane Counties, Wis. The final EISs recommended a freeway facility; however, several issues, namely land conservation, project cost, local service, and construction staging potentials have become increasingly important concerning proposed highway improvements in Wisconsin. This supplement further defines and documents the study of expressway-type facilities that would maximize the use of existing U.S. 18-151 as alternatives to the recommended freeway proposal. (Region 5.) (ELR Order No. 71452.)

U.S. COAST GUARD

Contact: Mr. Don Dumlao, Environmental Impact Branch, U.S. Coast Guard, G-WEP-7/73, Washington, D.C. 20590.

Final

Jacobs Nose, Special Anchorage Area, Cecil County, Md., November 28: The proposed action is to amend 33 CFR Part 110 to include an area south of Jacobs Nose on the Elk River in Cecil County, Md. With this amendment, vessels less than 65 feet in length would not be required to exhibit anchorage lights when at anchor or moored to buoys in the area. The action would result in the following impacts: possible small increases in bacterial contamination of the water, increased possibility of oil spills from boating accidents, and intermittent increases in noise levels. Comments made by: EPA, DOI, DOC, COE, DOT, USDA, and HEW. (ELR Order No. 71449.)

NICHOLAS C. YOST,
Acting General Counsel.

[FR Doc. 77-35239 Filed 12-8-77; 8:45 am]

[3125-01]

MEMORANDUM FOR NEPA LIAISONS AND GENERAL COUNSELS

Subject: Transfer of Environmental Impact Statement Receipt and Filing From CEQ to EPA

The receipt and filing of Environmental Impact Statements (EISs), will be transferred from the Council on Environmental Quality (CEQ), to the Environmental Protection Agency (EPA), next month, under the President's reorganization plan for the Executive Office of the President (Reorganization Plan No. 1 of 1977, July 15, 1977). Effective Monday, December 5, 1977, Federal agencies should no longer send EISs to CEQ. Instead agencies should deliver five (5) copies of all draft, final or supplemental EISs filed pursuant to section 102(2)(C) of the National Environmental Policy Act directly to:

Environmental Protection Agency, room 537, West Tower, 401 M Street SW., Washington, D.C. 20460.

Mailed copies should be sent to Mail Code A-104 at the same address.

Beginning on December 16, 1977, EPA will publish the regular weekly FEDERAL REGISTER notices indicating receipt of EISs and the relevant comment periods. EPA will also publish the 102 Monitor beginning in January.

CEQ will continue its NEPA oversight and policy guidance to agencies. However, general information and specific questions from agencies and the public about technical compliance with environmental impact statement requirements and CEQ Guidelines should be directed to EPA after December 2.

Please inform all regional and branch offices of these changes. Any questions should be directed to Sally Mallison at EPA, 202-755-0770 or Thomas Sheckells at EPA, 202-755-0790.

CHARLES WARREN,
Chairman.

[FR Doc. 77-35238 Filed 12-8-77; 8:45 am]

[6740-02]

FEDERAL ENERGY REGULATORY COMMISSION

[Docket No. RP73-77 (PGA78-1), et al.]

ALABAMA-TENNESSEE NATURAL GAS CO., ET AL.

Order Approving Revised PGA Rates Subject to Adjustment

NOVEMBER 30, 1977.

Each of the natural gas pipelines listed in the Appendix to this order have filed PGA rate reductions resulting from the termination on November 30, 1977, of their special one-time surcharges collected pursuant to FPC Opinion Nos. 770 and 770-A. The respective tariff sheet designations are also shown on the Appendix.

Opinion Nos. 770 and 770-A established new nationwide rates from gas sold by producers effective July 27, 1976. The opinions permitted each pipeline to file a PGA rate adjustment to be effective December 1, 1976, to track increased costs attributable to the increased producer rates. The Opinions also provided for a surcharge to permit pipelines to recover purchased gas cost increases incurred from July 27, 1976, the effective date of Opinion No. 770 until December 1, 1976, the effective date of the pipelines' PGA tracking increases. The surcharges were to be effective for a 1-year period from December 1, 1976, through November 30, 1977.

The companies listed in the Appendix now propose to cancel their one-time surcharges as of December 1, 1977, and in some cases to track the elimination of their suppliers' surcharge. Several of the pipelines, noted by footnote in the Appendix, have combined their surcharge removal with PGA rate adjusments to track other recent filings by their suppliers.

The surcharges which are being terminated were originally based on each pipeline's estimated sales for the year ended November 30, 1977. To the extent that actual sales differ from the estimates used, pipelines will realize overcollections or undercollections in relation to the actual amounts of purchased gas cost increases experienced during the period July 27, 1976, through November 30, 1976. The pipelines shall accordingly be required to place any over or undercollections in their respective unrecovered purchased gas cost accounts.

Upon review of the filings listed in the Appendix, the Commission finds that the proposed PGA rate adjustments are proper and should be approved, subject to adjustment of each pipeline's deferred account based on actual sales.

The Commission orders: (A) The tariff sheets listed in the appendix are accepted for filing and approved.

(B) Within 30 days following the date of this order, each pipeline listed in the Appendix shall enter in its FERC Account No. 191, any overcollections or undercollections resulting from the special surcharge under FPC Opinion Nos. 770 and 770-A, and shall file a report of such adjustments with the Commission.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

LOIS D. CASHELL,
Acting Secretary.

Opinion Nos. 770 and 770-A Pipeline Compliance Filings To Be Effective December 1, 1977

Pipeline	(Docket No.) (PGA No.)	Filed	Tariff Sheet Designation
(1) Alabama-Tennessee Natural Gas Co.[1]	RP73-77 (PGA78-1).	11-11-77	Twenty-third revised sheet No. 3-A to third revised vol. No.1
(2) Algonquin Gas Transmission Co	RP72-110 (PGA78-2).	10-26-77	Thirty-fourth revised sheet No. 10 to first revised vol. No. 1
(3) Arkansas Louisiana Gas Co. Rate Schedule G-2.	RP74-61 (PGA78-1).	11-14-77	Sixteenth revised sheet No. 4 to first revised vol. No. 1
Rate Schedule X-26	RP76-10 (PGA78-1).		Fourteenth revised sheet No. 4 to original vol. No. 3

Opinion Nos. 770 and 770-A Pipeline Compliance Filings To Be Effective December 1, 1977—Continued

Pipeline	(Docket No.) (PGA No.)	Filed	Tariff Sheet Designation
(4) Chattanooga Gas Co	CP73-329 (PGA78-2).	11-14-77	Twenty-sixth revised sheet No. 6 to original vol. No. 1
(5) Colorado Interstate Gas Co	RP72-122 (PGA78-1).	10-31-77	Second substitute eighteenth revised sheet Nos. 5 and 6 to second revised vol. No. 1
(6) Columbia Gas Transmission Corp.[2]	RP73-65 (PGA78-1).	10-31-77	Thirty-eighth revised sheet No. 6 and nineteenth revised sheet No. 64A to original vol. No. 1
(7) Consolidated Gas Supply Corp.[3]	RP72-157 (R&D 78-1)	11- 1-77	Twenty-seventh revised sheet Nos. 8 and 9 to second revised vol. No. 1
(8) Eastern Shore Natural Gas Co	RP72-134 (PGA78-1).	11-15-77	Second substitute forty-fourth revised sheet Nos. 3A and PGA-1 to original vol. No. 1
(9) East Tennessee Gas Co	RP71-15 (PGA78-1).	10-31-77	Twenty-third revised sheet No. 4 to sixth revised vol. No. 1
(10) Florida Gas Transmission Co	RP72-136 (PGA78-1).	10-31-77	Fifteenth revised sheet No. 3-A vol. No. 1
(11) Kentucky West Virginia Gas Co	RP73-97 and RP76-93 (PGA78-1).	11-10-77	Fifth revised sheet No. 27 revised vol. No. 1
(12) Lawrenceburg Gas Transmission Corp.	RP73-23 (PGA78-1).	10-25-77	Tenth Revised sheet No. 4 and ninth revised sheet No. 18 to first revised vol. No. 1
(13) Michigan Wisconsin Pipe Line Co	RP73-14 (PGA78-1).	11-10-77	Eighteenth revised sheet No. 27F to second revised vol. No. 1
(14) Midwestern Gas Transmission Co	RP71-16 (PGA78-1).	10-31-77	Twentieth revised sheet No. 5 to third revised vol. No. 1
(15) Northern Natural Gas Co. (Peoples Division).	RP73-48 (PGA78-1).	11-14-77	Eighteenth revised sheet No.3a to original vol. No. 4
(16) Northwest Pipeline Corp	RP72-154 (PGA78-1).	10-17-77	Eighteenth revised sheet No. 10 to original vol. No. 1
(17) Pacific Interstate Transmission Co	CP76-104 (PGA78-1).	10-28-77	Seventh revised sheet No. 4 and fifth revised sheet No. 5 to original vol. No. 2
(18) Panhandle Eastern Pipe Line Co.[4]	RP73-36 (PGA78-1).	10-31-77	Twenty-first revised sheet No. 3-A and fifth revised sheet No. 43-4 to original vol. No. 1
(19) Southwest Gas Co	RP72-121 (PGA78-1).	10-27-77	Twenty-third revised sheet No. 3A to original vol. No. 1
(20) Tennessee Gas Pipeline Co	RP73-114 (PGA78-1).	10-31-77	Nineteenth revised sheet Nos. 12A and 12B to ninth revised vol. No. 1
(21) Tennessee Natural Gas Lines, Inc	RP71-11 (PGA78-2).	11- 9-77	Twenty-third revised sheet No. PGA-1 and eighteenth revised sheet No. PGA-2 to first revised vol. No. 1
(22) Texas Eastern Transmission Corp	RP74-41 (PGA78-1).	10-17-77	Thirty-fifth revised sheet Nos. 14 through 14D to fourth revised vol. No. 1
(23) Texas Gas Transmission Co	RP72-156 (PGA78-1).	10-14-77	Substitute twenty-first revised sheet No. 7 to third revised vol. No. 1
(24) Transcontinental Gas Pipe Line Corp	RP73-3 (PGA78-1)	10-31-77	Third substitute third revised sheet No. 12 and second substitute second revised sheet No. 15 to second revised vol. No. 1

[1] This filing reflects the tracking of Tennessee Gas Pipeline Co.'s (1) Opinion No. 770-A Surcharge effective 12-1-77 and (2) A Section 4 Rate Change Effective 11-1-77.

[2] The "pipeline reduction" reflects the tracking of suppliers 770-A Surcharge reduction as well as recent filings of these suppliers not previously reflected.

[3] The filing also corrects a 0.01 cent per Mcf error in the R&D adjustment effective November 1, 1977.

[4] The "pipeline reduction" tracks Trunkline Gas Co. (1) 770-A Surcharge reduction and (2) Section 4 Rate Reduction.

[FR Doc. 77-35078 Filed 12-8-77; 8:45 am]

[6740-02]

Federal Energy Regulatory Commission
[Docket No. CI76-590]

APPALACHIAN EXPLORATION & DEVELOPMENT, INC.

Proposed Settlement Agreement

DECEMBER 2, 1977.

Take notice that on November 16, 1977, Presiding Administrative Law Judge Samuel Z. Gordon certified to the Commission a proposed settlement of all issues raised in the proceedings in Docket No. CI76-358. The official stenographer's report of the pre-hearing conference held on November 15, 1977, was also certified to the Commission. All parties including the Commission Staff support the settlement.

The proposed settlement seeks to resolve the issues raised by the June 7, 1976, application filed by Appalachian Exploration & Development, Inc. (AED), pursuant to § 2.75 of the Commission's Regulations for authorization to sell to Columbia Gas Transmission Corp. (Columbia), natural gas produced from a 9,000 acre Beaver Prospect located in Raleigh County, W. Va. Therein AED proposed to drill up to sixty wells over a three year period and to construct and operate the gathering facilities necessary to connect the gas supplies developed to Columbia's system. For its efforts AED requested a total initial rate of $1.9835 per Mcf.

Under the terms of the proposed settlement agreement AED would withdraw its pending optional procedure application and substitute therefor a conventional certificate application. Thus, all gas produced by AED would be sold to Columbia, at the applicable national ceiling rate. If addition, Gauley Gas Corp. (Gauley), an affiliate of AED, would construct and operate the necessary gathering facilities to connect the supplies to Columbia's system. Gauley's gathering agreement with Columbia provides for an initial rate of 32 cents per Mcf. Gauley would not be required to obtain certificate authority for its gathering facilities or operations, but would be required to file its gathering agreement with the Commission as a rate schedule. The flange used to connect Gauley's gathering facilities to Columbia's system at the point of sale would be owned by AED.

All comments on the proposed settlement agreement shall be filed on or before December 23, 1977, with the Secretary of the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 77-35229 Filed 12-8-77; 8:45 am]

[6740-02]

[Docket Nos. RP74-61 (PGA77-5) and RP76-10 (PGA77-5)]

ARKANSAS LOUISIANA GAS CO.

Order Accepting for Filing and Suspending Proposed Purchased Gas Adjustment Filing

DECEMBER 1, 1977.

On September 30, 1977, as supplemented on November 1, 1977, Arkansas Louisiana Gas Co. (Arkla), tendered for filing Fifteenth Revised Sheet No. 4 to its Gas Tariff, First Revised Volume No. 1 and Thirteenth Revised Sheet No. 185 to its FERC Gas Tariff, original Volume No. 3. These sheets propose, respectively, a purchased gas adjustment (PGA), rate reduction under Arkla's Rate Schedule G-2 and a PGA rate increase under Arkla's Rate Schedule X-26. For the reasons stated, the Commission shall accept these sheets for filing, suspend their operation for 1 day, and establish procedures.

Arkla proposes to increase the PGA rate under Rate Schedule X-26 by 12.58 cents per Mcf. This increase reflects a switch from purchases of low priced old gas to purchases of high priced new gas. The net reduction proposed under Rate Schedule G-2 is 3.52 cents per Mcf; this reflects an 11.38 cents per Mcf increase in the cost of gas and a 14.90 cents per Mcf reduction in the surcharge. Included in Arkla's surcharge are two emergency purchases at rates in excess of those established by Opinion No. 770-A: one to Oklahoma Natural Gas Co. (ONGA), at $1.85 per MMBtu and one to Louisiana State Gas Corp. (LSGC), at $2.45 per Mcf, plus an additional 30 cents per Mcf transportation paid to Tennessee Gas Pipeline Co. The Commission, by letter dated October 18, 1977, required Arkla to file additional information regarding the cost and the circumstances surrounding these purchases. Arkla's response, filed on November 1, 1977, stated that the unusually cold weather during the 1976-1977 winter required Arkla to add emergency purchases to its normal supply in order to avoid severe curtailment. Arkla compares $1.85 per MMBtu to $2.25 per MMBtu paid for purchases made under the Emergency Natural Gas Act of 1977. Arkla compares $2.45 per Mcf to the $10 per Mcf penalty charge under Tennessee Gas Pipeline Co.'s tariff. However, Arkla does not compare this price to any other producer price in the purchasing area.

Public notice of Arkla's September 30 filing, was issued on October 13, 1977, with protests, comments, or petitions to intervene due on or before October 25, 1977. On October 25, 1977, the city of Winfield, Kans. (Winfield), filed a Petition to Intervene, Protest, and Motion to Consolidate. Winfield requests suspension and questions the pricing of certain purchases made by Arkla and the nonavailability of additional low cost gas to Arkla. Winfield requests a hearing on these issues as well as the question of alleged "rapid rate of depletion for the least expensive gas." Winfield requests also that the captioned dockets be consolidated with Docket Nos. RP77-55, RP77-54, and RP74-61 (PGA77-4). Arkla filed an Answer to Winfield's petition on November 10, 1977. Arkla states in its Answer that Winfield's allegations have been rendered moot by the Federal Energy Regulatory Commission (FERC), order of October 31, 1977, in Docket Nos. RP77-55 and RP74-61 (PGA77-4). Arkla states "the public interest would not be served by suspension of the PGA filing" because that order rendered Winfield's allegations moot.

Winfield requests that the instant dockets be consolidated with Docket No. RP74-61 (PGA77-4), for purposes of hearing and decision. In its order of October 31, 1977, in Docket No. RP74-61 (PGA77-4), FERC denied rehearing of its order permitting those rates to become effective without refund obligation. That order was a final action which closed Docket No. RP74-61 (PGA77-4). Nothing new is presented by Winfield here, therefore, its motion to consolidate with (PGA77-4) will be denied.

Arkla has not shown, however, that the instant rates are just and reasonable. While the emergency purchase from ONGA appears to meet the prudent pipeline standard, no justification has been shown for the $2.45 per Mcf price paid to LSGC. Comparison with Tennessee's $10 penalty charge with no further support is inadequate to meet the required burden. In addition, Winfield has raised allegations about the prices paid for various purchases and the switch from old gas to new gas which need further development. Accordingly, the Commission shall accept Arkla's proposed tariff sheets for filing, suspend their operation for 1 day, and establish procedures for a hearing on the lawfulness of the proposed rates. The proceeding in Docket Nos. RP77-54 and RP77-55 has not progressed to a stage where consolidation of the instant docket will cause undue delay. In view of this, it is proper to consolidate these cases so that all issues can be resolved expeditiously. Winfield's motion to consolidate with these dockets will be granted.

The Commission finds: (1) Arkla's proposed purchased gas adjustments have not been shown to be just and reasonable. It is proper, therefore, to accept the proposed sheets for filing, suspend their operation for 1 day, and establish a hearing to determine the lawfulness of the proposed rates.

(2) Good cause exists to grant Winfield's petition to intervene.

(3) Good cause exists to grant Winfield's motion to consolidate with Docket Nos. RP77-54 and RP77-55.

The Commission orders: (A) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 5, 8, and 15, and the rules and regulations thereunder, a public hearing shall be held concerning the lawfulness of Arkla's proposed PGA rates.

(B) Pending hearing and decision, Arkla's proposed Fifteenth Revised Sheet No. 4 and Thirteenth Revised Sheet No. 185 are accepted for filing and suspended for 1 day, until November 2, 1977, when they shall be permitted to become effective, subject to refund.

(C) These dockets are hereby consolidated with Docket Nos. RP77-54 and RP77-55 for purposes of hearing and decision. The present schedule for Docket Nos. RP77-54 and RP77-55 shall be maintained for purposes of this consolidated proceeding.

(d) Winfield is permitted to intervene in this proceeding, subject to the Commission's rules and regulations; *Provided, however,* That the participation of Winfield shall be limited to matters affecting rights and interests specifically set forth in its petition to intervene; and *Provided further,* That the admission of Winfield shall not be construed as recognition that it might be aggrieved by any order entered by the Commission in this proceeding.

(E) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc. 77-35228 Filed 12-8-77; 8:45 am]

[6740-02]

[Docket No. ER78-63]

CENTRAL TELEPHONE & UTILITIES CORP.

Proposed Changes in Rates in Charges

NOVEMBER 29, 1977.

Take notice that on November 22, 1977, Western Power Division, Central Telephone & Utilities Corp. (Western Power), tendered for filing proposed changes to its present rate schedules for service to its REA Cooperative customers as follows:

Substitute Rate Schedule 78-CWh-2 for Rate Schedule 77-CWh-2.

for service to its Municipal Wholesale customers as follows:

Substitute Rate Schedule 78-MWh-2 for Rate Schedule 77-MWh-2.

for service to Central Kansas Electric Cooperative, Inc. (an interconnected transmission and distribution utility), as follows:

Substitute revised Schedule A for firm power service for present Schedule 78-A.

and for service to interconnected municipal utilities (the cities of Anthony, Attica, Beloit, Hoisington, Kingman, Pratt, Osborne, Russell, and Washington, Kans.), as follows:

Substitute revised Schedule 78-A1 for firm power service for present Schedule A1.

Western Power proposes January 1, 1978, as the effective date of these new rate schedules and states that copies of this filing were served upon each of its wholesale customers affected by this filing and the Kansas State Corporation Commission.

The proposed rate schedules, according to Western Power, will produce in the case of its REA Cooperative customers a 12% increase in revenue, in the case of its Municipal Wholesale customers a 17.45% increase in revenue, in the case of Central Kansas Electric Cooperative, Inc. a 12.05% increase in revenue and in the case of the interconnected municipal utilities a 25.03% increase in revenue over projected unadjusted test period revenue, the test period being the 12 months ending December 31, 1978.

Any person desiring to be heard or to protest said application, should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests 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. Protest or petitions should be filed on or before December 19, 1977.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc. 77-35223 Filed 12-8-77; 8:45 am]

[6740-02]

[Docket No. ER78-69]

ILLINOIS POWER CO.

Filing

DECEMBER 6, 1977.

Take notice that on November 25, 1977, Illinois Power Co. (Illinois Power) tendered for filing proposed Amendment No. 3 to its Interchange Agreement dated March 15, 1973 between Iowa-Illinois Gas and Electric Co. and Illinois Power Co. Illinois Power indicates that this filing is made for an increase for Short Term Firm and Short Term Non-Firm reservation charges. In addition, Illinois Power proposes additional provisions in an agreement to provide for "third party" economy energy transactions. Illinois Power proposes an effective date of January 1, 1978.

Illinois Power states that a copy of this filing was served upon Iowa-Illinois Gas and Electric Co., the Illinois Commerce Commission, and the Iowa State Commerce Commission.

Any person desiring to be heard or to protest said filing should file comments or protests with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 or 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such comments or protests should be filed on or before December 12, 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. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 77-35328 Filed 12-8-77; 8:45 am]

[6740-02]

[Docket No. RP77-121]

McCULLOCH INTERSTATE GAS CORP.

Order Denying Application for Extension of Time and Granting Intervention

NOVEMBER 29, 1977.

On October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), Pub. L. 95-91, 91 Stat. 565 (August 4, 1977), and Executive Order No. 12009, 42 FR 46267 (September 15, 1977), the Federal Power Commission ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary and the Federal Energy Regulatory Commission (FERC), which, as an independent commission within the Department of Energy, was activated on October 1, 1977.

The "savings provisions" of section 705(b) of the DOE Act provide that proceedings pending before the FPC on the date the DOE Act takes effect shall not be affected and that orders shall be issued in such proceedings as if the DOE Act had not been enacted. All such proceedings shall be continued and further actions shall be taken by the appropriate component of DOE

now responsible for the function under the DOE Act and regulations promulgated thereunder. The functions which are the subject of these proceedings were specifically transferred to the FERC by section 402(a)(1) or (2) of the DOE Act.

The joint regulation adopted on october 1, 1977, by the Secretary and the FERC entitled "Transfer of Proceedings to the Secretary of Energy and the FERC," 10 CFR ——, provided that this proceeding would be continued before the FERC. The FERC takes action in this proceeding in accordance with the above mentioned authorities.

On August 16, 1977, McCulloch Interstate Gas Corp. (McCulloch), filed with the Federal Power Commission (FPC), an Application for Extension of Time for Repayment of Advance Payments and Request for Rate Base Treatment Thereof. The application seeks permission to extend by five years the period of time for repayment of advanced payments by Galaxy Oil Co. (Galaxy), and further requests that McCulloch be allowed to continue its rate base treatment of advance payments made to Galaxy beyond the five year period set in Order No. 441 (46 FPC 1178, 1971). The application states that the outstanding advance payments in question amount to $180,000. For the reasons discussed herein, the Commission finds that the authorization sought by McCulloch's application has not been shown to be in the public interest and is therefore denied.

On March 2, 1972, McCulloch and Galaxy entered into an advance payments agreement, which rquired Galaxy to repay all sums advanced by McCulloch for a given well within five years from the date when gas was first delivered to McCulloch from that well. In cases where full repayment was not made in such a timely manner the agreement required McCulloch at the request of Galaxy, to file an appropriate application with the FPC for an extension of the five year period provided by Order 441 for the recoupment of advance payments. The McCulloch application recites that by letter dated June 21, 1977, Galaxy gave notice that there remained a balance of $180,000 in outstanding advance payments made in connection with the Federal 1-26 well. Galaxy's letter states that the balance will not be repaid by May 9, 1978, five years after the date of the first gas sales from that well, and that McCulloch was accordingly requested to file the application for an extension provided by the 1972 agreement. McCulloch complied with this request by filing its August 16, 1977, application for an extension of the repayment period for an additional five years. Beyond a recital of the above background information, McCulloch's application is silent as to the need or justification for any extension of the period allowed for repayment of the advance payments, much less an extension for an additional five years.

From the outset of our advance payments program, we have emphasized two principles regarding the repayments of advance payments. In Order No. 410 (44 FPC 1142, as amended 45 FPC 135, 1970), we stressed (i) that outstanding advance payments should be reduced within a reasonable period of time following the commencement of deliveries, and (ii) that, while five years would be viewed as the outside limit for the reasonable period, variant periods would be allowed under unusual circumstances where proper authorization was obtained. This has remained our consistent policy. In Order No. 441, we revised certain provisions in the Regulations regarding advance payments, but underscored the limit to the repayment period by requiring that repayment shall be completed within 5 years, or as otherwise authorized by the FPC. Moreover, we have quite recently re-asserted our belief that five years should be regarded as the limit to the reasonable repayment period, absent a showing of unusual circumstances. In our June 6, 1977, Order Modifying and Accepting Settlement in Texas Eastern Transmission Corp., Docket No. RP75-73 we endorsed the general five-year limitation on the rate base treatment of advance payments, but noted that such ruling did not irreversibly preclude the pipeline from seeking authorization to extend the rate base treatment past that time. Specifically, we directed the pipeline to demonstrate the following in support of its request for an extension: (1) Why recoupment of the advance has not occurred and (2) whether the project warrants continued rate base treatment for the advance with the attendant costs to the pipeline's customers.

We can require no less a showing from McCulloch here. McCulloch does not afford explanation in general for the incomplete recoupment of the advance payments to date, or any justification for an extension which would encompass another full five years.

The fact that the contract between McCulloch and Galaxy specified procedures for the requesting of the subject extension does not, of itself, afford assurance that such an extension is in the public interest. The Commission is required to conduct an independent review of McCulloch's application consistent with policies and standards applied under similar circumstances in the past. Having examined the record in this proceeding, including the application of McCulloch, we find that McCulloch has failed to demonstrate such unusual circumstances as would warrant the granting of the requested extension. We shall therefore deny the application of McCulloch.

On August 30, 1977, notice was issued of the filing of McCulloch's application, providing for the filing of protests on petitions to intervene by September 16, 1977. Colorado Interstate Gas Co. (CIG), filed a timely petition to intervene demonstrating an interest in this proceeding. Since CIG's participation may be in the public interest, good cause exists to grant its petition. Accordingly, CIG shall be permitted to intervene.

The Commission orders: (A) McCulloch's application is denied.

(B) CIG is permitted to intervene in this proceeding subject to the Commission's Rules and Regulations; *Provided, however,* That its participation shall be limited to matters affecting asserted rights and interests specifically set forth in its petition to intervene; and *Provided, further,* That the admission of CIG as an intervenor shall not be construed as recognition that it might be aggrieved by any order entered in this proceeding.

(C) The Secretary of the Commission shall cause prompt publication of this order.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 77-35224 Filed 12-8-77; 8:45 am]

[6740-02]

[Docket Nos. CI77-469, et al.]

MOBIL OIL CORP., ET AL.

Applications for Certificates, Abandonment of Service and Petitians to Amend Certificates[1]

DECEMBER 1, 1977.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to Section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before Dec. 22, 1977, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to

become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

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[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and Location	Price per 1,000 ft³	Pressure base
CI77-469 F 10/6/77	Mobil Oil Corp.,[1] Three Greenway Plaza East, Suite 800, Houston, Tex. 77046.	Sea Robin Pipeline Co., block 305 field, Eugene Island area, Federal offshore, Louisiana.	[2]99.2000, [2]154.8500	14.73
CI77-765 A 8/30/77	Union Texas Petroleum, a Division of allied Chemical Corp., P.O. Box 2120, Houston, Tex. 77001.	El Paso Natural Gas Co., SW., Amacker Tippett (Wolfcamp) field, Upton County, Tex.	(*)	14.65
CI78-1, G-3895 B 10/3/77	General American Oil Co. of Texas, Meadows Bldg., Dallas, Tex. 75206.	Lone Star Gas Co., Golden Trend field, Garvin County, Okla.	Plugged and abandoned.	
CI78-2 A 10/3/77	Natresco, Inc., P.O. Box 1521, Houston, Tex. 77001.	Michigan Wisconsin Pipe Line Co., block A-523, High Island area, offshore Texas.	[2]$2.00	14.65
CI78-3 A 10/3/77	do	Michigan Wisconsin Pipe Line Co., block A-520, High Island area, offshore Texas.	[2]$2.00	14.65
CI78-4 A 10/3/77	Aztec Oil & Gas Co., 1600 First National Bldg., Fort Worth, Tex. 76102.	El Paso Natural Gas Co., Strawn Formation in the Hay Hollow unit well No. 1 located in section 11, Township 26, South Range 27 West, Eddy County, N. Mex.	[2]147.0000¢	14.73
CI78-5 A 10/3/77	Diamond Shamrock Corp. (successor to the Shamrock Oil & Gas Corp.), P.O. Box 631, Amarillo, Tex. 79173.	Kansas-Nebraska Natural Gas Co., Inc., certain acreage in Hemphill County, Tex.	(*)	14.65
CI78-6 A 10/4/77	Cities Service Co (successor to Cities Service Oil Co.), P.O. Box 300, Tulsa, Okla. 74102.	Michigan Wisconsin Pipe Line Co., block 307 (E/2), Eugene Island area, offshore, Louisiana.	(*)	15.025
CI78-12 A 10/6/77	Mobil Oil Corp	Sea Robin Pipeline Co., block 305 field, Eugene Island area, Federal offshore, Louisiana.	[2]190.0¢	15.025
CI78-13, CI71-555, CI72-559, CI72-560, B 10/5/77	North Central Oil Corp., P.O. Box 27491, Houston, Tex. 77027.	Gas Systems, Inc., North and West Haisell fields, Clay County, Tex.	(*)	
CI78-17 B 10/7/77	CNG Producing Co (successor to Consolidated Gas Supply Corp.), 1800 Bank of New Orleans Bldg., 1010 Common St., New Orleans, La. 70112.	Southern Natural Gas Co., Fish Island field, Iberia Parish, La.	Reservoir depleted.	
CI78-18 A 10/7/77	Ladd Petroleum Corp., 830 Denver Club Bldg., Denver, Colo. 80202.	Tennessee Gas Pipeline Co., certain acreage in the South Tigre Lagoon, Iberia Parish, La.	[2]95.88	15.025
CI78-19, CI65-204 B 10/11/77	Mokeen Oil Co. (operator), P.O. Drawer 1741, Corpus Christi, Tex. 78403.	South Texas Natural Gas Gathering Co., West Edinburg field Atwood area, Hidalgo County, Tex.	2 wells plugged and abandoned. 3d well to be plugged and abandoned.	
CI78-20 A 10/11/77	Exxon Corp., P.O. Box 2180, Houston, Tex. 77001.	Panhandle Eastern Pipe Line Co., Hartzog Draw field, Campbell County, Wyo.	(*)	15.025
CI78-21 A 10/11/77	Diamond Shamrock Corp. (successor to The Shamrock Oil and Gas Corp.), P.O. Box 631, Amarillo, Tex. 79173.	Panhandle Eastern Pipe Line Co., certain acreage in Hemphill County, Tex.	(*)	14.65
CI78-22 A 10/11/77	Amoco Production Co., Security Life Bldg., Denver, Colo. 80202.	Arkansas Louisiana Gas Co., Red Oak and Bokoshe fields, LeFlore County, Okla.	[2]$1.47	14.65
CI78-23, CI68-62 B 10/11/77	Exxon Corp	Panhandle Eastern Pipe Line Co., North Greensburg Field, Woods County, Okla.	Production ceased. Wells plugged and abandoned and leases have terminated.	
CI78-24 A 10/11/77	Helmerich & Payne, Inc., 1579 East 21st St., Tulsa, Okla. 74114.	Michigan Wisconsin Pipe Line Co., Southwest Niles field, Canadian County, Okla.	[2]$1.5713	14.65
CI78-25 A 10/11/77	Amoco Production Co	Cities Service Gas Co., certain acreage in Sweetwater County, Wyo.	[2]$1.47	15.025
CI78-26 A 10/11/77	Stephens Production Co., P.O. Box 248, Fort Smith, Ark. 72902.	Arkansas Oklahoma Gas Corp., Paw Paw NE. field, Sequoyah County, Okla.	[2]$1.47	14.73
CI78-27 A 10/11/77	Exxon Corp	Michigan Wisconsin Pipe Line Co., Woodward Area, Dewey County, Okla.	(*)	14.65
CI78-28 A 10/11/77	Sun Oil Co., P.O. Box 20, Dallas, Tex. 75221.	Southern Natural Gas Co., M. B. Carpenter, well No. 6, sec. 28, township 11 south, range 8 east, Fausse Point field Iberia Parish, La.	(*)	15.025
CI78-29 A 10/11/77	Anadarko Production Co., P.O. Box 1330, Houston, Tex., 77001.	Panhandle Eastern Pipe Line Co., certain acreage in the North Richland Center Field, Texas County, Okla.	(*)	14.65
CI78-30 A 10/7/77	Phillips Petroleum Co., 5 C4 Phillips Bldg., Bartlesville, Okla. 74004.	Southern Natural Gas Co., Williams, Inc., well No. 1, sec. 28, T-12-S, R-11-E, Bayou Postillion field, Iberia Parish, La.	[2]195.00¢	15.025
CI78-32 B 10/11/77	Tenntex Oil Co., and their assignee Walter F. Kant, Box 57, Lance Creek, Wyo. 82222.	Kansas-Nebraska Natural Gas Co., Inc., Lightning Creek unit field, Niobrara County, Wyo.	Depleted.	
CI78-31 A 10/7/77	Phillips Petroleum Co	Transwestern Pipeline Co., No. 2 Wilson estate "A", sec. 8, block 43, H&TC RR survey, Hemphill County, Tex.	[2]145.2070¢	14.65

Docket No. and date filed	Applicant	Purchaser and Location	Price per 1,000 ft³	Pressure base
CI78-33 A 10/13/77	Amoco Production Co., P.O. Box 3092, Houston, Tex. 77001.	El Paso Natural Gas Co., Empire South Morrow and Burton Flat fields, Eddy County, N. Mex.	(*)	14.65
CI78-34 A 10/13/77	Amoco Production Co., Security Life Bldg., Denver, Colo. 80202.	Natural Gas Pipeline Co. of America, South Taloga field, Dewey County, Okla.	*$0.53	14.65
CI78-35, CI67-730 B 10/14/77	Clarence Grueser, R.F.D. No. 1, Miners Ville, Ohio 45763.	Ohio Fuel Gas Co., Sutton, Meigs Co., Ohio.	Not enough gas for meter. Just enough gas for 2 homes.	
CI78-36 A 10/17/77	Alminex U.S.A., Inc., Post Office Box 1521, Houston, Tex. 77001.	Michigan Wisconsin Pipe Line Co., block A-520, High Island area, offshore Texas.	*$2.00	14.65
CI78-37 A 10/17/77	The Superior Oil Co., Post Office Box 1521, Houston, Tex. 77001.	Michigan Wisconsin Pipe Line Co., South Marsh Island area blocks 243 and 244, offshore Louisiana.	*$2.00	15.025
CI78-38 A 10/17/77	Continental Oil Co., P.O. Box 2197, Houston, Tex. 77001.	Western Gas Interstate Co., Antelope Ridge field, Lea County, N. Mex.	*66.0780	14.65
CI78-39 A 10/14/77	Amoco Production Co., Security Life Bldg., Denver, Colo. 80202.	Cities Service Gas Co., Wildcat and Golden Wall fields, Sweetwater County, Wyo.	*$1.47 [12]$.94 [11]$.94	15.025
CI78-40 B 10/14/77	Hamilton Brothers Oil Co., 1600 Broadway, Suite 2600, Denver, Colo. 80202.	Trunkline Gas Co., South Timballer, block 179, offshore Louisiana.	Depleted and leases have expired.	
CI78-41 A 10/14/77	Southland Royalty Co., 1600 First National Bldg., Fort Worth, Tex. 76102.	Panhandle Eastern Pipe Line Co., Sections 16, 17, 20, 21, 28, 29, 32, and 33, township 23 North, range 111 west, Sweetwater County, Wyo.	*146.2015¢	14.65
CI78-42 A 10/17/77	Ladd Petroleum Corp., 830 Denver Club Bldg., Denver, Colo. 80202.	Transcontinental Gas Pipeline Corp., Certain acreage in Mosquito Bay field, Terrebonne Parish, La.	*176.02¢	15.025
CI78-43, CI73-318 B 10/18/77	Ashland Exploration, Inc., P.O. Box 1503, Houston, Tex. 77001.	Trunkline Gas Co., South Timballer, blocks 179 and 187, offshore Louisiana.	Depleted and leases have expired.	
CI78-44 A 10/18/77	Alminex U.S.A., Inc., P.O. Box 1521, Houston, Tex. 77001.	Michigan Wisconsin Pipe Line Co., block A-323, High Island area, offshore Texas.	*$2.00	14.65
CI78-45 A 10/18/77	Union Oil Co. of California, Union Oil Center, Room 901, P.O. Box 7600, Los Angeles, Calif. 90051.	Northern Natural Gas Co., Certain acreage from the Killebrew and Lips fields, Roberts County, Tex.	(*)	14.65
CI78-47 A 10/14/77	Kerr-McGee Corp., P.O. Box 25861, Oklahoma City, Okla. 73125.	Natural Gas Pipeline Co. of America, South Marsh Island block 142 field, offshore Louisiana.	(*)	15.025
CI78-48 A 10/14/77	Kerr-McGee Corp	Natural Gas Pipeline Co. of America, East Cameron block 34, offshore Louisiana.	(*)	15.025
CI78-49 A 10/14/77	Northwest Exploration Co., 315 East Second South, Salt Lake City, Utah 84111.	Northwest Pipeline Corp., East Douglas Creek (undesignated field, Rio Blanco County, Colo.).	*163.1160¢	15.025
CI78-50 A 10/14/77	Northwest Exploration Co	Northwest Pipeline Corp., Texas Creek (undesignated field, Rio Blanco County, Colo.).	*163.1160¢	15.025
CI78-51 A 10/14/77	Northwest Exploration Co., 315 East Second South, Salt Lake City, Utah 84111.	Northwest Pipeline Corp., Airport Prospect (undesignated field, Sweetwater County, Wyo.	*160.8315¢	15.025
CI78-80 F 10/21/77	Pennzoil Oil & Gas, Inc.,[13] P.O. Box 2967, Houston, Tex. 77001.	Sea Robin Pipeline Co., block 330, Eugene Island area, offshore Louisiana.	(14)	15.025
CI78-81 F 10/21/77	Pennzoil Oil & Gas, Inc.[14]	Sea Robin Pipeline Co., block 295, Eugene Island area, offshore Louisiana.	(14)	15.025
CI78-82 F 10/21/77	do.[15]	Sea Robin Pipeline Co., block 270, East Cameron area, offshore Louisiana.	(14)	15.025
CI78-83 F 10/21/77	do.[16]	United Gas Pipe Line Co., block 567, West Cameron area, offshore Louisiana.	(14)	15.025
CI78-84 F 10/21/77	do.[17]	United Gas Pipe Line Co., block 140, Main Pass area, offshore Louisiana.	(14)	15.025
CI78-85 F 10/21/77	do.[18]	United Gas Pipe Line Co., block 532, West Cameron area, offshore Louisiana.	(14)	15.025
CI78-86 F 10/21/77	do.[19]	United Gas Pipe Line Co., block 335, East Cameron area, offshore Louisiana.	(14)	15.025
CI78-87 F 10/21/77	do.[20]	United Gas Pipe Line Co., block 533, West Cameron area, offshore Louisiana.	(14)	15.025
CI78-88 F 10/21/77	do.[21]	Sea Robin Pipeline Co., block 533, West Cameron area, offshore Louisiana.	(14)	15.025
CI78-89 F 10/21/77	do.[22]	Sea Robin Pipeline Co., block 335, East Cameron area, offshore Louisiana.	(14)	15.025
CI78-90 F 10/21/77	do.[23]	Sea Robin Pipeline Co., block 532, West Cameron area, offshore Louisiana.	(14)	15.025
CI78-91 F 10/21/77	do.[24]	Sea Robin Pipeline Co., block 334, West Cameron area, offshore Louisiana.	(14)	15.025
CI78-92 F 10/21/77	Pennzoil Oil & Gas, Inc.,[25] P.O. Box 2967, Houston, Tex. 77001.	Sea Robin Pipeline Co., block 128, South Marsh Island, offshore Louisiana.	(14)	15.025
CI78-93 F 10/21/77	Pennzoil Oil & Gas, Inc.[26]	Southern Natural Gas Co., block 228, Vermilion area, offshore Louisiana.	(14)	15.025
CI78-93 F 10/21/77	do.[26]	United Gas Pipe Line Co., block 226, Vermilion area, offshore Louisiana.	(14)	15.025
CI78-93 F 10/21/77	do.[26]	United Gas Pipe Line Co., block 256, Eugene Island area, offshore Louisiana.	(14)	15.025
CI78-93 F 10/21/77	do.[26]	Southern Natural Gas Co., block 586, West Cameron area, offshore Louisiana.	(14)	15.025
CI78-93 F 10/21/77	do.[26]	United Gas Pipe Line Co., block 586, West Cameron area, offshore Louisiana.	(14)	15.025
CI78-93 F 10/21/77	do.[26]	do.[26]	(14)	15.025
CI78-93 F 10/21/77	do.[26]	United Gas Pipe Line Co., block 572, West Cameron area, offshore Louisiana.	(14)	15.025
CI78-93 F 10/21/77	do.[26]	Southern Natural Gas Co., block 256, Eugene Island area, offshore Louisiana.	(14)	15.025
CI78-94 F 10/21/77	do.[27]	Sea Robin Pipeline Co., block 125, South Marsh Island, offshore Louisiana.	(14)	15.025

Docket No. and date filed	Applicant	Purchaser and Location	Price per 1,000 ft³	Pressure base
CI78-95 F 10/21/77	do.[26]	Sea Robin Pipeline Co., block 127, South Marsh Island, offshore Louisiana.	(13)	15.025
CI78-96 F 10/21/77	do.[26]	Sea Robin Pipeline Co., block 312, Eugene Island area, offshore Louisiana.	(13)	15.025
CI78-96 F 10/21/77	do.[26]	Sea Robin Pipeline Co., block 262, Eugene Island area, offshore Louisiana.	(13)	15.025
CI78-96 F 10/21/77	do.[26]	Sea Robin Pipeline Co., block 261, Eugene Island area, offshore Louisiana.	(13)	15.025
CI78-96 F 10/21/77	do.[26]	Sea Robin Pipeline Co., block 609, West Cameron area, offshore Louisiana.	(13)	15.025
CI78-96 F 10/21/77	do.[26]	Sea Robin Pipeline Co., block 333, Eugene Island area, offshore Louisiana.	(13)	15.025
CI78-96 F 10/21/77	do.[26]	Sea Robin Pipeline Co., block 563, West Cameron area, offshore Louisiana.	(13)	15.025
CI78-96 F 10/21/77	do.[26]	Sea Robin Pipeline Co., block 617, West Cameron area, offshore Louisiana.	(13)	15.025

Filing code:
A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

[1]Applicant is filing to show that Natural Gas Pipeline Co. of America is to purchase only 90 percent of the gas produced from the block 305 field, Eugene Island area, Federal offshore Louisiana and Sea Robin Pipeline Co., was assigned a 10 percent interest in the gas to be produced and sold from the Eugene Island block 305 field under the base sale contract dated April 14, 1977.

[2]This initial price is for deliveries of gas from wells commenced on or after January 1, 1973 and prior to January 1, 1975.

[3]This initial price is for deliveries of gas from wells commenced on or after January 1, 1975.

[4]Applicant is willing to accept the applicable national rate pursuant to Opinion No. 770, as amended.

[5]Applicant filed to reflect abandonments filed by Gas Systems, Inc., and Lone Star Gas Co. which was granted authority in Docket No. CP77-73 on April 29, 1977, to rearrange its system resulting in the transfer of the subject gas from interstate commerce to intrastate commerce. Applicant's filing reflects the change in the classification of its sale.

[6]The Roy Reed "B" No. 1 Well and the Reed Gas Unit No. 1-9 Well.

[7]Champlin 267, 270, 273, and 292 Amoco A-1 Wells, the Tipton II Unit I Well, and the Siberia Ridge Unit No. 3 and 5 Wells.

[8]The Stidham Unit "A" No. 1 Well.

[9]Chandler-Champlin No. 4-11 Well.

[10]Bitter Creek II Unit 1 Well.

[11]Government Blue Water No. 33-1 Well.

[12]Applicant is filing to render partial continuance of service previously authorized under Dockets CI72-692 and CI73-546 to be rendered by Pennzoil Offhore Gas Operators, Inc.

[13]Applicant assumes all of the obligations of POGO, contractual or otherwise; and it is understood that upon commencement of deliveries of gas, this gas sale will be subject to the same terms and conditions as applicable to the certificate previously issued to POGO.

[14]Applicant is filing to render partial continuance of service previously authorized under Dockets CI72-693 and CI73-477 to be rendered by Pennzoil Offshore Gas Operators, Inc.

[15]Applicant is filing to render partial continuance of service previously authorized under Dockets CI72-694 and CI73-546 to be rendered by Pennzoil Offshore Gas Operators, Inc.

[16]Applicant is filing to render partial continuance of service previously authorized under Docket CI75-330 to be rendered by Pennzoil Offshore Gas Operators, Inc.

[17]Applicant is filing to render partial continuance of service previously authorized under Docket CI76-495 to be rendered by Pennzoil Offshore Gas Operators, Inc.

[18]Applicant is filing to render partial continuance of service previously authorized under Docket CI76-631 to be rendered by Pennzoil Offshore Gas Operators, Inc.

[19]Applicant is filing to render partial continuance of service previously authorized under Docket CI76-632 to be rendered by Pennzoil Offshore Gas Operators, Inc.

[20]Applicant is filing to render partial continuance of service previously authorized under Docket CI76-636 to be rendered by Pennzoil Offshore Gas Operators, Inc.

[21]Applicant is filing to render partial continuance of service previously authorized under Docket CI76-647 to be rendered by Pennzoil Offshore Gas Operators, Inc.

[22]Applicant is filing to render partial continuance of service previously authorized under Docket CI76-648 to be rendered by Pennzoil Offshore Gas Operators, Inc.

[23]Applicant is filing to render partial continuance of service previously authorized under Docket CI76-649 to be rendered by Pennzoil Offshore Gas Operators, Inc.

[24]Applicant is filing to render partial continuance of service previously authorized under Docket CI76-653 to be rendered by Pennzoil Offshore Gas Operators, Inc.

[25]Applicant is filing to render partial continuance of service previously authorized under Docket CI76-706 to be rendered by Pennzoil Offshore Gas Operators, Inc.

[26]Applicant is filing to render partial continuance of service previously authorized under Docket CI76-806 to be rendered by Pennzoil Offshore Gas Operators, Inc.

[27]Applicant is filing to render partial continuance of service previously authorized under Docket CI77-609 to be rendered by Pennzoil Offshore Gas Operators, Inc.

[28]Applicant is filing to render partial continuance of service previously authorized under Docket CI77-610 to be rendered by Pennzoil Offshore Gas Operators, Inc.

[29]Applicant is filing to render partial continuance of service previously authorized under Docket CI77-703 to be rendered by Pennzoil Offshore Gas Operators, Inc.

[FR Doc.77-35079 Filed 12-8-77;8:45 am]

[6740-02]

[Docket No. CP73-43]

MOUNTAIN FUEL SUPPLY CO.

Petition to Amend

DECEMBER 2, 1977.

On October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), Pub. L. 95-91, 91 Stat. 565 (August 4, 1977) and Executive Order No. 12009, 42 FR 46267 (September 15, 1977), the Federal Power Commission ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary of Energy and the Federal Energy Regulatory Commission (FERC), which, as an independent commission within the Department of Energy, was activated on October 1, 1977.

The "savings provisions" of section 705(b) of the DOE Act provided that proceedings pending before the FPC on the date the DOE Act takes effect shall not be affected and that orders shall be issued in such proceedings as if the DOE Act had not been enacted. All such proceedings shall be continued and further actions shall be taken by the appropriate component of DOE now responsible for the function under the DOE Act and regulations promulgated thereunder. The functions which are the subject of this proceeding were specifically transferred to the FERC by section 402(a)(1) of the DOE Act.

The joint regulation adopted on October 1, 1977, by the Secretary and the FERC entitled "Transfer of Proceedings to the Secretary of Energy and the FERC," 10 CFR ——, provided that this proceeding would be continued before the FERC. The FERC takes action in this proceeding in accordance with the above mentioned authorities.

Take notice that on November 16, 1977, Mountain Fuel Supply Co. (Petitioner), 180 East First South Street, Salt Lake City, Utah 84139, filed in Docket No. CP73-43, a petition to amend the order of August 30, 1977 (57 FPC ——) issued by the Federal Power Commission (FPC), in the instant docket pursuant to section 7(c) of the Natural Gas Act so as to provide for the relocation of certain wells, the reallocation of a portion of the moneys budgeted for completion of certain wells, and an extension of the period of time allowed to complete the Leroy Underground Storage Project, located in Uinta County, Wyo., all as more fully set forth in the petition to amend on file with the FERC and open to public inspection.

It is indicated that on April 21, 1977, Petitioner filed a petition to amend the FPC order of November 17, 1972, as amended February 10, 1977, in the instant docket, so as to provide for (1) the drilling of one observation well to obtain down-dip well control east of the principal fault zone (Well No. 14); (2) the drilling of two additional injection/withdrawal wells on the southern extension of the storage reservoir (Wells Nos. 13 and 15); (3) the construction of facilities necessary to place Well Nos. 2 and 8 in an injection/withdrawal well status. It is further indicated that pursuant to the FPC order of June 13, 1977, Petitioner was granted temporary authorization in the instant docket and pursuant to the FPC order of August 30, 1977, Petitioner was granted permanent authorization in the instant docket.

The petition states that shortly after the filing of the April 21, 1977, petition, Petitioner received the results of some additional seismograph work conducted in the southern portion of the storage area, which tentatively indicated that the principal fault zone deviates more acutely than had been previously believed in a westerly direction in the southern portion of the storage area and that there is a potential for another closure to the south-southwest of the main formation closure. The petition further states that this information indicated that Well Nos. 13 and/or 15 should possibly be located in areas other than those described in the April 21, 1977, petition. Additional high resolution seismograph work was ordered for the area to confirm the tentative indications relative to the structure, but due to the high level of activity in the Rocky Mountain area, Petitioner was unable to complete this additional work until just recently and the data obtained therefrom is not expected to be available for another two or three weeks, it is indicated. Petitioner states that as a result of this work, it may be necessary to drill Well No. 13 and/or No. 15 in locations other than those noted in the petition to obtain maximum benefit and information from such wells.

It is stated that upon completion of the No. 14 well, which was drilled as an observation well to obtain down-dip well control on the northeastern flank of the structure and was drilled during the month of August 1977, it was determined that Well No. 14 is in the gas bubble and capable of producing up to 20,000 Mcf per day. It is further stated that although this well was structurally only thirty feet higher than had been anticipated, the fact that this well is in the gas bubble raises questions relative to the gas bubble's growth, which Petitioner is now attempting to answer. Petitioner indicates that in the meantime, it believes that it is important to the most advantageous management of the gas bubble to connect Well No. 14 as an injection/withdrawal well, although moneys for this purpose have not been either budgeted by Petitioner, or approved by the FERC.

The petition states that reservoir work during the past summer has indicated that Well Nos. 2 and 8 are not in the gas bubble, and that they, therefore, should not be completed as injection/withdrawal wells at the present time. Additionally, testing has shown that Well No. 8 has very low potential as a storage well because of poor formation structure at that location, it is said.

Consequently, Petitioner requests that the FERC amend the FPC order of August 30, 1977, in the instant docket so as to authorize the following:

(1) The relocation of proposed Well No. 13 and/or No. 15 to locations which Petitioner deems most appropriate to the development of the reservoir;

(2) The reallocation of a portion of the moneys budgeted for completion of Well Nos. 2 and 8 to be used to complete Well No. 14 as an injection/withdrawal well; and

(3) An extension of the period of time allowed to complete the authorized work proposed herein until September 1, 1978.

Any person desiring to be heard or to make any protest with reference to said petition to amend, should, on or before December 23, 1977, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be consid-

ered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 77-35230 Filed 12-8-77; 8:45 am]

[6740-02]

[Docket No. RP73-8 (PGA78-2)]

NORTH PENN GAS CO.

Proposed Changes

DECEMBER 1, 1977.

Take notice that North Penn Gas Co. (North Penn), on November 14, 1977, tendered for filing proposed changes in its FERC Gas Tariff, First Revised Volume No. 1, pursuant to its PGA Clause for rates to be effective December 1, 1977.

North Penn states that changes in rates reflected in Fiftieth Revised Sheet No. PGA-1 reflects a decrease of 3.719¢ per Mcf to the rates as submitted for Commission approval on November 10, 1977, in Substitute Forty-Ninth Revised Sheet.

The rate changes reflected in Fiftieth Revised Sheet No. PGA-1 reflect decreases filed by North Penn's suppliers, Consolidated Gas Supply Corp., Tennessee Gas Pipeline Co., and Transcontinental Gas Pipe Line Corp., to be effective December 1, 1977, and a surcharge credit to be effective December 1, 1977, through May 31, 1978.

North Penn requests waiver of any of the Commission's Rules and Regulations in order to permit the proposed rates to go into effect on December 1, 1977.

Copies of this filing were served upon North Penn's jurisdictional customers, as well as interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 13, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 77-35227 Filed 12-8-77; 8:45 am]

[6740-02]

[Docket No. ER78-70]

PENNSYLVANIA POWER & LIGHT CO. AND UGI CORPORATION

Rate Schedule Change

DECEMBER 6, 1977.

Take notice that Pennsylvania Power & Light Co. (PP&L), and UGI Corp. (UGI), on November 23, 1977, tendered for filing a Supplement, dated November 22, 1977, proposing changes in the Operating Principles and Practices issued in accordance with the Interconnection Agreement, dated August 1, 1935, between the two companies (Pennsylvania Power & Light Co. Rate Schedule FPC No. 46 and UGI Corp. Rate Schedule FPC No. 3).

PP&L states that the proposed Supplement provides for the supply by PP&L to UGI of a defined portion of the power and energy requirements of UGI's Luzerne Electric Division. PP&L further states that the proposed Supplement provides for the accomodation of such sale with the aforesaid Operating Principles and Practices. PP&L proposes an effective date of December 4, 1977, and therefore requests waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest such application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 12, 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. 77-35329 Filed 12-8-77; 8:45 am]

[6740-02]

[Docket No. ER78-71]

PENNSYLVANIA POWER & LIGHT CO.

New Rate Schedule Filing

DECEMBER 6, 1977.

Take notice that Pennsylvania Power & light Co. (PP&L), on November 23, 1977, tendered for filing a Power Supply Agreement, dated November 22, 1977, between PP&L and UGI Corp. (UGI), which provides the terms and conditions for the sale by PP&L to UGI of a portion of the power and energy requirements of UGI's Luzerne Electric Division.

PP&L states that the proposed rate schedule covers a defined capacity and energy service through May 31, 1989, at PP&L's actually experienced system costs from resources available to the PP&L system during the period.

PP&L proposes an effective date of December 4, 1977, and therefore requests waiver of the Commission's notice requirements.

PP&L indicates that copies of the filing were served upon UGI, the only jurisdictional customer of PP&L affected by the filing, and upon the Pennsylvania Public Utility Commission.

Any person desiring to be heard or to protest such application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 12, 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. 77-35330 Filed 12-8-77; 8:45 am]

[6740-02]

[Docket Nos. ER77-422, ER78-20 and ER78-49]

PUBLIC SERVICE CO. OF OKLAHOMA

Order Accepting for Filing and Suspending Settlement Agreements, Ordering Filings and Terminating Proceedings

NOVEMBER 30, 1977.

On October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act),

Pub. L. 95-91, 91 Stat. 565 (August 4, 1977) and Executive Order No. 12009, 42 FR 46267 (September 15, 1977), the Federal Power Commission ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary and the Federal Energy Regulatory Commission (FERC) which, as an independent commission within the Department of Energy, was activated on October 1, 1977.

The "savings provisions" of section 705(b) of the DOE Act provide that proceedings pending before the FPC on the date the DOE Act takes effect shall not be affected and that orders shall be issued in such proceedings as if the Doe Act had not been enacted. All such proceedings shall be continued and further actions shall be taken by the appropriate component of DOE now responsible for the function under the DOE Act and regulations promulgated thereunder. The functions which are the subject of these proceedings were specifically transferred to the FERC by section 402(a)(1) of the DOE Act.

The joint regulation adopted on October 1, 1977 by the Secretary and the FERC entitled "Transfer of Proceedings to the Secretary of Energy and the FERC," 10 CFR——, provided that this proceeding would be continued before the FERC. The FERC takes action in this proceeding in accordance with the above-mentioned authorities.

On November 10, 1977, the Presiding Administrative Law Judge certified to the Commission a proposed settlement agreement (consisting of two settlement agreements) in the above-captioned docket. For the reasons set out hereafter, the Commission will accept the settlement agreements for filing, suspend them for 1 day to become effective subject to refund, and order the filing of cost support in a subsequent docket.

Proceedings in this docket were initiated on June 3, 1977, when Public Service Co. of Oklahoma (PSCO) on behalf of itself and Oklahoma Gas and Electric Co. (OG&E) tendered for filing Notices of Cancellation of an interconnection agreement (Agreement) with the Southwestern Power Administration (SWPA). Under the Agreement, PSCO and OG&E (Companies) have purchased power and energy from SWPA and supplied the full requirements of SWPA's preference customers for the account of SWPA since 1951. In exchange, the Companies are entitled to purchase from SWPA each month an amount of hydro peaking power and associated energy based on the preference customers' demand. SWPA has contracts with its preference customers for service through the facilities of PSCO and OG&E and bills the customers directly.

Public notice of the Notice of Cancellation was issued on June 10, 1977, and on June 22, 1977, a petition to intervene was received from the Municipal Customer Group (Municipals) comprised of two Arkansas and 17 Oklahoma Municipalities, all of which are preference customers of SWPA and receive wholesale service under the SWPA-Preference Customer contracts described above. The petition stated that the Agreement requires PSCO and OG&E to sell electricity to SWPA for service to the intervening municipalities and that no new contractual arrangements have been finalized among the Companies and SWPA to provide for service to the municipalities upon termination of the Agreement. Therefore, continuation of the Agreement is essential to continued service to the municipalities. The Agreement was in effect for approximately 25 years and expired by its own terms on July 1, 1977. The petitioners argued that regardless of the technical expiration of the contract, the rates, terms, and conditions of the Agreement constitute a filed rate tariff with the Commission which cannot be abandoned or terminated until such time as a successor contract is accepted for filing by this Commission. Accordingly, the petitioners requested that the Commission order continuation of service under the Agreement until such time as a replacement contract has been accepted for filing.

On June 30, 1977, the Commission issued an order suspending PSCO's submittal for 5 months until December 1, 1977, and provided for an expedited hearing to determine the justness and reasonableness of the service terminations.[1]

A prehearing conference was held on July 12, 1977, and a hearing was held on October 17, 1977. It was revealed at the hearing that a contract between PSCO and SWPA had been negotiated and verbally agreed to by both parties and by the intervening municipal customers of SWPA. PSCO, however, advised that they had been informed that the Department of Energy (DOE) had instructed SWPA not to sign the contract.[2] The intervenors confirmed the statement relative to execution of the new contract and said that they had also been advised that SWPA had authority to extend the Agreement for 6 months past December 1st—the end of the suspension period. The Presiding Administrative Law Judge (ALJ) then asked the Companies if they would agree to a procedure whereby they would submit the new agreement to him as a proposed settlement which he could certify to the Commission and the Commission could in turn—through the Secretary of Energy—seek the concurrence of SWPA and thus conclude the cancellation proceedings. The Companies agreed to the ALJ's suggested procedure but OG&E indicated that they had not yet negotiated a contract with SWPA.[3] It was then agreed that OG&E would modify the SWPA-PSCO proposed agreement in order to make that contract appropriate for service by OG&E. The SWPA-OG&E agreement would then be submitted to the ALJ for certification to the Commission as described above.

The SWPA-PSCO and the SWPA-OG&E settlement agreements were certified to the Commission on November 10, 1977. In addition to the two settlement agreements, both PSCO and OG&E have submitted for filing (Docket Nos. ER78-20 and ER78-49, respectively) rates for full-requirements service to SWPA's municipal preference customers in the event arrangements for service under the proposed settlement agreements cannot be arranged.

Subsequent to the filing of the unexecuted settlement agreement by PSCO, SWPA executed the agreement (November 10, 1977). On November 17, 1977, PSCO submitted the executed agreement to the ALJ and asked that it be substituted for the unexecuted agreement.

Public Notice of the Certification of the proposed settlement was issued on November 14, 1977, with comments due on or before November 22, 1977. On November 18, 1977, comments were filed by OG&E pointing out that the proposed settlement was in fact two Settlement Agreements, and that neither by itself would resolve all of the issues in this docket. OG&E urges the Commission to approve both Settlement Agreements. The Commission Staff filed Comments on November 22, 1977, also urging the Commission to approve both Settlement Agreements.

During the course of the hearing, PSCO agreed that the PSCO-SWPA Agreement would be submitted with the request that it be suspended for 1 day and be subject to refund. In return, the intervening municipalities agreed to waive the need for supporting data for a reasonable period of time, and no cost support was submitted with the proposed agreement.

The full requirements rates submitted by OG&E (in case the OG&E Set-

[1] The order incorrectly referred only to PSCO's service termination. .

[2] The Commission has been informed that SWPA has now been authorized to enter into and sign the subject Contracts.

[3] The present agreement is a three-party agreement among PSCO, OG&E and SWPA. The parties have decided that a better arrangement would be separate agreements between SWPA and PSCO and SWPA and OG&E. In addition, SWPA will have agreements with its preference customers and PSCO and OG&E would each have agreements with the individual preference customers.

tlement Agreement is not approved) in Docket No. ER78-49 are the rates previously submitted to the Commission in Docket No. ER77-127. A settlement agreement has been filed in that docket and the rates are being collected subject to refund.

Upon review of the record and Settlement Agreements in this proceeding, the Commission finds that the proposed settlements is a reasonable resolution of the issues in this docket, and that such settlement is in the public interest.[4] Accordingly the Settlement Agreements should be accepted for filing, suspended for 1 day, and made effective subject to refund. We shall further direct that PSCO and OG&E shall file the rates contained in the Settlement Agreements with appropriate cost support in dockets to be designated. Since acceptance of the settlements eliminates the need for the full requirements rate filings in Docket Nos. ER78-20 and ER78-49, we will authorize PSCO, OG&E to withdraw those filings.

(2) PSCO and OG&E should file appropriate cost data in support of the rates contained in the Settlement Agreement in Docket Nos. ER78-67 and ER78-68, respectively.

(3) PSCO should be authorized to withdraw their proposed filings in Docket Nos. ER78-20 and ER78-49.

(4) Docket Nos. ER78-20, ER78-49, and ER77-422 should be terminated.

The Commission orders: (A) The PSCO/SWPA and OG&E/SWPA Settlement Agreements should be accepted for filing and suspended for 1 day to become effective subject to refund on December 1, 1977, and subject to the outcome of the Commission's determination of the reasonableness of the rates in the filings ordered in paragraph (B).

(B) PSCO and OG&E shall file within 60 days the rates contained in the Settlement Agreements with appropriate cost support as required by Section 35.13 of the Commission's Regulations in Docket Nos. ER78-67 and ER78-68 respectively.

The Commission finds: (1) The proposed PSCO/SWPA and OG&E SWPA Settlement Agreements should be accepted for filing and suspended for 1 day to become effective subject to refund December 1, 1977.[5]

(D) Docket Nos. ER78-20, ER 78-49 and Docket No. ER77-422 are hereby terminated.

(E) This order is without prejudice to any finding or orders which have been made or which will hereafter be made by the Commission, and is without prejudice to any claims or contentions which may be made by the Commission, its Staff, or any party or person affected by this order, in any proceeding now pending or hereafter instituted by or against OG&E or any person or party.

(F) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission. Chairman Curtis voted present.

LOIS D. CASHELL,
Acting Secretary.

RATE SCHEDULE DESIGNATIONS—PUBLIC SERVICE COMPANY OF OKLAHOMA, DOCKET NO. ER77-422

Designation, Description, and Other Party

Public Service Co. of Oklahoma, Rate Schedule FERC No. 196 (Supersedes Rate Schedule FPC No. 119), Southwestern Power Administration.

OKLAHOMA GAS AND ELECTRIC CO., DOCKET NO. ER78-49

1. Service Agreement under FPC Electric Tariff Original Volume No. 1 (Municipals), city of Paris, Ark.
2. Service Agreement under FPC Electric Tariff Original Volume No. 1 (Municipals), town of Goltry, Okla.
3. Service Agreement under FPC Electric Tariff Original Volume No. 1 (Municipals), city of Lexington, Okla.
4. Service Agreement under FPC Electric Tariff Original Volume No. 1 (Municipals), city of Spiro, Okla.
5. Service Agreement under FPC Electric Tariff Original Volume No. 1 (Municipals), city of Yale, Okla.

[FR Doc. 77-35226 Filed 12-8-77; 8:45 am]

[6740-02]

[Docket No. RP76-53 (PGA78-1)]

SOUTH TEXAS NATURAL GAS GATHERING CO.

Purchased Gas Cost Adjustment Rate Change

DECEMBER 5, 1977.

Take notice that South Texas Natural Gas Gathering Co. ("South Texas"), on November 1, 1977, tendered for filing with the Federal Energy . Regulatory Commission its First Revised Exhibit "A" (Third Revised PGA-2), superseding the First Revised Exhibit "A" (Second Revised PGA-2), to its Purchased Gas Cost Rate Adjustment Clause. The proposed change reflects an increase in South Texas' rate to Transcontinental Gas Pipe Line Corp. of 4.78 cents per Mcf. The proposed effective date is December 1, 1977.

Copies of the filing were served by South Texas upon its only affected customer, Transcontinental Gas Pipe Line Corp.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Steet NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 12, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-35327 Filed 12-8-77; 8:45 am]

[6740-02]

[Docket No. RP72-133 (PGA77-2)]

UNITED GAS PIPE LINE CO.

Order Granting Application for Rehearing, Clarifying Scope of Proceeding, and Granting Interventions

NOVEMBER 29, 1977.

On October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), Pub. L. 95-91, 91 Stat. 565 (August 4, 1977) and Executive Order No. 12009, 42 FR 46267 (September 15, 1977), the Federal Power Commission ceased to exist and regulatory responsibilities were transferred to the Secretary and the Federal Energy Regulatory Commission (FERC) which, as an independent commission within the Department of Energy, was activated on October 1, 1977.

The "savings provisions" of section 705(b) of the DOE Act provide that proceedings pending before the FPC on the date the DOE Act takes effect shall not be affected and that orders shall be issued in such proceedings as if the DOE Act had not been enacted. All such proceedings shall be continued and further actions shall be taken by the appropriate component of DOE now responsible for the function under the DOE Act and regulations promulgated thereunder. The functions which are the subject of these proceedings were specifically transferred to the FERC by section 402(a)(1) of the DOE Act.

The joint regulation adopted on October 1, 1977, by the Secretary and the FERC entitled "Transfer of Proceedings to the Secretary of Energy and the FERC," 10 CFR ——, provided that this proceeding would be contin-

[4] On November 25, 1977, an interim agreement between SWPA and OG&E dated November 23, 1977, was filed with the Commission. The agreement states that though SWPA does not agree to the rates and certain conditions contained in OG&E's proposed agreement, it would agree to schedule power into OG&E's system from December 1, 1977, until May 31, 1978, or until a final contract is executed, whichever occurs first. It further agreed to honor billings rendered by OG&E pursuant to the agreement.

[5] The rate schedule designations appear on the attached Appendix.

ued before the FERC. The FERC takes action in this proceeding in accordance with the above-mentioned authorities.

On September 7, 1977, United Gas Pipe Line Co. (United) filed an application for rehearing of the Federal Power Commission (FPC) order issued in the above-captioned proceeding on August 11, 1977. The order of August 11th set for hearing the issue of whether the rates proposed in this docket reflect a fair and reasonable allocation of United's emergency gas costs between and among United's customers. For the reasons set forth below the Commission shall deny the application for rehearing.

United argues that its proposed PGA rate in this docket have been determined in accordance with its tariff PGA clause, and that the Commission is without authority to prescribe other rates which may be different from those determined under the tariff. In support of its contention, United argues as follows:

"The proposed investigation can have only two possible purposes. It can either investigate whether United's PGA77-2 Filing is in compliance with the terms of United's presently effective FPC Tariff or it can investigate whether changes should be made in that Tariff. Since there has not been, and could not be, any good faith allegation that United's PGA77-2 Filing does not comply with the provisions of section 19 of United's Tariff, the investigation must necessarily only be directed toward possible changes in section 19. (Footnote omitted.)

* * * * *

"Under the Natural Gas Act the provisions of section 19 can be modified in only two ways. United may file proposed tariff revisions under section 4 of the Act (no such filing is involved in this proceeding) or the Commission may order a modification of the tariff under section 5 of the Act. However, any modification under section 5 can be effective only prospectively from the date of the order."

Based on its interpretation of the applicable law, United requests the Commission to grant rehearing of the Order of August 11th and cancel the investigation initiated by the order.

On September 7, 1977, Laclede Gas Company (Laclede) petitioned to intervene in this proceeding. In its petition Laclede argues against United's rationale opposing the Commission's investigation into United's allocation of emergency gas costs. Laclede states as follows:

"United suggests that, because its filing of July 12 was made in purported compliance with the PGA clause of its tariff, it is not susceptible to challenge. Such position is untenable.

"Rates established by this Commission are required by the Act to be just and reasonable; the PGA clause of United's tariff is but a vehicle designed to expedite filing for and collecting such rates. It is not a license to collect unduly discriminatory or preferential rates or to deny any class of United's customers the benefits of the self-help efforts they may have made to offset United's growing curtailments. Thus, the investigation ordered by the Commission's order of August 11, 1977, must clearly concern itself not only with the propriety of United's filing in terms of its PGA clause but also whether the clause itself permits the filing of rates which are other than just and reasonable."

The Commission, upon review of the arguments made by United, finds that its application for rehearing should be granted. United's approved tariff PGA clause specifically provides how increases in its cost of purchased gas shall be determined and how the increases shall be allocated between jurisdictional and nonjurisdictional classes of service. The tariff also provides that the jurisdictional portion of purchased gas cost increases shall be apportioned among individual jurisdictional customers on a volumetric basis. United's proposed PGA rates in this docket have been determined in accordance with the terms of its PGA clause.

The Commission concludes that in this instance where proposed PGA rates have been properly determined in accordance with United's approved tariff PGA clause, and where United has allocated its available gas supply in accordance with a lawful curtailment plan, such rates should be accepted by the Commission and permitted to become effective without refund obligation. If there is evidence that United's PGA clause operates unfairly and results in rates which are discriminatory or preferential, then of course it is essential that the clause be properly modified to insure that the resulting PGA rates are just and reasonable. However, the Commission finds that under the circumstances presented by this case, any change in United's PGA clause should be made effective only prospectively from the date on which a new or revised clause is approved.

Based on the foregoing considerations, the Commission finds that United should be relieved of any refund obligation that would arise under the FPC's order of August 11, 1977. However, the hearing previously instituted by the FPC, in its order by August 11th shall continue for the purpose of determining whether any changes are required to be made to United's existing PGA clause and its proposed PGA rates in this docket.

The Commission further finds that the allegations set forth in the complaint of Brooklyn Union and Elizabethtown raise issues which may be equally applicable to other pipelines. The Commission therefore has directed its staff to review the Commission's existing PGA regulations for purposes of making recommendations to the Commission concerning whether revisions or additions to the existing regulations are required in order to assure that the allocations by pipelines of their emergency purchased gas cost increases between jurisdictional and nonjurisdictional classes of customers and among jurisdictional customers are reasonable and not unduly discriminatory. In the event it is determined that the Commission's PGA regulations should be modified, a notice of the proposed revisions issued in the form of a notice of proposed rulemaking will be issued at a later date.

Laclede in its filing of September 7, 1977, requests the Commission to grant rehearing of the order of August 11th to the extent necessary to subject United's PGA tariff clause as well as its present PGA rate filing to investigation Laclede's application for rehearing shall be treated as a request for clarification of the scope of this proceeding and shall be granted in accordance with the terms of this order.

Petitions to intervene in this proceeding have been filed by Entex, Inc.; Mississippi River Transmission Corporation; Memphis Light, Gas and Water Division; New Orleans Public Service, Inc.; the Public Service Commission of New York; Consolidated Gas Supply Corporation; Southern Natural Gas Company; United Municiapl Distributors Group; Consolidated Edison Company of New York; Natural Gas Pipeline Company of America; Texas Eastern Transmission Corporation; and The State of Louisiana. The Commission finds that the petitioners have demonstrated an interest in this proceeding warranting their participation. The petitions shall accordingly be granted.

The Commission orders: (A) The hearing pursuant to section 4 of the Natural Gas Act instituted by the FPC on August 11, 1977, in this docket is terminated.

(B) United shall be relieved of any refund obligation that would arise under the FPC's order of August 11, 1977.

(C) The hearing instituted by the FPC on August 11, 1977, shall continue under section 5 of the Natural Gas Act for the purpose of determining whether any changes in United's existing tariff PGA clause or its proposed PGA rates in this docket are required.

(D) The above-named petitioners are permitted to intervene in this proceeding, subject to the Commission's rules and regulations.

(E) Laclede's request for clarification is granted in accordance with the terms of this order.

(F) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 77-35225 Filed 12-8-77; 8:45 am]

[6740-02]

[Docket No. CP78-84]

UNITED GAS PIPE LINE CO.

Application

DECEMBER 2, 1977.

Take notice that on November 15, 1977, United Gas Pipe Line Co. (Applicant), P.O. Box 1478, Houston, Tex. 77001, filed in Docket No. CP78-84 an application pursuant to Section 7(c) of the Natural Gas Act and § 2.79 of the Commission's General Policy and Interpretations (18 CFR 2.79) for a certificate of public convenience and necessity authorizing the transportation of up to 293 Mcf of natural gas per day for 2 years for Beacon Manufacturing Co. (Beacon), all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant requests authorization to transport gas for Beacon pursuant to an agreement dated October 21, 1977, between the two parties. Applicant states that it would receive up to 293 Mcf of natural gas per day for Beacon's account through presently existing facilities located in Terrebonne Parish, La., and would transport and redeliver such gas for Beacon's account, less 1.5 percent for fuel and company used gas, to Transcontinental Gas Pipeline Corp. (Transco) at an existing point of connection between the aforementioned lines. It is indicated that Transco, in turn, would cause said quantity of gas to be delivered for the account of Beacon to Public Service Co. of North Carolina, Inc. (Public Service) for redelivery for high-priority end use at Swannanoa, N.C. plant facility.

The application states that the gas which Applicant proposes to transport for the account of Beacon has been acquired by Beacon from Louisiana Land and Exploration Co. (Louisiana Land), and that Beacon would pay Louisiana Land $1.69 per million Btu's for the subject gas for the term of the contract. It is indicated that the gas is not available to the interstate market because of producers unwillingness to make any sales to interstate purchasers for resale or be subject to any form of Federal regulations as a result of such sales. Applicant indicates that Beacon would use such gas at its Swannanoa, N.C. plant for Priority 2 end-uses.

Applicant states that it would charge Beacon for gas transported under the subject agreement an amount per Mcf equal to its average jurisdictional transmission cost of service in effect from time to time in Applicant's Southern rate or Northern rate zones, which current average jurisdictional transmission cost of service, exclusive of the cost of gas consumed in Applicant's operation, is 17.92 cents in its Southern rate zone and 20.04 cents per Mcf in its Northern rate zone.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 16, 1977, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 77-35231 Filed 12-8-77; 8:45 am]

[6740-02]

[Docket No. CP78-85]

UNITED GAS PIPE LINE CO.

Application

DECEMBER 2, 1977.

Take notice that on November 15, 1977, United Gas Pipeline Co. (Applicant), P.O. Box 1478, Houston, Tex. 77001, filed in Docket No. CP78-85 an application pursuant to Section 7(c) of the Natural Gas Act and § 2.79 of the Commission's General Policy and Interpretations (18 CFR 2.79) for a certificate of public convenience and necessity authorizing the transportation of up to 343 Mcf of natural gas per day for Hanes Dye and Finishing Co. (Hanes) for 2 years, all as more fully set forth in the application on file with the Commission and open to public inspection.

It is indicated that Hanes has contracted to purchase natural gas from Louisiana Land and Exploration Co. (Louisiana Land) at a price of $1.69 per million Btu's for the term of the contract. It is further indicated that the subject gas is not available for resale in the interstate market. Pursuant to the terms of an agreement dated October 31, 1977, between Hanes and Applicant, Applicant proposes to transport up to 343 Mcf of natural gas per day for Hanes, which volumes Applicant would receive for the account of Hanes' through presently existing facilities located in Terrebonne Parish, La. Applicant states that it would transport and redeliver such gas for Hanes' account, less 1.5 percent for fuel and company used gas to Transcontinential Gas Pipeline Corp. (Transco) at an existing point of connection between Applicant's and Transco's respective lines in or near Gibson, Terrebonne Parish, La. or other mutually agreeable authorized points of connection between the aforementioned lines. It is indicated that Transco, in turn, would cause said quantity of gas to be delivered for the account of Hanes to Public Service Co. of North Carolina, Inc. (Public Service) for redelivery to Hanes for its high priority end use at its Winston-Salem, N.C. plant facility.

It is stated that Hanes would pay Applicant for gas transported under this agreement an amount per Mcf equal to Applicant's average jurisdictional transmission cost of service in effect from time to time in Applicant's Southern Rate or Northern Rate Zones, as applicable, less any amount included in such average jurisdictional transmission cost of service which is attributable to gas consumed in the operation Applicant's pipeline system. The current average jurisdictional transmission cost of service, exclusive of the cost of gas consumed in Applicant's operation, is 17.92 cents in its Southern Rate Zone and 20.04 cents per Mcf in its Northern Rate Zone, it is indicated.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 16, 1977, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commis-

sion's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-35232 Filed 12-8-77;8:45 am]

[6560-01]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 825-2]

MANAGEMENT ADVISORY GROUP TO THE MUNICIPAL CONSTRUCTION DIVISION

Notice of Renewal

Under section 7(a) of the Office of Management and Budget Circular No. A-63, Transmittal Memorandum No. 1, dated July 19, 1974, it is hereby determined that renewal of the Management Advisory Group to the Municipal Construction Division is in the public interest in connection with the performance of duties imposed on the Agency by law. The charter which continues the Management Advisory Group to the Municipal Construction Division through December 1, 1978, unless otherwise sooner terminated, will be filed at the Library of Congress.

BARBARA BLUM,
Acting Administrator.

DECEMBER 1, 1977.

[FR Doc. 77-35167 Filed 12-8-77; 8:45 am]

[6560-01]

[FRL 827-5]

STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES (NSPS) AND NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS (NESHAPS)

Delegation of Authority to the Commonwealth of Puerto Rico on behalf of the Environmental Quality Board

On December 23, 1971 (36 FR 24876), March 8, 1974 (39 FR 9308), August 6, 1975 (40 FR 33152), September 23, 1975 (40 FR 43850), January 15, 1976 (41 FR 2232), January 26, 1976 (41 FR 3826), and May 4, 1976 (41 FR 20659), pursuant to section 111 of the Clean Air Act, as amended, the Administrator promulgated regulations codified in 40 CFR Part 60 establishing standards of performance for certain categories of new stationary sources (NSPS). In addition, on April 6, 1973 (38 FR 8820), and October 14, 1975 (40 FR 48292), pursuant to section 112 of the Clean Air Act, as amended, the Administrator promulgated in 40 CFR Part 61 national emission standards for three hazardous air pollutants (NESHAPS). Sections 111(c) and 112(d) direct the Administrator to delegate authority to implement and enforce the standards to any state which submits an adequate procedure therefore. The Administrator retains concurrent authority to implement and enforce the standards following delegation of authority to a state.

On July 27, 1973, the Regional Administrator, Region II, forwarded to the Commonwealth of Puerto Rico information setting forth the requirements for an adequate procedure for implementing the NSPS and NESHAPS. On September 20, 1976, the Honorable Rafael Hernandez-Colon, Governor of the Commonwealth of Puerto Rico, submitted a request for delegation of authority to implement and enforce the NSPS and certain aspects of the NESHAPS program. A subsequent letter from Carlos Jimenez Barber, Executive Director of the Environmental Quality Board, served to supplement the terms of the original request in certain minor respects.

Upon examination of the Commonwealth of Puerto Rico's request, the Regional Administrator found the procedures proposed to be employed by the Environmental Quality Board to be adequate and, by means of a letter to the Honorable Carlos Romero Barcelo, the Commonwealth's present Governor, formally delegated to the Commonwealth of Puerto Rico (per the Puerto Rico Environmental Quality Board) certain aspects of the existing federal authority to implement and enforce the NSPS and NESHAPS programs.

What follows is the entire text of the Regional Administrator's letter, which describes fully the delegated aspects of the relevant programs, and articulates the conditions and understandings upon which delegation was based.

HON. CARLOS ROMERO BARCELO,
Governor of Puerto Rico,
San Juan, P.R.

DEAR GOVERNOR BARCELO: On September 20, 1976 your predecessor, Governor Hernandez-Colon, submitted the Commonwealth of Puerto Rico's formal request for delegation of federal authority for the implementation and enforcement of the Standards of Performance for New Stationary Sources ("NSPS") and the National Emission Standards for Hazardous Air Pollutants ("NESHAPS"), pursuant to §§ 111(c)(1) and 112(d)(1) of the Clean Air Act, respectively. This represents the formal response of the Environmental Protection Agency ("EPA") to that request.

(A) We have reviewed the relevant laws of Puerto Rico, and the rules and regulations of the Puerto Rico air pollution control agency and have determined that they provide an adequate and effective procedure for the implementation and enforcement of the NSPS and NESHAPS programs by the Environmental Quality Board ("the Board" or "EQB") and the Commonwealth. Therefore, we hereby grant delegation of NSPS and NESHAPS to the Commonwealth of Puerto Rico on behalf of EQB as follows:

(1) Authority for all sources located in the Commonwealth of Puerto Rico subject to the standards of performance for new stationary sources as promulgated in 40 CFR Part 60 as of the date of this delegation. The categories of new sources covered by this delegation are fossil fuel fired steam generators; incinerators; portland cement plants; nitric acid plants; sulfuric acid plants; asphalt concrete plants; petroleum refineries; storage vessel for petroleum liquids; secondary lead smelters; secondary brass and bronze ingot production plants; iron and steel plants; sewage treatment plants; primary copper smelters; primary zinc smelters; primary lead smelters; primary aluminum reduction plants; phosphate fertilizer industry: wet process phosphoric acid plants; phosphate fertilizer industry: superphosphoric acid plants; phosphate fertilizer industry: diammonium phosphate plants; phosphate fertilizer industry: triple superphosphate plants; phosphate fertilizer industry: granular triple superphosphate storage facilities; coal preparation plants; ferroalloy production facilities; and steel plants: electric arc furnances.

(2) Authority for all sources located in the Commonwealth of Puerto Rico subject to the National Emissions Standards for Hazardous Air Pollutants promulgated in 40 CFR Part 61 as of the date of this delegation, with the exception of those sources subject to the standards relating to the emission of vinyl chloride. The three hazardous air pollutants covered by this delegation are asbestos, beryllium and mercury.

(B) This delegation is based upon the following conditions:

(1) Semi-annual reports shall be submitted to EPA by the EQB which shall include a list of all identified new sources subject to the NSPS and to the NESHAPS located within the Commonwealth of Puerto Rico; the status of complaince of sources subject to the NSPS and the NESHAPS regulations; an identification of violators; a report of any legal action initiated by the Govern-

ment of Puerto Rico ("the Government") against such violators; and performance tests where applicable.

(2) The EQB will develop a system of communication sufficient to guarantee that each office is always fully informed and current regarding the compliance status of the subject sources and interpretation of the regulations.

(3) This delegation authority shall be implemented by the diligent exercise of the regulatory powers and authority possessed by the EQB. All substantive emission limitations associated with the standards hereby delegated, and all notification, recordkeeping, record retention, reporting and self-monitoring requirements imposed by 40 CFR Parts 60 and 61 shall be strictly enforced by the EQB by attaching such requirements as conditions to its permits to construct and permits to operate, and by any other appropriate means.

(4) The test methods and procedures set out in 40 CFR Part 60 Appendix A and Part 61 Appendix B shall be employed in determining source compliance with the standards herein delegated, as appropriate for the particular source involved; except that such test methods as have been formally approved by the Administrator as "equivalent" of "alternative" methods pursuant to 40 CFR 60.8(b) or 61.14(a) (as limited by 61.14(c)), may be employed in lieu of the analogous EPA reference method.

(5) Until such time as the EQB adequately demonstrates to EPA its ability to conduct the tests mandated by 40 CFR Parts 60 and 61 in accordance with the testing procedures set out in Appendices A and B of those Parts, respectively, the Board shall cause such tests to be performed by a qualified independent consultant or shall require each subject source, itself, to conduct such tests at such time and in such manner as is specified in those Parts. The EQB shall submit the results of any stack tests it conducts to EPA for review. When as a consequence of this review, EPA determines that EQB has adequately demonstrated its testing ability, EPA shall notify EQB that the Board, itself, may begin to conduct such tests in satisfaction of the requirements of 40 CFR Parts 60 and 61.

(6) Enforcement of the NSPS and NESHAPS in the Commonwealth of Puerto Rico will be the primary responsibility of the EQB. If the EQB or the Government determines that such enforcement is not feasible and so notifies EPA, or where the Board or the Government acts in a manner inconsistent with the terms of this delegation, EPA may exercise its concurrent enforcement authority pursuant to section 113 of the Clean Air Act with respect to sources within the Commonwealth of Puerto Rico subject to NSPS and NESHAPS.

(7) The Government or the EQB shall at no time grant a variance, waiver, or dispensation from compliance with NSPS and NESHAPS. Furthermore, the Commonwealth of Puerto Rico and the EQB are not delegated here by the Administrator's authority pursuant to 40 CFR 61.11 to grant waivers of compliance to sources subject to the NESHAPS regulations. Should the Government or the EQB grant such waiver, variance, or dispensation EPA will consider the grantee source to be in violation of the applicable Federal regulation, and may initiate enforcement proceedings against such source pursuant to section 113 of the Clean Air Act. The granting of the variance, waiver or dispensation shall also constitute grounds for revocation of delegation by EPA.

(8) Until such time as the Commonwealth of Puerto Rico enacts legislation in complete satisfaction of the disclosure provisions of section 110(a)(2) of the Clean Air Act, the EQB shall employ the following mechanism for disclosing information concerning sources subject to the NSPS or NESHAPS regulations to interested members of the public in those instances where the EQB is unable, under the applicable law of the Commonwealth, to otherwise effect such disclosure in a timely manner:

(a) Whenever a citizen's written request is received by the EQB for information concerning a source subject to the NSPS or NESHAPS programs, once delegated, and it is determined that under the applicable law of the Commonwealth the EQB cannot release such information, the following shall be forwarded to the EPA Region II Office by the EQB within ten (10) days of receipt of such request:

(1) A copy of the citizen's request for information;

(2) Copies of all reports and test results previously submitted by the subject source, or prepared by the EQB, in connection with the NSPS or NESHAPS programs, as relevant to the request.

(b) In addition, there shall be forwarded to the EPA Region II Office, within ten (10) days of dispatch to the addressee, a copy of the EQB response to the citizen's request for information.

(c) Upon receipt of the above, an immediate examination of the material submitted will be initiated by the New York Regional Office of the EPA. If, upon examination of the relevant request, and the Department's response thereto, it is determined by the Regional Office that EPA's responsibilities for providing information to the public require the disclosure of other or additional information, such other or additional information will be thereupon provided by the Regional Office.

(C) The delegation effected herewith is further subject to the following understandings between the Agency and the Commonwealth of Puerto Rico:

(1) Acceptance of this delegation of certain NSPS and NESHAPS standards does not commit the Commonwealth of Puerto Rico and the EQB to accept delegation of other standards and requirements. A new request for Delegation will be required for any standards and requirements not included in the Commonwealth of Puerto Rico requests to which this Letter of Delegation specifically responds.

(2) This delegation to the Commonwealth of Puerto Rico and the EQB does not include the authority to implement or enforce the NSPS or NESHAPS against Federal facilities located within the Commonwealth. This understanding in no way relieves any Federal facility from meeting the requirements of 40 CFR Parts 60 and 61 or any Puerto Rico regulations.

(3) If the Regional Administrator should determine at some future time that a Commonwealth or EQB procedure for enforcing or implementing the NSPS or NESHAPS is inadequate or is not being effectively carried out, this delegation may be revoked in whole or in part, and any such revocation shall be effective as of the date specified in the notice of revocation.

A Notice concerning this delegation will be published in the FEDERAL REGISTER in the near future. This notice will state, among other things, that, effective immediately, all reports required pursuant to the Federal NSPS and NESHAPS by sources located in the Commonwealth of Puerto Rico should be submitted to the EQB's Office at P.O. Box 11785, Santurce, P.R. 00910. Any such reports which have been or may be received by the Region II Office of EPA will be promptly transmitted to the EQB.

Since this delegation is effective as of the date of this letter, there is no requirement that you notify EPA of acceptance. Unless EPA receives a written notice of any objections within 10 days of your receipt of this letter, the Commonwealth of Puerto Rico will be deemed to have accepted all of the terms, conditions, and understandings associated with this delegation.

Sincerely yours,

GERALD M. HANSLER, P.E.,
Regional Administrator.

Copies of the requests for delegation of authority are available for public inspection at the Environmental Protection Agency, Region II Office, 26 Federal Plaza, New York, N.Y. 10007.

Effective immediately, copies of all reports required by the NSPS and the NESHAPS (with the exception of those required in connection with the vinyl chloride standards pursuant to 40 CFR 61.60 et seq.) should be submitted to the office of the Commonwealth of Puerto Rico Environmental Quality Board, P.O. Box 11785, Santurce, P.R. 00910.

This Notice is issued under the authority of sections 111 and 112 of the Clean Air Act, as amended (42 U.S.C. 1857c-6 and 7).

Dated: New York, N.Y., 1977.

ECKARDT C. BECK,
Regional Administrator, Environmental Protection Agency, Region II.

[FR Doc. 77-35164 Filed 12-8-77; 8:45 am]

[6712-01]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 21422]

AUXIER CABLEVISION

Correction

DECEMBER 5, 1977.

By the Chief, Cable Television Bureau.

In the matter of Auxier Cablevision, Auxier, Ky.; correction (42 FR 57988).

Paragraph 8 in the above-captioned Order to Show Cause, Mimeo No. 90815, adopted October 21, 1977, released November 2, 1977, is corrected to read as follows:

8. Auxier Cablevision, who has not been represented by counsel, is reminded that § 1.91(c) of the Rules provides that, to avail itself of the opportunity of a hearing, a written notice stating an intention to appeal at the

hearing must be filed with the Commission within a specified period of 30 days from the service of the order. Further, in accordance with § 1.92 of the rules, if the hearing is waived, a written statement may be submitted within the time specified above which may deny or seek to mitigate or justify the circumstances or conduct complained of in the Order to Show Cause.

For the Federal Communications Commission.

JAMES R. HOBSON,
Chief, Cable Television Bureau.

[FR Doc. 77-35298 Filed 12-8-77; 8:45 am]

[6712-01]

[Report No. 887]

COMMON CARRIER SERVICES INFORMATION

Applications Accepted for Filing

DECEMBER 5, 1977.

The applications listed herein have been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any of these applications, if upon further examination, it is determined they are defective and not in conformance with the Commission's Rules and Regulations or its policies.

Final action will not be taken on any of these applications earlier than 31 days following the date of this notice, except for radio applications not requiring a 30 day notice period (see § 309(c) of the Communications Act), applications filed under Part 68, applications filed under Part 63 relative to small projects, or as otherwise noted. Unless specified to the contrary, comments or petitions may be filed concerning radio and Section 214 applications within 30 days of the date of this notice and within 20 days for Part 68 applications.

In order for an application filed under Part 21 of the Commission's Rules (Domestic Public radio Services) to be considered mutually exclusive with any other such application appearing herein, it must be substantially complete and tendered for filing by whichever date is earlier: (a) the close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which the subsequent application is in conflict) as having been accepted for filing. In common carrier radio services other than those listed under Part 21, the cut-off date for filing a mutually exclusive application is the close of business one business day preceding the day on which the previously filed application is designated for hearing. With limited exceptions, an application which is subsequently amended by a major change will be considered as a newly filed application for purposes of the cut-off rule. (See §§ 1.227(b)(3) and 21.30(b) of the Commission's Rules.)

For the Federal Communications Commission.

WILLIAM J. TRICARICO,
Secretary.

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

20329-CD-P-(3)-78 Tel-Page, Inc. (KMB305), C.P. for additional facilities to operate on 43.58 MHz at three (3) new sites described as: Loc. No. 5: 3470 Fostoria Way, San Ramon, Calif.; Loc. No. 6: 2322 Bates Street, Port Chicago, Calif.; and Loc. No. 7: 525 University Avenue, Palo Alto, Calif.

20330-CD-P78 The Chesapeake & Potomac Telephone Co. (KGC590), C.P. to relocate facilities operating on 152.84 MHz at location No. 2 to be located at: American University Campus, Massachusetts and Nebraska Avenues NW., Washington, D.C.

20332-CD-P-78 Answer Iowa, Inc. (KWH324), C.P. to replace transmitter, change atenna system and relocate facilities operating on 152.06 MHz to be located approximately 3 miles NNE of Bettendorf, Iowa.

20333-CD-P-78 Pass Word, Inc. (new), C.P. for a new 1-way station to operate on 43.58 MHz to be located at Moscow Mountain, 8 miles NE of Moscow, Idaho.

20335-CD-TC-(4)-78 Radio Paging, Inc. Consent to Transfer of Control from E. Allen Rische, transferor to Mobile Telecommunications Corp., transferee. Stations: KKI445, KLF613, and KWU485, Houston, Tex. and KWU517, Willis, Tex.

20334-CD-P-(6)-78 South Central Bell Telephone Co. (new), C.P. for a new 1-way signaling station to operate on 152.84 MHz at six (6) new sites described as: Loc. No. 1: 1430 Madison Avenue, Memphis, Tenn. Loc. No. 2: 1535 Dellwood Avenue, Memphis, Tenn.; Loc. No. 3: 5530 Stage Road, Memphis, Tenn.; Loc. No. 4: 2101 Germantown Road, Germantown, Tenn.; Loc. No. 5: 4960 Black Road, Memphis, Tenn. and Loc. No. 6: 4230 Faronia Street, Memphis, Tenn.

20336-CD-P-78 Ooltewah-Collegedale Telephone Co., Inc. (new), C.P. for a new station to operate on 152.57 MHz to be located at Camp Road and College Drive East, Collegedale, Tenn.

20337-CD-ML-78 Southwestern Bell Telephone Co. (KLB580), Modification of License to change frequency from 152.66 MHz to 152.69 MHz located 2.25 miles ENE of Prague, Okla.

20338-CD-P-78 David R. Crawford d.b.a. West Alabama Communications (new), C.P. for a new station to operate on 152.09 MHz to be located 3.3 miles NE of York, Ala. on Highway 11, North York, Ala.

20369-CD-P-78 Alert Central Office Alarm Corp. (new), C.P. for a new 1-way station to operate on 35.22 MHz to be located at Signal Hill, Charlotte Amalie, V.I.

20370-CD-AL-78 Radio Telephone Co. of Gainesville, Inc. Consent to Assignment of License from Radio Telephone Co. of Gainesville, Inc., assignor to Bruce E. Ruckert, assignee. Station: KIY464, Deland, Fla.

20371-CE-P-78 Phone Depots, Inc. d.b.a. Mobilfone Radio System (KEA254), C.P. for additional facilities to operate on 152.21 MHz to be located at a new site described as Loc. No. 12: Off Quaker Bridge Road, ½ mile North of Mercerville, N.J.

CORRECTIONS

20215-CD-TC-(8)-78 Telephone Communications, Inc. Correct entry to read: Consent to Transfer of Control from Telephone Communications, Inc., transferor to Telephone Communications Service Corp., transferee. All other particulars to remain as reported on PN No. 884 dated November 14, 1977.

20253-CD-P-78 Neil E. Stone d.b.a. Stone's Mobile Radio & Dial-A-Page. Correct entry on PN No. 885 dated November 21, 1977 to read: (KWU507), C.P. to change antenna system operating on 152.24 MHz at 511 Atlantic Avenue, Thief River Falls, Minn.

MAJOR AMENDMENTS

20960-CD-P-(1)-77 Sierra Communications, Reno, Nevada (KOP244), amend repeater frequency 454.250 MHz to read 459.250 MHz. All other particulars to remain as reported on PN No. 850 dated March 21, 1977.

20084-CD-P-78 John Grisby Wyatt, Great Falls, Mont. (new), change base frequency 152.18 MHz to read 152.21 MHz. All other particulars to remain as reported on PN No. 881 dated October 25, 1977.

INFORMATIVE

The following application is a major action as defined by section 1.1305 of the Commission's Rules concerning the implementation of the National Environmental Policy Act of 1969 and may be subject to Petitions to Deny on environmental grounds pursuant to Section 1.1311 of the Commission's Rules:

22180-CD-P-(2)-77 Mobile Phone of Texas, Inc. (KLF477), on Route 209, approx. 4 miles West of Graham, Tex.

RURAL RADIO SERVICE

60064-CR-P-78 RCA Alaska Communications, Inc. (new), C.P. for a new central office station to operate on 152.78 MHz to be located at Village located 102 miles East of Nome, Elim, Alaska.

OFFSHORE RADIO TELEPHONE SERVICE

50001-CG-P/L-78 The Offshore Telephone Co. (new) C.P. and License for a new central office station to operate on 489.400, 489.425, 489.450, 489.475, 489.500, 489.525, 489.550, 489.575, 489.600, 489.625, 489.650, 489.675, 489.700, 489.725, 489.750, and 489.775 MHz to be located at any temporary-fixed location within the territory of the grantee, to communicate with new temporary fixed subscriber station File No. 50002-CG-P/L-78.

50002—CG-P/L-78 The Offshore Telephone Co. (new). C.P. and License for a new temporary fixed subscriber station to operate on 492.400, 492.425, 492.450, 492.475, 492.500, 492.525, 492.550, 492.575, 492.600, 492.625, 492.650, 492.675, 492.700, 492.725, 492.750, and 492.775 MHz to be located at any temporary fixed location within the territory of the grantee, to communicate with new central office station File No. 50001-CG-P/L-78.

POINT TO POINT MICROWAVE RADIO SERVICE.

DTF—466-CF-P/ML-78 Pacific Northwest Bell Telephone Co. (KPR 65). Developmental at any temporary fixed location within the territory of the grantee. Construction permit and modification of license to add transmitter(s) 3700-4200 MHz, 5925-6425 MHz and 10700-11700 MHz.

NY—479-CF-P-78 American Telephone & Telegraph Co. (KEA 87). 6.0 miles East of Windsor, N.Y. (Lat. 42°06'54" N., Long. L. 75°44 44" W): Construction permit to add 4150H MHz toward WBJA-TV, Binghamton, N.Y., on azimuth 249.9°.

TX—500-CF-P-78 West Texas Microwave Co. (WHB 28). 6.0 miles NW. of Commun Center, Tex. (Lat. 35°40'46" N., Long. 100°57'04" W.): Construction permit to add 11055H MHz toward South Tower, Tex., via power split, on azimuth 5.7°.

TX—501-CF-P-78 West Texas Microwave Co. (WHB 29). South Tower, 18 miles SE. of Spearman, Tex. (Lat. 36°02'06" N., Long. 100°54 28" W.): Construction permit to add 11505V MHz toward Perryton, Tex., on azimuth 13.7°.

TX—511-CF-MP-78 West Texas Microwave Co. (KTQ 81). Colorado City, Tex. (Lat. 33°24'49" N., Long. 100°52'06" W.): Modification of construction permit to increase antenna structure height.

NY—542-CF-P-78 Eastern Microwave, Inc. (KFN 21). N.Y.C.-GWB, 15 Columbus Circle, New York, N.Y. (Lat. 40°46'09" N., Long. 73°58'55" W.): Construction permit to add 6271.4V and 6330.7V MHz toward Bound Brook, N.J., via power split, on azimuth 249.8°.

LA—548-CF-P-78 United WEHCO, Inc. (KEV 51). 1 mile SW. of Trees, La. (Lat. 32°47'04" N., Long. 94°02'51" W.): Construction permit to increase antenna structure height.

FL—559-CF-P-78 Southern Bell Telephone Co. (KJJ 89). Junior College Road, Stock Island, Fla. (Lat. 24°34'42" N., Long. 81°44'49" W.): Construction permit to add 3930H, 4090H and 4170H MHz toward Little Torch Key, Fla.

FL—560-CF-P-78 Southern Bell Telephone Co. (KIQ 98). Little Torch Key, 3 miles WNW of Big Pine, Fla. (Lat. 24°40'40" N., Long. 81°23'43" W.): Construction permit to add 3890V, 4050V and 4130V MHz toward Marathon, Fla.

FL—561-CF-P-78 Southern Bell Telephone Co. (KIQ 97). Somerero Road, Marathon, Fla. (Lat. 24°42'20" N., Long. 81°04 38" W.): Construction permit to add 3930V, 4010V, 4090V and 4170V MHz toward Long Key, Fla.

FL—562-CF-P-78 Southern Bell Telephone Co. (KIQ 78). Long Key, 4.8 miles SW. of Craig, Fla. (Lat. 24°48'46" N., Long. 80°49'35" W.): Construction permit to add 3890V, 3970V, 4050V and 4130V MHz toward Upper Matcombe, Fla.

MO—484-CF-MP-78 United Telephone Co. of Missouri (KY088). 510 ft. West of Clinton, (Henry) Mo. Lat. 38°22'24" N., Long. 93°47'41" W. MP of 3852-CF-P-76 to replace transmitters on frequencies 2120.4H MHz toward Appleton City, Mo. 2114.6V MHz toward Deepwater, Mo. and 2125.4V MHz toward Montrose, Mo.

MO—485-CF-MP-78 Same (WBB304). Seventh and Locust Sts., Appleton City, (St. Clair) Mo. Lat. 38°11'40" N., Long. 94°01'30" W. MP of 3853-CF-P-76 to replace transmitters on frequency 2170.4H MHz toward Clinton, Mo.

MO—486-CF-MP-78 Same (WBB306). 2nd St. and C St., Deepwater, (Henry) Mo. Lat. 38°15'38" N., Long. 93°46'19" W. MP of 384-CF-P-76 to replace transmitters on frequency 2164.6V MHz toward Clinton, Mo.

MO—487-CF-MP-78 Same (WBB305). 3rd St. and Missouri Ave., Montrose, (Henry) Mo. Lat. 38°15'25" N., Long. 93°58'56" W. MP of 3855-CF-P-76 to replace transmitters on frequency 2175.4V MHz toward Clinton, Mo.

MO—488-CF-MP-78 Same (WBB302). Main and Ohio Sts., Lincoln, (Benton) Mo. Lat. 38°23'26" N., Long. 93°20'07" W. MP of 4104-CF-P-76 to replace transmitters on frequency 2125.4V MHz toward Windsor, Mo.

MO—489-CF-MP-78 Same (WBB303). 1.2 Miles West of city limits on Highway 2 Windsor, (Henry) Mo. Lat. 38°32'29" N., Long. 93°33'08" W. MP of 4105-CF-P-76 to replace transmitters on frequency 2175.4V MHz toward Lincoln, Mo.

IL—490-CF-P-78 Illinois Bell Telephone Co. (KKU37). 1414 West Jefferson St., Joliet, (Will) Ill. Lat. 41°31'20" N., Long. 88°06'58" W. CP to add a new point of communication on frequencies 11485V and 11645V MHz toward Minooka, Ill. on azimuth 235.8°.

IL—491-CF-P-78 Same (new). 102 W. McEvilly Rd., Minooka, (Grundy) Ill. Lat. 41°26'52" N., Long. 88°15'42" W. CP for a new station on frequencies 10955V and 11115V MHz on azimuth 55.7° toward Joliet, Ill.

IL—492-CF-P-78 Same (KS034). 620 S. 5th Street, Springfield, (Sangamon) Ill. Lat. 39°47'43" N., Long. 89°38'56" W. CP to increase structure height and add frequency 6226.9V MHz on azimuth 95.0° toward Mt. Auburn, Ill. and replace antennas on 3730H MHz toward Mt. Auburn, Ill.

IL—493-CF-P-78 Same (KSE99). E. Dane St., Mt. Auburn, (Christian) Ill. Lat. 39°46'05" N., Long. 89°15'34" W. CP to decrease structure height and add frequencies on 5974.8V MHz toward Springfield, Ill. and 5974.8H MHz on azimuth 71.7° toward Decatur, Ill. and replace antennas on 3770H MHz toward Decatur, Ill.

IL—494-CF-P-78 Illinois Bell Telephone Co. (new). 150 W. North St., Decatur, (Macon) Ill. Lat. 39°50'41" N., Long. 88°57'23" W. C.P. for a new station on frequency 6336.9H MHz on azimuth 251.9° toward Mt. Auburn, Ill.

MT—495-CF-P-78 Mountain States Telephone and Telegraph Co. (KPR73). Melville Junction. 3.4 miles NNE. of Melville, (Sweetgrass) Mont. Lat. 46°09'02" N., Long. 109°55'35" W. C.P. to add a new point of communication on frequencies 10795V and 11035H MHz on azimuth 179.3° toward Clayton passive reflector and passive reflector to Big Timber, Mont. on azimuth 308.1°.

MT—502-CF-P-78 Continental Telephone Co. of the West (new). 300 McLeod St. Big Timber, (Sweet Grass) Mont. Lat. 45°49'59" N., Long. 109°57'10" W. C.P. for a new station on frequencies 11245V and 11485H MHz on azimuth 128° toward Clayton passive reflector and passive reflector to Melville Junction, Mont. on azimuth 359°.

KY—514-CF-P-78 General Telephone Co. of Kentucky (WAH479). Junction West 1 mile south of Versailles, (Woodford) Ky. Lat. 38°01'38" N., Long. 84°42'43" W. C.P. to add a new point of communication on Frequency 6004.5V on azimuth 151.4° toward Vineyard, Ky.

KY—515-CF-P-78 Same (new). Vineyard 2.4 miles south of Nicholasville, (Jessamine) Ky. Lat. 37°50'11" N., Long. 84°34'49" W. C.P. for a new station on frequencies 6256.5V on azimuth 331.5° toward Junction West, Ky. and 6286.2H MHz on azimuth 179.7° toward Lancaster, Ky.

KY—516-CF-P-78 Same (new). NE. corner U.S. 27 and Kentucky 39, Lancaster, (Garrard) Ky. Lat. 37°36'28" N., Long. 84°34'44" W. C.P. for a new station on frequencies 6034.2H MHz on azimuth 359.7° and 11035V MHz on azimuth 217.0° toward Mason's Gap, Ky.

KY—517-CF-P-78 Same (new). Mason's Gap 1 mile off Kentucky 698 and 4 miles SW. Stanford, (Lincoln) Ky. Lat. 37°29'02" N., Long. 84°41'47" W. C.P. for a new station on frequencies 11485V MHz on azimuth 36.9° toward Lancaster, Ky. and 11485V MHz on azimuth 16.1° toward High Ridge, Ky.

KY—518-CF-P-78 Same (new). High Ridge Hites, Creek-High Ridge Rd., Liberty, (Casey) Ky. Lat. 37°21'27" N., Long. 84°47'06" W. C.P. for a new station on frequencies 11035V MHz on azimuth 29.1° toward Mason's Gap, Ky. and 10835V MHz on azimuth 154.3° toward Smith Ridge, Ky.

KY—519-CF-P-78 Same (new). Smith Ridge 1.5 miles north of Kentucky 635 on Fishing-Creek Rd., Science Hill, (Pulaski) Ky. Lat. 37°12'56" N., Long. 84°41'57" W. C.P. for a new station on frequencies 11285V MHz on azimuth 334.3° toward High Ridge, Ky. and 11285V MHz on azimuth 157.4° toward Hale Knob, Ky.

MN—512-CF-P-78 N-Triple-C Inc. (WOH23) Foshay Tower Building, Minneapolis, Minn. (Lat. 44°58'28" N., Long. 93°16'16" W.). Construction permit to add a new point, 11425.0V MHz toward St. Paul, Minn. on azimuth 102.2°.

MN—513-CF-P-78 Same (new). 4th and Minnesota Streets, St. Paul, Minn. (Lat. 44°56'48" N., Long. 93°05'26" W.). Construction permit for new station 10735.0H MHz toward Minneapolis, Minn. on azimuth 282.3°.

NY—310-CF-P-78 The Western Union Telegraph Co. (KEA75). 60 Hudson Street, New York, N.Y. (Lat. 40°43'03" N., Long. 74°00'33" W.). Construction permit to replace transmitter(s)—6182.4H MHz toward Mahwah, N.J.

NJ—311-CF-P-78 Same (KYJ72). Island Road and New Jersey Route 17, Mahwah, N.J. (Lat. 41°05'00" N., Long. 74°09'00" W.). Construction permit to replace transmitter(s)—6078.6H MHz toward New York No. 1, N.Y.

RI—552-CF-P-78 Southern Pacific Communications Co. (WLJ86) 3.8 miles east of Woonsocket, R.I. (Lat. 41°59'43" N., Long. 71°26'54" W.). Construction permit to add 6004.5H and 6123.1H MHz toward Boston, Mass.

KY—520-CF-P-78 General Telephone Co. of Kentucky (KYC59). Hale Knob 0.9 mile SW. of Somerset, (Pulaski) Ky. Lat. 37°05'06" N., Long. 84°37'52" W. C.P. to add a new point of communication on 10835V MHz on azimuth 337.5° toward Smith Ridge, Ky.

CO—584-CF-P-78 Mountain States Telephone and Telegraph Co. (KBD28). 21 West First St., Cortez, (Montezuma) Colo. Lat. 37°20'50" N., Long. 108°35'07" W. C.P. to add a new point of communication on frequencies 10795H and 11035V MHz on azimuth 137.1° toward Mesa Verde passive reflector and passive reflector to Mesa Verde on azimuth 192.0°.

CO—585-CF-P-78 Same (new). Mesa Verde, Colo. Lat. 37°15'27" N., Long.

108°30'01" W. C.P. for a new station on frequencies 11245H and 11485V MHz on azimuth 12.0° toward Mesa Verde passive reflector and passive reflector to Cortez on azimuth 317.1°.

FL—563-CF-P-78 Southern Bell Telephone Co. (KIQ 77). Upper Matcombe, .4 mile SE. of Islamorada, Fla. (Lat. 24°54'25" N., Long. 80°38'54" W.). Construction permit to add 3930V, 4010V, 4090V, and 4170V MHz toward Largo Sound, Fla.

CORRECTIONS

300-CF-P-78 New Jersey Bell Telephone Co., Freehold, 175 West Main St., Freehold Twp (Monmouth), N.J. Correct Call Sign to read (WCT993). All other particulars remain the same as reported on Public Notice No. 884 of November 14, 1977.

301-CF-P-78 Same (WCU229). Stone Tav.2 1.8 miles SW. of Clarkesburg (Monmouth), N.J. Correct freequency to read 11425H MHz. All other particulars remain the same as reported on Public Notice No. 884 of November 14, 1977.

302-CF-P-78 Same. Hamilton Sq. 2 miles SW. of Hamilton (Mercer), N.J. Correct entry to include Call Sign (WHT85). All other particulars remain the same as reported on Public Notice No. 884 of November 14, 1977.

268-CF-P-78 Wisconsin Telephone Co. (new). V/O Mosinee 3.1 miles ENE. of Mosinee (Marathon), Wis. Correct entry to add frequency 11325V MHz toward Dewey Marsh. All other particulars remain the same as reported on Public Notice No. 884 of November 14, 1977.

269-CF-P-78 Same. (new). Dewey Marsh 11 miles NNE. of Stevens Point (Portage), Wis. Correct receive point on 10875V and 11115V MHz toward Stevens Pt. All other particulars remain the same as reported on Public Notice No. 884 of November 14, 1977.

270-CF-P-78 Same (KSF88). 1045 Clark St., Stevens Point (Portage), Wis. Correct frequency 11605V MHz. All other particulars remain the same as reported on Public Notice No. 884 of November 14, 1977.

CO—3691-CF-P-77 Mountain States Telephone & Telegraph Co. (WHT49) Raspberry 14.5 miles NNE. of Norwood (Montrose), Colo. Lat. 38°18'54" N., Long. 108°11'56" W. Correct azimuth to read 39.4 degrees toward Placerville. All other particulars remain the same as reported on Public Notice No. 877 of 9-26-1977.

Southern Bell Telephone & Telegraph Co. Correct File No. to read CF-P-78. All other particulars remain the same as reported on Public Notice No. 883 of 11-7-1977.

FL—175-CF-MP-78 American Telephone & Telegraph Co. (KJM73). Pearl and Waukeenan Sts., Monticello (Jefferson), Fla. Correct State to read Florida. All other particulars remain the same as reported on Public Notice No. 883 of November 7, 1977.

FL—176-CF-MP-78 Same (KJM72). Correct address to read Brookwood Ave. and State Rd. 10, Madison (Madison), Fla. All other particulars remain the same as reported on Public Notice No. 883 of November 7, 1977.

FL—181-CF-MP-78 Southern Bell Telephone Co. (KJC23). Pearl and Waukeenan Sts., Monticello (Jefferson), Fla. Correct polarization on frequency 3990 MHz V to H. All other particulars remain the same as reported on Public Notice No. 883 of November 7, 1977.

KY—435-CF-P-78 Tower Communication Systems Corp. (new). 2 miles West of Route 5 on Indian Run Road, Ashland, Ky. (Lat. 38°28'11" N., Long. 82°44'32" W.): This entry appearing in Public Notice of November 28, 1977, is being corrected to show frequency 10935H MHz being added toward Ironton, Ohio, on azimuth 32.1 degrees. All other particulars remain the same as previously reported.

[FR Doc. 77-35270 Filed 12-8-77; 8:45 am]

[6712-01]

[Report No. I-412]

COMMON CARRIER SERVICES INFORMATION

International and Satellite Radio Applications Accepted for Filing

DECEMBER 5, 1977.

The Applications listed herein have been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any of these applications if, upon further examination, it is determined they are defective and not in conformance with the Commission's Rules, Regulations and its Policies. Final action will not be taken on any of these applications earlier than 31 days following the date of this notice. Section 309(d)(1).

For the Federal Communications Commission.

WILLIAM J. TRICARICO,
Acting Secretary.

SATELLITE COMMUNICATIONS SERVICES

AL-128-DSE-P/L-78 Daleville-Ft. Rucker Cable Fund, Ltd., Newton, Ala. Authority to construct, own, and operate a domestic communications satellite receive-only earth station at this location. Lat. 31°20'22" N., Long. 85°35'18" W. Rec. freq: 3700-4200 MHz. Emission 36000F9. With a 6 meter antenna.

OK-129-DSE-P/L-78 Dorate, Inc. d.b.a. Sayre TV Cable System, Sayre, Okla. Authority to construct, own, and operate a domestic communications satellite receive-only earth station at this location. Lat. 35°18'05" N., Long. 99°37'34" W. Rec. freq: 3700-4200MHz. Emission 36000F9. With a 6 meter antenna.

NC-137-DSE-P/L-78 American Cablevision of Carolina, Inc., Greensboro, N.C. Authority to construct, own, and operate a domestic communications satellite receive-only earth station at this location. Lat. 36°03'47" N., Long. 79°49'20" W. Rec. freq: 3700-4200 MHz. Emission 36000F9. With a 5 meter antenna.

Amendment—Oceanic Cablevision, Inc., Kalihi, Hawaii. Amended to request this station be operated on a nonprofit-cost sharing basis, with other cable systems in the area.

[FR Doc. 77-35272 Filed 12-8-77; 8:45 am]

[6712-01]

[FCC 77-768]

PETITIONS TO EXTEND THE JANUARY 1, 1978 SALES CUT-OFF DATE FOR 23-CHANNEL CB RADIOS AND CB RECEIVER/CONVERTERS.

Order

Adopted: November 9, 1977.

Released: November 30, 1977.

By the Commission: Commissioner White dissenting and issuing a statement in which Commissioner Lee joins.

1. The Commission has before it a number of requests,[1] both in the form of formal petitions and informal letters, requesting that the January 1, 1978, date for terminating the sale of 23-channel CB radios and CB receiver/converters in § 95.641(c)(6) and § 15.59(g), respectively, be extended for varying lengths of time. The consensus of these requests asks that the cut-off date be extended to August 1, 1978.[2] In response to these requests, petitions and letters[3] have been received opposing the extension of the sales cut-of date. Subsequently, further pleadings[4] were filed replying to these oppositions.

2. The CB radios that are the subject of these petitions are 23-channel equipments that were type accepted prior to September 10, 1976, and manufactured prior to August 1, 1977, to meet the technical standards in effect prior to September 10, 1976. These equipments cannot meet the more stringent technical standards which went into effect on September 10,

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[1] These filings are enumerated in the Appendix to this Order.

[2] At the outset, we note that this is the third request for an extension of the January 1, 1978, marketing cut-off date and, except for hand-held CB units which presented unique circumstances, we have previously declined to extend the specified deadline. In the Matter of Petitions to Extend the Sales Cut-Off Date for Certain CB Radios, FCC 77-586 (released September 1, 1977), —— FCC 2d ——. That order explained the basis for denying a categorical extension, and we declared that "we must insist on retaining this date [January 1, 1978], for the vast bulk of CB radios." Id., at para. 11. Just prior thereto, the Commission denied a similar request for a cut-off date change for 23-channel CB units. In the Matter of Manufacture and Sale of 23 Channel Class D Citizens Band Equipment Type Accepted Prior to September 10, 1976, FCC 77-562 (released August 5, 1977) —— FCC 2d ——. (See also para. 7 and note 10 infra.) Thus, the instant requests represent the "third bite" of this selfsame apple. Notwithstanding, we are herein according the instant requests a "hard look" and will treat the petitions and other pleadings on the merits.

[3] See note 1 supra.

[4] Ibid.

1976.[5] For convenience, these equipments will hereafter be referred to as "23-channel CB radios". The CB receiver-converter for which an extension of sales cut-off date is requested is an equipment used in an automobile to permit the reception of CB signals on the AM auto radio. These CB converters are subject to the same technical standards that apply to CB receivers which went into effect on September 10, 1976.[6]

3. The petitions requesting an extension of the January 1, 1978, sales cut-off date point out that there is a large inventory of 23-channel CB radios in the hands of distributors and dealers. The petitioners request relief in the form of an extended sales period to permit distributors and dealers to dispose of the existing inventory in an orderly manner. Failure to provide such relief, the petitions warn, will compel distributors and dealers to engage in distress selling or "dumping".[7] The result will be, according to the petitioners, a severely depressed CB market, severe economic hardship, intolerable financial losses and the threat of bankruptcy in the case of some dealers.

4. The existence of this large inventory of 23-channel CB radios results from what the petitioners call an unforseen decrease in the market for CB radios. Regardless of the reason for this large inventory, petitioners argue that these 23-channel CB radios exist and that by one means or another they will find their way into the hands of the public and the only real question is the price the vendor will receive for his product.[8] Thus, they argue, Commission refusal to extend the sales cut-off date as requested will not have a material impact on the number of CB radios in circulation but will harmfully impact the manufacturers, distributors and dealers with inventories of 23-channel CB radios.

5. Pathcom and Dynascan request the Commission to issue a declaratory ruling that the term "marketing" in § 95.641(c)(6) shall apply only to the initial sale at which point the 23-channel CB radio entered interstate commerce[9] and not to the resale of this equipment from the distributor to the retailer, or the retailer to the ultimate consumer. These petitioners contend that such an interpretation is valid since most of the Commission's termination dates are addressed to the manufacturer.

Opposition to the Petitions To Extend the Sales Cut-off Date

6. Several parties oppose the petition to extend the sales cut-off date. These oppositions allege that the several petitioners for relief are simply seeking to avoid the consequence of ignoring the Commission's Rules. Johnson/Hy Gain allege further that granting the proposed marketing extension or "torturing the definition of marketing to achieve that end" (Johnson/Hy Gain opposition at para 3), would be to injure not only the petitioners who oppose the extension but also the public and the Commission itself by destroying Commission credibility. Johnson and Hy Gain charge that they curtailed their production and reduced their inventory at considerable sacrifice to comply with the Commission's deadlines. If the Commission now extends the marketing cut-off date, those who did not try to comply, those who intentionally ignored the Commission's rules, will be rewarded. Johnson and Hy Gain point out that favorable action on the petitions to extend the cut-off date for sales will flood the market with the more interference producing pre-1976 23-channel CB radios.

7. Motorola in its opposition points out that it is a new entrant into the highly competitive CB market. In assessing the market, it asserts, it has relied on the termination dates established by the Commission for 23-channel CB radios (manufacture to terminate on August 1, 1977 and sale on January 1, 1978). Motorola further points out that the petitioners asking for an extension of the sales cut-off date are asking the Commission to save them from the consequences of their apparent miscalculations and incorrect business judgments. Calling attention to the Commission's Order of August 5, 1977,[10] which denied a change in the established termination dates. Motorola urges the Commission to reaffirm its earlier decision and to deny the petition to extend the sales cut-off date for 23-channel CB radios beyond January 1, 1978.

8. The replies that have been received to the oppositions do not present any new arguments. In contrast to the claim that granting the extension will flood the market, Arthur Fulmer alleges the contrary is true, that refusing to grant the extension will in fact flood the market because of the distress selling and dumping. The replies reiterate the argument that the reason for the current large inventories of 23-channel CB radios is the deterioration of the CB market. They also stress the need by vendors for more time in order to minimize losses by being able to dispose of the current inventories in an orderly fashion. Osco Drug claims that its present difficult inventory position is due to advice it has received that the sales cut-off date did not apply to retailers, not to willful disregard of Commission Rules as imputed to it by those opposing the extension.

9. The Commission has thoroughly considered petitioners' requests and oppositions and must decline to grant the extension requested for a number of independently sufficient reasons.[11] First, our previous orders in this matter (see notes 5 and 6 supra), more than amply set forth the severity of the interference to other radio and television communications accruing and expected to accrue out of the explosive growth of CB radio.[12] The dramatic increase of complaints emanat-

[5] Revised technical standards for CB transmitters and the transmitter part of a CB radio (transceiver), were adopted in Docket 20120, 2d Report and Order adopted July 27, 1976; released July 29, 1976 (41 FR 32678; 60 FCC 2d 762), and Memorandum Opinion and Order adopted October 18, 1976, released October 28, 1976 (41 FR 47445; 62 FCC 2d 648), and went into effect on September 10, 1976.

[6] Technical standards were imposed on CB receivers and the receiver part of a CB radio (transceiver), in Docket 20746, 1st Report and Order adopted July 27, 1976, released August 4, 1976 (41 FR 32590; 60 FCC 2d 687), and Memorandum Opinion and Order adopted October 18, 1976, released October 28, 1976 (41 FR 47442; 62 FCC 2d 623), and went into effect on September 10, 1976.

[7] Arthur Fulmer and Robyn International, among others, also ask that this relief be provided for the manufacturer. Fanon Courier points out that some manufacturers are faced with the problem that certain of their distributors and dealers will return unsold 23-channel CB radios for credit thus causing financial losses even to those manufacturers who have no 23-channel CB radio inventory at this time.

[8] NARDA states that its members will be faced with the alternative of breaking the law [by selling 23-channel CB radios after January 1, 1978], or of accepting intolerably high losses due to the obsolescense of their inventory.

[9] Petitioners explain that by initial sale, is meant sale from the manufacturer to a distributor for resale, or in the case of a vertically integrated marketing company, the initial shipment from the manufacturing plant to the next distribution point (Pathcom Petition at para. 5) (Dynascan Petition at para. 2).

[10] FCC 77-562 (released August 5, 1977) —— FCC 2d ——. See also note 2 supra.

[11] Many of the reasons are, of course, repetitious of the reasons given in our previous orders refusing to extend the cut-off dates set forth in note 2 supra. The reasons set forth in those orders, however, are here incorporated by reference with full force and effect to the extent relevant.

[12] At the time of the orders set forth in notes 5 and 6 supra, CB sets in usage were increasing at a rate of nearly one half million units per month. Second Report and Order in Docket 20120, note 2 supra, 60 FCC 2d at 763. The tremendous rise in complaints of interference to television viewers, land mobile radio licensees and to other CB users because of inadequate technical restrictions is set forth in a July, 1977 study of the Commission's Field Operations Bureau entitled "The Extent and Nature of Television Reception Difficulties Associated With CB Radio Transmissions." (FCC/FOB/PD&E 77-02). The study, at p. 4, indicated that such complaints grew from a little over 40 thousand in 1973 to a level expected to exceed 100 thousand in 1977. The complaint level, of course, does not reflect the total problem, only the number of those feeling sufficiently harrassed to invoke government help.

ing from intolerable CB interference mandated that our technical standard be revised. Still, despite the magnitude of the interference problems noted by us and acknowledged by all concerned, the Commission did not act precipitately; but, as the discussions in the documents referenced in notes 5 and 6 supra, attest, there was wide industry participation in the formation of our final technical rules and the establishment of the cut-off dates for non-complying devices. When the marketing deadline of January 1, 1978 was finally set in October 1976, (see notes 5 and 6 supra), the entire CB industry was on notice of the anticipated ban on pre-1976 equipment. Based on the widespread publicity our revised rules received in the CB industry trade press as well as in newspapers of general circulation, it is inconceivable that any party involved in CB marketing could have been left uninformed of the marketing cut-off date, still some 15 months off at that point.[13]

10. Second, having been advised this far in advance of the proposed cut-off, any decision to build an inventory of soon-to-be obsolete CB sets would clearly appear to have been made in full contemplation of the possible consequences should the noncomplying sets not be sold by the prescribed deadline.[14] Third, and most critical from a decisional standpoint, we have received in support of the extension requests no reliable information as to the number of pre-1976 CB sets now in dealer inventories, when those sets were made, when they were shipped to retailers, or anything else to indicate that the hardship complained of results from anything other than conscious business decisions made over 1 year ago when notice of the prescribed cut-off was given. Additionally, the petitioners have not set forth any facts and figures to affirm the general, unsupported allegations of possible bankruptcies. From a purely legal standpoint, this lack of hard factual data in support of the extension requests renders them fatally defective. The courts have ruled that the waiver applicant "* * * faces a high hurdle even at the starting gate", *WAIT Radio* v. *FCC*, 418 F. 2d 1153, 1157 (1969), and "[the applicant] must plead with particularity the facts and circumstances which warrant such action." id. See also *Basic Media Ltd.* v. *FCC*, ——F. 2d —— No. 76-1271 (D.C. Cir. June 8, 1977), (a waiver applicant faces "a very substantial burden," slip op. at 7). Accordingly, the "persuasive showing" required under our rules (47 CFR § 0.457(d)(2)(i)), for waiver of the cut-off dates set forth in 47 CFR §§ 95.641(c)(6) and 15.59(g) is not made when we are confronted with only conclusionary allegations unsupported by sufficient factual showings.

11. Finally, there is the matter of the credibility of this agency and the potential adverse consequences to those who, in good faith, took steps to comply with our rules and deadlines. We would not, absent some compelling showing accompanied by reliable facts, penalize those who relied upon the Commission's own good faith and began producing and marketing complaint device which are more expensive to produce than the pre-1976 variety. Thus, chiefly for lack of factual data to support the requested waivers and a failure, therefore, to meet the requisite waiver burden, but also for all the other aforementioned public interest reasons as well, we are constrained to deny the extension requests.

12. In view of the above, *it is ordered*, that the marketing cut-off date (January 1, 1978) for 23-channel CB radios is § 95.641(c)(6) and for CB converters in § 15.59(g) is affirmed and that the subject petitions are denied.

For the Federal Communications Commission.[1]

WILLIAM J. TRICARICO,
Acting Secretary.

APPENDIX

PETITIONS TO EXTEND

Afco Electronics Inc., P.O. Box 973, Oakland, Calif. 94604, letter dated 10-6-77.

Arthur Fulmer Inc., petition filed 10-21-77 by counsel E. William Henry, of Ginsburg, Feldman and Bress, 1700 Pennsylvania Ave. NW., Washington, D.C. 20006. (Petition filed 10-21-77 supplements letter dated 7-28-77.)

Beltek Corp. of America, 1093 Bedmar Street, Carson, Calif. 90746, letter dated 9-13-77.

Boscov's Department Store, petition filed by counsel Joseph E. DeSantis; McGavin, DeSantis & Koch, 217 North Sixth Street, Reading, Pa. 19603.

Britt's 2-Way Radio Service, 2508 North Atlanta Road, Smyrna, Ga. 30080, letter dated 9-23-77.

Burstein-Applebee, 3199 Mercier Street, Kansas City, Mo. 64111, letter dated 10-28-77.

Davidson Supply Co., petition filed 10-18-77 by counsel William L. Tankersley III; Tuggle, Duggins, Meschan, Thornton & Elrod, P.A., 228 West Market Street, Mail Drawer X, Greensboro, N.C. 27402.

Dynascan Corp., petition filed 9-16-77 by counsel Lee M. Mitchell of Sidley & Austin, 1730 Pennsylvania Ave. NW., Washington, D.C. 20006.

Fanon-Courier Corp., 990 S. Fair Oaks Avenue, Pasadena, Calif. 91105, letter dated 10-3-77.

G. C. Murphy Co., 531 Fifth Avenue, McKeesport, Pa. 15132, letter dated 9-12-77.

Granada Electronics Inc., 167 Clymer St., Brooklyn, N.Y. 11211, letters dated 10-13-77 and 10-18-77.

Krypton Electronics Inc., 18 Milweed Way, Avenel, N.J. 07001, letter dated 10-11-77.

Lake Communications, Inc., 1948 E. Lehigh Ave., Glenview, Ill., 60025, letter dated 10-13-77.

Majestic Communications, 4091 Viscount, Memphis, Tenn. 38118, letter dated 10-3-77.

MBC Radio Service & Sales Inc., 29441 West Six Mile, Livonia, Mich. 48152, letter dated 9-29-77.

Merchants Buying Syndicate Inc., 15 East 26th Street, New York, N.Y., 10010, letter dated 10-27-77.

NARDA—National Association of Retail Dealers of America, 2 North Riverside Place, Chicago, Ill. 60606, letter dated 9-1-77.

Osco Drug Inc., petition filed 10-6-77 by counsel Richard M. Riehl of Haley, Bader & Potts, 1730 M Street, Washington, D.C. 20036.

Pathcom, Inc., petition filed 8-19-77 by president William I. Thomas, Pathcom Inc., Harbor City, Calif. 90701.

Porter Burgess Co., 1233 Levee Street, Dallas, Tex. 75207, letter dated 9-21-77.

Robyn International Inc., Northland Drive, P.O. Box 478, Rockford, Mich. 49341, letter dated 10-19-77.

Royce Electronics, Inc., 1746 Leree Road, North Kansas City, Mo. 64116.

R.T. & E. Inc., 1026 Nandino Boulevard, Lexington, Ky. 40511, mailgram dated 11-1-77.

Southern Distributing Co., 3212 Milledgeville Road, Augusta, Ga. 30909, letter dated 11-1-77.

Tanner Electronic Systems Technology, Inc. (TEST), petition filed 10-12-77 by counsel Michael H. Rosenbloom/Paul E. Lehner of Wilner & Shiener, 2021 I Street NW., Washington, D.C. 20035.

PETITIONS TO OPPOSE EXTENSION

Downstate Communications Inc., 601 West Industrial Park Road, Carbondale, Ill. 62901, letter dated 10-20-77.

E.F. Johnson Co. and Hy Gain Inc., joint petition filed 10-18-77 by counsel Robert V. Cahil/Richard L. Brown; Brown, Cahill, Bernstein & Effros, 1521 O Street NW., Washington, D.C. 20005.

[13] The term "marketing" and prohibitions relating thereto, are set forth in Part 2, Subpart I ("Marketing of Radio Frequency Devices"), of our rules (47 CFR. Part 2, Subpart I). Section 2.803 of that Subpart describes in comprehensive terms the types of marketing activity prohibited with respect to radio equipment which does not comply with applicable technical standards, and it is clear therefrom that the marketing prohibitions obtain at all levels of commerce, not just to the manufacturer. The plain terms of § 2.803 leave no uncertainty as to the applicability of the marketing prohibitions as to sales at the retail and wholesale level—the prohibitions clearly apply—and the requests for a declaratory ruling in stark contravention of a clear, comprehensive rule is denied, See 47 CFR § 1.2 (authorizing the Commission to issue a declaratory ruling "* * * terminating a controversy or removing an uncertainty. (5 U.S.C. 554)").

[14] The subject rules were published in the FEDERAL REGISTER (see notes 5 and 6 supra), in accordance with 5 U.S.C. § 552 (D) and (E) and parties affected are charged with notice. 44 U.S.C. § 1507.

[1] See attached Statement of Commissioner White in which Commissioner Lee joins.

Superscope Inc., 20525 Nordhoff Street, Chatsworth, Calif. 91311, letter dated 10-17-77.
Motorola Inc., petition filed 11-4-77 by Travis Marshall, vice president, Director of Government Relations, Motorola Inc., 1776 K Street NW., Washington, D.C. 20006.

REPLY TO PETITIONS TO OPPOSE

Osco Drug (by counsel), filed 11-1-77.
Tanner Electronic Systems Technology, Inc., (by counsel), filed 11-4-77.
Arthur Fulmer (by counsel), filed 11-7-77.
Dynascan (by counsel), filed 11-8-77.

DISSENTING STATEMENT OF COMISSIONER MARGITA E. WHITE IN WHICH COMMISSIONER ROBERT E. LEE JOINS IN RE ORDER DENYING EXTENSTION OF SALES CUT-OFF DATE

I respectfully must dissent to the majority's decision insofar as it does not extend to January 1, 1978, sales cut-off date for 23-channel CB radios that were type accepted prior to September 10, 1976, for retailers and distributors. Although all the technical and equitable issues are extremely close and strong arguments can be made on either side, the primary reason for my dissent is that I believe distributors and retailers, especially small businessmen, will suffer unjustifiable economic hardship.

Almost all the petitioners, most of whom are manufacturers and/or importers of CB radios, seek an extension of the sales cut-off date not for themselves but for distributors and retailers. I did not take part in the Commission's earlier decisions[1] which established the manufacturing and sales cut-off dates and I do not find in these decisions an explanation of the assumptions which led to the selection of these specific dates. Apparently it was the Commission's intent in establishing the manufacturing and sales cut-off dates to allow enough time for the so-called distribution pipeline to clear by January 1, 1978. Memorandum Opinion and Order, FCC 77-562, adopted August 1, 1977, and released August 5, 1977, para. 4 et seq. However, it appears from the petitioner's requests for relief that sufficient time was not granted and that the marketplace will be unable to accommodate a clearing of the distribution pipeline in the orderly fashion contemplated by the Commission. It may be necessary for many distributors and retailers to suffer large economic losses. Moreover, many small retailers may not have received adequate notice of the sales cut-off date. See, e.g., letter dated September 23, 1977, from Britt's 2-Way Radio Service. In fact, it appears as if some manufacturers may have represented that the sales cut-off date did not apply to retailers and distributors. See Osco Drug's Request for Extension of Time, pp. 4-6 and its Reply to Opposition, p. 2.

It was not unreasonable for the Commission to impose cut-off dates for manufacturing and sales to serve the public interest goal of decreasing CB interference to other communications services. I believe, however, we must act with great caution so that in disrupting the natural forces of the marketplace we do not place an undue or unfair burden on any segment of the private sector. From the comments presented in support of an extension, I conclude that insufficient consideration was given to the effect of the short time permitted between the manufacturing and sales cut-off dates on the small retailers whose livelihoods would be most adversely affected by arbitrary standards. Moreover, because the CB market since has changed drastically in a way no one foresaw, but no doubt in part due to the Commission's actions, the Commission has an additional responsibility to be sensitive to the economic harm to small businesses.

Therefore, I dissent to the majority's decision to the extent that the January 1, 1978, cut-off date for 23-channel CB radios was not waived for distributors and retailers.

[FR Doc.77-35273 Filed 12-8-77; 8:45 am]

[1] 62 FCC 2d 646 (1976) and 62 FCC 2d 623 (1976).

[6712-01]

[Docket Nos. 21485, 21486, 21487]

W. ALLEN LITTLE, SR. AND WILLIE A. LITTLE

Order Designating Application for Hearing on Stated Issues

Adopted: December 1, 1977.

Released: December 6, 1977.

In the matters of revocation of license of W. Allen Little, Sr.,[1] 1506 Crestridge, Mesquite, Tex. 75149, licensee of station WB5BRI in the Amateur Radio Service and suspension of Amateur Technician Class Radio Operator License WB5BRI and application of WILLIE A. LITTLE[2] for Radio Station License in the Citizens Band Radio Service.

The Chief, Safety and Special Radio Services Bureau, has under consideration the above-captioned application of W. Allen Little, Sr., for a Citizens Band (CB), radio station license; Little's license for Amateur radio station WB5BRI; and Little's Amateur Technician Class operator license.

Little was first granted a license for Amateur radio station WB5BRI with Technician Class operating privileges on June 9, 1970, for a 5-year term. Those licenses were renewed on September 16, 1975, for a 5-year term. Little is the former licensee of Citizens Band Station KBM-4828, which license expired in January 1973. Little has filed an application, dated March 9, 1977, for a new CB station license.[2]

It appears, That on November 25, 1976, Little transmitted radio communications on the frequencies 27.400 MHz and 27.424 MHz, without a license having been issued to him for operation on those frequencies, in willful violation of section 301 of the Communications Act of 1934, as amended.

It further appears, That on March 22, 1977, Little transmitted radio communications on the frequency 27.435 MHz, again without a license having been issued to him for such operation, in willful and repeated violation of section 301 of the Communications Act of 1934, as amended.

It further appears, that Little's conduct, described herein, is contrary to the public interest, convenience and necessity standards provided for in section 307(a) of the Communications Act of 1934, as amended, and raises substantial questions regarding his qualifications to be or remain a licensee of the Commission.

It further appears, That in view of the above, the Commission would be warranted in refusing to grant an application for an Amateur radio station license if Little's original application were now before it.

Accordingly, *It is ordered*, Pursuant to sections 312(a)(2), and (4) and (c) of the Communications Act of 1934, as amended, and section 0.331 of the Commission's Rules, that Little show cause why the license for Amateur radio station WB5BRI should not be revoked, and appear and give evidence in respect thereto before an Administrative Law Judge, at a time and place to be specified by a subsequent Order. (See Enclosure 1.)

It is further ordered, Under authority contained in section 303(m)(1)(A) of the Communications Act of 1934, as amended, and section 0.331 of the Commission's Rules, that the Technician Class Amateur operator license of W. Allen Little, Sr. is suspended for the remainder of the license term.

It is further ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, and sections 0.331 and 1.973(b) of the Commission's Rules, that Little's application for a station license in the Citizens Band Radio Service is designated

[1] Respondent is licensed in the Amateur Radio Service under the name, "W. Allen Little, Sr." His application for a license in the Citizens Band Radio Service was filed under the name, "Willie A. Little."

[2] Little's CB application was granted on May 9, 1977, and the call sign KARO-1286 was assigned. That action was set aside on May 23, 1977.

for hearing to be held at a time and place to be specified by subsequent Order upon the following issues:

(1) To determine whether W. Allen Little, Sr. has made radio transmissions on frequencies allocated by the Commission to radio services in which he was not licensed.

(2) To determine in light of the evidence adduced pursuant to issue (1) above, whether Little has transmitted radio communications in willful or repeated violation of Section 301 of the Communications Act of 1934, as amended.

(3) To determine, in light of the resolution of issues (1) and (2) above, whether Little possesses the requisite qualifications to be a licensee of the Commission.

(4) To determine, in light of the foregoing issues, whether the public interest, convenience, and necessity would be served by a grant of Little's application for a station license in the Citizens Band Radio Service.

It is further ordered, That the burden of proceeding with the introduction of evidence and the burden of proof for revocation of station license (Docket No. 21485), and suspension of operator license (Docket No. 21486), is on the Bureau, pursuant to section 312(d) of the Communications Act of 1934, as amended; and the burden of introduction of evidence and the burden of proof for grant of the application (Docket No. 21487), is on the respondent, pursuant to section 309(e) of the Act.

It is further ordered, That section 1.85 of the Commission's Rules, which requires that persons whose operator licenses are suspended must, in order to have a hearing on the matter, file an application for a hearing within 15 days, is waived; and

It is further ordered, That section 1.221(c) of the Commission's Rules, which requires that applicants whose applications are designated for hearing shall file a notice of appearance within 20 days in order to have a hearing on the issues, is waived; and

It is further ordered, That, in order to obtain a hearing on the suspension matter, Little shall, within 30 days after receipt of the suspension order, make a written request for a hearing, whereupon the suspension will be held in abeyance until the conclusion of the proceedings on the suspension; and that if Little elects not to make such a request, he shall mail his Amateur Radio Operator License to the Commission in Washington, D.C. before the expiration of 30 days. (See enclosure 2.)

It is further ordered, That, in order to obtain a hearing on his application, Little, in person or by attorney, shall, within 30 days after receipt of this Order, file with the Commission in triplicate a written appearance stating an intent to appear on a date fixed for hearing to present evidence on the issues specified in the foregoing paragraphs. Failure to file a written appearance within the time specified will result in the dismissal of the application with prejudice. (See enclosure 3.)

It is further ordered, pursuant to the provisions of section 1.227 of the Commission's Rules, that the proceedings regarding the Order to Show Cause, the Suspension and the Application are consolidated for hearing.

It is further ordered, That a copy of this Order shall be sent by Certified Mail, return receipt requested and by First Class Mail to the licensee at his address of record as shown in the caption and by First Class Mail to John E. Pratt, Esq., 1012 Gus Thomasson, suite 101, P.O. Box 804, Mesquite, Tex. 75149, counsel for W. Allen Little, Sr.,

Chief, Safety and Special Radio Services Bureau.

GERALD M. ZUCKERMAN,
Chief, Legal, Advisory and Enforcement Division.

ENCLOSURE 1

[Docket Nos. 21485, 21486, 21487]

RESPONDENT'S REPLY TO ORDER TO SHOW CAUSE WHY RADIO STATION LICENSE WB5BRI SHOULD NOT BE REVOKED

In the matters of revocation of license of W. Allen Little, Sr., 1506 Crestridge, Mesquite, Tex. 75149, licensee of Station WB5BRI in the Amateur Radio Service, and suspension of Amateur Technician Class Radio Operator License WB5BRI, and application of W. Allen Little, Sr., for radio station license in the Citizens Band Radio Service.

In response to the above-mentioned Order to Show Cause, Respondent hereby informs the Commission by the placing of a check mark the appropriate block below, which course of action he will take in the above-entitled matter:

(☐) 1. Respondent will appear and present evidence at the hearing.
(☐) 2. Respondent waives his right to a hearing in the above-entitled matter and does not submit a written statement.
(☐) 3. Respondent waives his right to a hearing in the above-entitled matter and submits the attached written statement.*

Date: ———— 1977.

Respectfully submitted,

W. ALLEN LITTLE, Sr.,
Respondent.

Section 1.91 of the Commission's Rules provides that a licensee, in order to avail himself of the opportunity to be heard in a hearing presided over by an Administrative Law Judge, shall file with the Commission, within 30 days after service of the Order to Show Cause, a written statement that he will appear at the hearing and present evidence on the matter specified in the Order. If Respondent is unable to appear at a hearing held in Washington, D.C., he may request that the hearing be held at a location near his residence. Any such request should contain whatever facts Respondent feels necessary in support of his request.

The right to a hearing is waived if the licensee (1) fails to file a timely written appearance, or (2) files with the Commission, within the time specified for a written appearance, a written statement expressly waiving the right to a hearing. When hearing is waived, the licensee, within the time specified for a written appearance, may submit to the Commission a written statement denying or seeking to mitigate or justify the circumstances or conduct complained of in the Order to Show Cause. When a hearing is waived, the Chief Administrative Law Judge will issue an order certifying the case to the Commission. Thereupon, the matter normally will be handled by the Chief, Safety and Special Radio Services Bureau, under applicable delegations of authority, who will make a determination, on the basis of all information available, including statements filed by the respondent, respondent's past violation record, etc., whether a revocation order should be issued or whether the matter should be dismissed.

*If this statement is intended to be in mitigation, it should include information as to (1) the corrective action, if any, that has been taken in connection with each of the related violations; (2) the reasons, if any, why you believe that your radio station license should not be revoked.

ENCLOSURE 2

[Docket Nos. 21485, 21486, 21487]

RESPONDENT'S REPLY TO ORDER SUSPENDING AMATEUR RADIO OPERATOR LICENSE WB5BRI

In the matters of revocation of license of W. Allen Little, Sr., 1506 Crestridge, Mesquite, Tex. 75149, licensee of Station WB5BRI in the Amateur Radio Service, and suspension of Amateur Technician Class Radio Operator License WB5BRI and application of W. Allen Little, Sr., for Radio Station License in the Citizens Band Radio Service.

In response to the above-mentioned Order, Respondent hereby informs the Commission, by the placing of a check mark the appropriate block below, which course of action he will take in the above-entitled matter:

(☐) 1. Respondent will appear at a hearing on the suspension order.
(☐) 2. Respondent does not desire a hearing on the suspension order, and encloses his Amateur Radio Operator license to be held by the Commission for the duration of the suspension.

Date: ———— 1977.

Respectfully submitted,

W. ALLEN LITTLE, Sr.,
Respondent.

ENCLOSURE 3

[Docket Nos. 21485, 21486, 21487]

RESPONDENT'S REPLY TO THE ORDER DESIGNATING APPLICATION FOR HEARING

In the matters of revocation of license of W. Allen Little, Sr., 1506 Crestridge, Mesquite, Tex. 75149, licensee of station WB5BRI in the Amateur Radio Service and suspension of Amateur Technician Class Radio Operator License WB5BRI and application of W. Allen Little, Sr., for radio station license in the Citizens Band Radio Service.

In response to the above-mentioned order, Respondent hereby informs the Commission, by the placing of a check mark in the appropriate block below, which course of

action he will take in the above-entitled matter:

(☐) 1. Respondent will appear on the date fixed for the hearing and present evidence on the issues specified in the order of designation.

(☐) 2. Respondent will not present evidence on the issues specified in the order of designation and understands that, as a result, his application will be dismissed with prejudice.

Dated: ———————— 1977.

Respectfully submitted,

W. ALLEN LITTLE, Sr.,
Respondent.

[FR Doc. 77-35299 Filed 12-8-77; 8:45 am]

[6730-01]

FEDERAL MARITIME COMMISSION

COMMODORE CRUISE LINE, LTD., ET AL.

Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation No. P-120 and Certificate of Financial Responsibility to Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages No. C-1,116

Order of Revocation

In the matter of Commodore Cruise Line, Ltd., 1015 North America Way, Miami, Fla. 33132 and Lion Ferry A/B, c/o Prince of Fundy Cruises, P.O. Box 4216, Station A, Portland, Maine 04101.

Whereas, Sameiet M/S *Bolero*, Fred. Olsen & Co., Lion Ferry A/B and Commodore Cruise Line Ltd. have ceased to operate the passenger vessel *Bolero* to and from U.S. ports.

It is ordered, That Certificate (Performance) No. P-120 and Certificate (Casualty) No. C-1,116 issued to Sameiet M/S *Bolero*, Fred. Olsen & Co., Lion Ferry A/B, Commodore Cruise Line, Ltd. and Pan Cruise, Inc. and reissued to Sameiet M/S *Bolero*, Fred. Olsen & Co., Lion Ferry A/B and Commodore Cruise Line Ltd. covering the *Bolero* be and are hereby revoked effective November 29, 1977.

It is further ordered, That a copy of this Order be published in the FEDERAL REGISTER and served on certificants.

By the Commission November 29, 1977.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 77-35274 Filed 12-8-77; 8:45 am]

[6210-01]

FEDERAL RESERVE SYSTEM

MID-NE BRASKA BANCSHARES, INC.

Formation of Bank Holding Company

Mid-Nebraska Bancshares, Inc., Ord, Nebr., has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(1)) to become a bank holding company by acquiring 100 percent (less directors' qualifying shares) of the voting shares of Nebraska State Bank, Ord, Nebr. The factors that are considered in acting on the application are set forth in § 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 Kansas City. 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 no later than December 30, 1977.

Board of Governors of the Federal Reserve System, December 2, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 77-35234 Filed 12-8-77; 8:45 am]

[6210-01]

SECURITY FINANCIAL CORPORATION OF FREDERICKSBURG

Formation of Bank Holding Company

Security Financial Corporation of Fredericksburg, Fredericksburg, Tex., has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C § 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of Security State Bank and Trust, Fredericksburg, Tex. The factors that are considered in acting on the application are set forth in § 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 Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than January 2, 1978.

Board of Governors of the Federal Reserve System, December 2, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77-35235 Filed 12-8-77;8:45 am]

[4110-88]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Alcohol, Drug Abuse, and Mental Health Administration

ADVISORY COMMITTEES

Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix I), announcement is made of the following National Advisory body scheduled to assemble during the month of January 1978:

INTERAGENCY COMMITTEE ON FEDERAL ACTIVITIES FOR ALCOHOL ABUSE AND ALCOHOLISM

January 17, 1978.
Conference Rooms "G" and "H", Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857.
Open meeting.
Contact: James Vaughan, Room 16C-10, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-3888.

Purpose. The Interagency Committee on Federal Activities for Alcohol Abuse and Alcoholism (1) evaluates the adequacy and technical soundness of all Federal programs and activities which relate to alcohol abuse and alcolholism and provides for the communication and exchange of information necessary to maintain the coordination and effectiveness of such programs and activities, and (2) seeks to coordinate efforts undertaken to deal with alcohol abuse and alcoholism in carrying out Federal health, welfare, rehabilitation, highway safety, law enforcement and economic opportunity laws.

Agenda. This meeting will consist of presentations by working groups, status of current legislation, interagency agreements and reports on alcoholism programs.

Substantive program information may be obtained from the contact person listed above. The NIAAA Information Officer who will furnish summaries of the meeting and a roster of Committee members is Mr. Harry Bell, Associate Director for Public Affairs, National Institute on Alcohol Abuse and Alcoholism, Room 11A-17, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-3306.

Dated: December 5, 1977.

CAROLYN T. EVANS,
Committee Management Officer, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc. 77-35176 Filed 12-8-77; 8:45 am]

[4110-88]

Alcohol, Drug Abuse, and Mental Health Administration

MINORITY ADVISORY COMMITTEE, ADAMHA

Meeting Cancellation

NOTE.—This document originally appeared at page 61518 in the FEDERAL REGISTER for Monday, December 5, 1977. It is reprinted in this issue to meet the assigned day-of-the-week publication schedule.

In FR Document 77-83053, appearing at pages 59552-53, in the issue of Friday, November 18, 1977, the meeting of the Minority Advisory Committee, ADAMHA has been canceled.

This meeting will be rescheduled at a later date.

Dated: December 1, 1977.

CAROLYN T. EVANS,
Committee Management Officer, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc. 77-34921 Filed 12-2-77; 8:45 am]

[4110-02]

Office of Education

NATIONAL ADVISORY COUNCIL ON INDIAN EDUCATION

Cancellation of Public Committee Meeting

Notice is hereby given that the Government Intra-Agency Committee of the National Advisory Council on Indian Education's meeting scheduled for December 9 and 10, 1977, at the NACIE office, 425 13th Street NW., Washington, D.C., has been cancelled, which was published in the FEDERAL REGISTER on November 16, 1977 (42 FR 59328).

The next committee meeting of this Advisory Council will be announced in the FEDERAL REGISTER as soon as details can be arranged.

Dated: December 5, 1977.

STUART A. TONEMAH,
Executive Director, National Advisory Council on Indian Education.

[FR Doc. 77-35222 Filed 12-8-77; 8:45 am]

[4110-03]

Food and Drug Administration

[Docket No. 77N-0372; DESI 6002]

COMBINATION DRUG CONTAINING PIPERAZINE CITRATE AND TYLOXAPOL

Opportunity for Hearing an Praposal ta Withdraw Approval of New Drug Application

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice reclassifies the combination drug piperazine citrate and tyloxapol to lacking substantial evidence of effectiveness, proposes to withdraw approval of the new drug application, and offers an opportunity for a hearing on the proposal.

DATES: Hearing requests due on or before January 9, 1978.

ADDRESSES: Communications forwarded in response to this notice should be identified with the reference number DESI 6002 and the docket number appearing in the heading of this notice, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20857.

Request for Hearing: Hearing Clerk, Food and Drug Administration (HFC-20), Rm. 4-65.

Request for opinion of the applicability of this notice to a specific product: Division of Drug Labeling Compliance (HFD-310), Bureau of Drugs, Food and Drug Administration.

FOR FURTHER INFORMATION CONTACT:

Herbert Gerstenzang, Bureau of Drugs (HFD-32), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857 (301-443-3650).

SUPPLEMENTARY INFORMATION: In a notice (DESI 6002; Docket No. FDC-D-309 (now Docket No. 77N-0372)) published in the FEDERAL REGISTER of August 7, 1971 (36 FR 14662), the Food and Drug Administration announced its conclusions that the combination drug product described below is effective for the treatment of ascariasis and probably effective for the treatment of enterobiasis.

NDA 11-639; Bryrel with Superinone Syrup containing piperazine citrate and tyloxapol; Winthrop Products, Inc., subsidiary of Sterling Drug Inc., 90 Park Ave., New York, N.Y. 10016. (The August 7, 1971 notice incorrectly described the piperazine component as the hexahydrate.)

Other products named in the August 7, 1971 notice are not affected by this notice.

The effectiveness of piperazine, as a single entity, for ascariasis and enterobiasis is not in question; it was classified as effective in the August 7, 1971 notice.

Pursuant to the August 7, 1971 notice, on February 3, 1972, and January 21, 1977, Winthrop submitted published articles intended to demonstrate the effectiveness of the combination product for enterobiasis. The articles were evaluated and determined not to provide substantial evidence that the product as a combination is effective for that indication. To meet the requirements for proving the effectiveness of a fixed-combination drug (21 CFR 300.50), each of the ingredients must be shown to contribute to the claimed effects of the combination. The submitted articles and other available information show that piperazine citrate itself is effective for the treatment of enterobiasis, but did not address the contribution of tyloxapol to its effectiveness.

The notice classified ascariasis as an effective indication. The Panel on Antiparasitic Drugs of the National Academy of Science-National Research Council, Drug Efficacy Study Group, in support of its evaluation of effectiveness, had cited a study by Francisco Biagi F., et al., ("Treatment of Axcariasis with Piperazine and a Surfactant Agent," *Rev. Inst. Med. Trop. Sao Paulo* 3:29, 1961).

After a careful review of the Biagi study, the Director of the Bureau of Drugs concludes that it fails to prove the contribution of tyloxapol to the acknowledged effectiveness of piperazine for ascariasis. Because of a number of shortcomings, the study is not in compliance with the essentials of adequate and well-controlled clinical investigations (21 CFR 314.111(a)(5)(ii)) and the requirements for fixed combinations (21 CFR 300.50); for example:

The authors report that the combination of piperazine and tyloxapol is superior to piperazine alone in patients with ascariasis, citing a cure rate of 80.7 percent for cases treated with the combination vs. 65 percent for cases treated with piperazine alone. They claim that the superiority is statistically significant; however, they do not explain the method of statistical analysis. (21 CFR 314.111(a)(5)(ii)(*a*)(5)). Moreover, the identification of patients and assignment to treatment groups is ambiguous. In the "Material and Methods" section, the authors state that 146 treatments were given to 134 patients. These figures imply that some of the pateints received more than one treatment. The authors fail to state the distribution of multiple treatments in the two drug groups. (21 CFR 314.111(a)(5)(ii)(*a*)(*2*)(*iii*)).

The term "cases", is not clearly defined. It could stand either for a single patient or for an instance of drug treatment. In the present study it appears that a "case" is an instance of drug treatment, in showing the breakdown of 134 patients by age groups, however, the authors fail to provide the age distribution between the two treatment groups, which would have required the age distribution of the cases. 21 CFR 314.111(a)(5)(ii)(*a*)(*2*)(*iii*). Furthermore, they fail to state the method of distributing patients between the two drug treatments. (21 CFR 314.111(a)(5)(ii)(*a*)(*2*)(*ii*).) These failings alone render the study less than well controlled.

The study also did not control or account for food intake—a serious omission, as food contains a variety of surfactants that could either interfere with or enhance the action of tyloxapol and would make the contribution of the tyloxapol ingredient of the combination difficult to interpret. (21 CFR 314.111(a)(5)(ii)(*a*)(*2*)(*iii*)).

Finally, even if the Biagi study were adequate for purposes of evaluating the combination, it would constitute only a single study, without corrobarative studies by other investigators, while the law clearly requires more than one well-controlled study. Accordingly, the combination product is reclassified as lacking substantial evidence of effectiveness for both ascariasis and enterobiasis.

On the basis of all of the data and information available to him, the Director of the Bureau of Drugs is unaware of any adequate and well-controlled clinical investigation, conducted by experts qualified by scienfitic training and experience, meeting the requirements of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) and 21 CFR 300.50 and 314.111(a)(5), demonstrating the effectiveness of the drug.

Therefore, notice is given to the holder of the new drug application and to all other interested persons that the Director of the Bureau of Drugs proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)), withdrawing approval of the new drug application providing for the drug product listed above and all amendments and supplements thereto on the ground that new information before him with respect to the drug product, evaluated together with the evidence available to him at the time of approval of the application, shows there is a lack of substantial evidence that the drug product will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling.

In addition to the holder of the new drug application specifically named above, this notice of opportunity for hearing applies to all persons who manufacture or distribute a drug product which is identical, related, or similar to a drug product named above, as defined in 21 CFR 310.6. It is the responsibility of every drug manufacturer or distributor to review this notice of opportunity for hearing to determine whether it covers any drug product he manufactures or distributes. Any person may request an opinion of the applicability of this notice to a specific drug product he manufactures or distributes that may be identical, related, or similar to a drug product named in this notice by writing to the Food and Drug Administration, Bureau of Drugs, Division of Drug Labeling Compliance (HFD-310), 5600 Fishers Lane, Rockville, Md. 20857.

In addition to the ground for the proposed withdrawal of approval stated above, this notice of opportunity for hearing encompasses all issues relating to the legal status of the drug products subject to it (including identical,related, or similar drug products as defined in 21 CFR 310.6) e.g., any contention that any such product is not a new drug because it is generally recognized as safe and effective within the meaning of section 201(p) of the act or because it is exempt from part or all of the new drug provisions of the act pursuant to the exemption for products marketed prior to June 25, 1938, contained in section 201(p) of the act, or pursuant to section 107(c) of the Drug Amendments of 1962, or for any other reason.

In accordance with the provisions of section 505 of the act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Parts 310, 314), the applicant and all other persons subject to this notice pursuant to 21 CFR 310.6 are hereby given an opportunity for a hearing to show why approval of the new drug application should not be withdrawn and an opportunity to raise, for administrative determination, all issues relating to the legal status of a drug product named above and of all identical, related, or similar drug products.

If an applicant or any other person subject to this notice pursuant to 21 CFR 310.6 elects to avail himself of the opportunity for a hearing, he shall file (1) on or before January 9, 1978, a written notice of appearance and request for hearing, and (2) on or before February 7, 1978, the data, information, and analyses on which he relies to justify a hearing, as specified in 21 CFR 314.200. Any other interested person may also submit comments on this notice. The procedures and requirements governing this notice of opportunity for hearing, a notice of appearance and request for hearing, a submission of data, information, and analyses to justify a hearing, other comments, and a grant or denial of hearing, are contained in 21 CFR 314.200.

The failure of an applicant or any other person subject to this notice pursuant to 21 CFR 310.6 to file timely written appearance and request for hearing as required by 21 CFR 314.200 constitutes an election by such person not to avil himself of the opportunity for a hearing concerning the action proposed with respect to such drug product and a waiver of any contentions concerning the legal status of any such drug product. Any such drug product may not thereafter lawfully be marketed, and the Food and Drug Administration will initiate appropriate regulatory action to remove such drug products from the market. Any new drug product marketed without an approved NDA is subject to regulatory action at any time.

A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for the hearing that there is no genuine and substantial issue of fact which precludes the withdrawal of approval of the application, or when a request for hearing is not made in the required format or with the required analyses, the Commissioner will enter summary judgment against the person(s) who requests the hearing, making findings and conclusions, denying a hearing.

All submissions pursuant to this notice shall be filed in quintuplicate. Such submissions except for data and information prohibited from public disclosure pursuant to 21 U.S.C. 331(j) or 18 U.S.C. 1905, may be seen in the office of the Hearing Clerk between the hours of 9 a.m. and 4 p.m., Monday through Friday.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052-1053, as amended (21 U.S.C. 355)), and under authority delegated to the Director of the Bureau of Drugs (21 CFR 5.82).

Dated: December 2, 1977.

J. RICHARD CROUT,
Director, Bureau of Drugs.

[FR Doc. 77-35175 Filed 12-8-77; 8:45 am]

[4110-03]

[Docket No. 77N-0244; DESI 12101]

COMBINATION DRUG CONTAINING SYROSINGOPINE AND HYDROCHLOROTHIAZIDE

Withdrawal of Approval of New Drug Application

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice withdraws approval of the new drug application for a combination drug containing syrosingopine and hydrochlorothiazide on the basis of lack of substantial evidence of effectiveness. The drug has been used as an antihypertensive agent.

EFFECTIVE DATE: December 19, 1977.

ADDRESS: Requests for opinion of the applicability of this notice to a specific product should be identified with the reference number DESI 12101 and directed to: Division of Drug Labeling Compliance (HFD-310), Bureau of Drugs, Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20857.

FOR FURTHER INFORMATION CONTACT:

Herbert Gerstenzang, Bureau of Drugs (HFD-32), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-3650.

SUPPLEMENTARY INFORMATION: In a notice (DESI 12101) published in the FEDERAL REGISTER of September 2, 1977 (42 FR 44279), the Director of the Bureau of Drugs offered an opportunity for hearing on a proposal to issue an order withdrawing approval

of the following drug products, based upon the lack of substantial evidence of effectiveness:

NDA 12-101; Singoserp-Esidrix Tablets (2 strengths) containing syrosingopine and hydrochlorothiazide; Ciba Pharmaceutical Co., Division of Ciba-Geigy Corp., 556 Morris Avenue, Summit, N.J. 07901.

All drug products that are identical, related, or similar to the drug named above and are not the subject of an approved new drug application are covered by the new drug application reviewed and are subject to this notice (21 CFR 310.6). Any person who wishes to determine whether a specific product is covered by this notice should write to the Division of Drug Labeling Compliance (address given above).

Neither the holder of the new drug application nor any other person filed a written appearance of election as provided by said notice. The failure to file such an appearance constitutes election by such persons not to avail themselves of the opportunity for a hearing.

The Director of the Bureau of Drugs, under the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052-1053, as amended (21 U.S.C. 355)), and under the authority delegated to him (21 CFR 5.82), finds that, on the basis of new information before him with respect to the drug products, evaluated together with the evidence available to him when the application was approved, there is a lack of substantial evidence that the drug products will have the effect they purport or are represented to have under the conditions of use prescribed, recommended, or suggested in their labeling.

Therefore, pursuant to the foregoing finding, approval of new drug application 12-101, and all amendments and supplements applying thereto, is withdrawn effective December 19, 1977.

Shipment in interstate commerce of the above products or of any identical, related, or similar product that is not the subject of an approved new drug application will then be unlawful.

Dated: November 30, 1977.

J. RICHARD CROUT,
Director,
Bureau of Drugs.

[FR Doc. 77-35174 Filed 12-8-77; 8:45 am]

[4110-03]

Food and Drug Administration

[Docket No. 77N-0085]

SACCHARIN AND ITS SALTS

Final Guidelines

AGENCY: Food and Drug Administration.

ACTIONS: Notice; statement of final guidelines.

SUMMARY: The Commissioner of Food and Drugs announces final guidelines to assist manufacturers of foods containing saccharin to comply with section 4(a) of the Saccharin Study and Labeling Act (SSLA), Pub. L. 95-203, November 23, 1977. That section requires that the label and labeling of food containing saccharin introduced or delivered for introduction into interstate commerce on or after February 21, 1978, bear a warning statement. Tentative guidelines were published in the FEDERAL REGISTER of November 15, 1977 (42 FR 59119). An informal hearing to discuss the tentative guidelines was held on December 2, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. Caesar Roy, Bureau of Foods (HFF-310), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C Street SW., Washington, D.C. 20204. Telephone 202-245-1567.

SUPPLEMENTARY INFORMATION: The Saccharin Study and Labeling Act (SSLA), Pub. L. 95-203, became law on November 23, 1977. Section 4(a) of the SSLA requires that the label and labeling of food containing saccharin that is introduced or delivered for introduction into interstate commerce on or after February 21, 1978 (90 days after the date of enactment), bear the following warning: USE OF THIS PRODUCT MAY BE HAZARDOUS TO YOUR HEALTH. THIS PRODUCT CONTAINS SACCHARIN WHICH HAS BEEN DETERMINED TO CAUSE CANCER IN LABORATORY ANIMALS.

Under the SSLA, if the label or labeling of food containing saccharin fails to bear that warning, the food is misbranded under section 403(o) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 343(o)).

Tentative guidelines for complying with the warning requirement were published in the FEDERAL REGISTER of November 15, 1977 (42 FR 59119). On December 2, 1977, the tentative guidelines were discussed at an informal public hearing held in Federal Office Building No. 8, 200 C Street SW., Washington, D.C. 20204. Six persons made oral presentations at the hearing; four of those persons also submitted written statements. Several persons also submitted sample labels to illustrate their presentations. Additionally, two written statements were submitted to the FDA Hearing Clerk by persons who did not appear at the hearing. The written statements, sample labels, and a copy of the verbatim transcript of the hearing are on file with the Hearing Clerk.

The Commissioner has considered each of the views presented at the hearing or contained in written statements. The Commissioner's resolution of the issues contained in those materials are stated in the final guidelines which follow.

GUIDELINES FOR COMPLIANCE WITH SECTION 4(a) OF THE SACCHARIN STUDY AND LABELING ACT

1. The label and labeling of food containing saccharin, including saccharin products sold in packages for use as sugar substitutes, introduced or delivered for introduction into interstate commerce on or after February 21, 1978 must bear the following warning: USE OF THIS PRODUCT MAY BE HAZARDOUS TO YOUR HEALTH. THIS PRODUCT CONTAINS SACCHARIN WHICH HAS BEEN DETERMINED TO CAUSE CANCER IN LABORATORY ANIMALS.

2. Saccharin packed in bulk form for subsequent use in manufacturing food need not bear the warning statement. All food containing saccharin which is intended for distribution in interstate commerce and all food that contains saccharin which has moved in interstate commerce and is in consumer packages must bear the warning statement.

3. The warning must appear in a conspicuous place in the label and labeling. Except as explicity provided elsewhere in these guidelines, the warning shall appear on the principal display panel and each alternate principal of the food label and labeling.

4. The warning statement shall be placed on parallel lines immediately above or below the statement of identity for the food, except as explicitly provided elsewhere in these guidelines. The lines of the warning shall be in the same direction as the statement of identity for the food.

5. If the food is packed in a multiunit package with a rectangular principal display panel, such as a soft-drink carton, the warning statement may be placed on parallel lines on either side of the statement of identity for the food. The lines of the warning shall be in the same direction as the statement of identity for the food.

6. The SSLA requires that the warning statement be in conspicuous and legible type in contrast by typography, layout, and color with other printed matter on the label or labeling. A warning statement that contrasts with other printed matters on the label or labeling by typography, layout, or color will be acceptable.

7. The warning may be made conspicuous by placing it in a box formed by bold lines, by using colors that contrast with those used for background and other label statements, or by similar means.

8. The warning statement shall be in easily legible boldface print or type. Each letter in the warning statement must be at least 1/16 inch in height.

9. Food containing saccharin that bears labels purchased before the effective date of the SSLA shall bear the warning statement affixed to at least one principal display panel for each package by a durable stick-on label that prominently and conspicuously bears the warning in type size no less than 1/16 of an inch.

10. Labels purchased before the effective date of the SSLA are exempt from the placement requirements stated in paragraphs 3 and 4 of these guidelines, provided that the warning is affixed to at least one principal display panel as close as possible to the identity statement of the food.

11. Reusable lithographed bottles and bottles that do not bear paper, plastic foam jackets, or foil labels need not bear the warning statement on the surface of the bottle if the warning is printed on a hang-tag affixed securely to the bottle neck. The warning statement must be printed on the hang-tag in accordance with the provisions of these guidelines that apply to warnings printed directly on the label. The hang-tags need not be placed on the bottles until the bottles are displayed at the retail level, but manufacturers and retailers share responsibility for ensuring that the hang-tags are on the bottles and are visible to the consumer when the products are displayed at the retail level.

12. Food packaged in multiunit retail packages, e.g., soft-drink cartons, plastic wrappers surrounding cans of soft drinks or chewing gum, must bear the warning statement on each principal display panel and in accordance with the provisions of these guidelines that apply to warnings printed directly on the label of individual packages. Individual packages in a multiunit retail package need not bear the warning statement if the multiunit package bears the warning in accordance with these guidelines, except as explicitly required elsewhere in these guidelines.

13. Canned drinks sold in a multiunit package in which the individual cans are held together by a plastic strap that surrounds the upper portion of the individual cans (the carrier is known by the trademarked name "Hi-Cone") may bear the warning statement by means of a stick-on label placed on the top of at least one can in the multiunit package until current inventories of cans are exhausted. The warning must be printed on the stick-on label in type not less than 1/16 of an inch and must be arranged in parallel straight lines. If the stick-on label is circular, the warning statement may not be printed in lines parallel to the shape of the sticker.

14. Individual packages in a multiunit package purchased by restaurants, other places of public accommodation, and institutions need not bear the warning statement if: (1) the multiunit package bears the warning statement in accordance with these guidelines and the individual packages in the multiunit package are not served or otherwise made available to consumers in their package (e.g., the individual packages are used in preparing food in the kitchen in a restaurant, but are not placed on the tables for use by consumers); or (2) the product is served to consumers in the multiunit package. If the individual packages are served to consumers, each individual package must bear the warning statement.

15. If individual packages of food containing saccharin, including saccharin products sold in packages for use as sugar substitutes, are sold affixed to individual display cards, the warning statement may be placed in either of the following locations: (1) on the package in accordance with these guidelines; or (2) on the display card immediately above or below the package and otherwise in accordance with these guidelines. If it is physically impossible to place the warning on the display card immediately above or below the package, the warning may appear on the display card on either side of the package and immediately adjacent to the package. In all instances, the warning statement must be on parallel lines and arranged parallel to the name of the product on the package. "Physically impossible" means that the warning statement cannot be placed immediately above or below the package and otherwise in accordance with these guidelines, even if all non-mandatory information, including vignettes, located above or below the package is removed from the display card.

16. If individual packages in a multiunit package are arranged so that one side of the multiunit package is obviously the front (e.g., individual packages of chewing gum surrounded by a plastic wrapper in which the individual packages bear the name of the product only on one side and all the individual packages are uniformly arranged within the package), the warning statement must appear on the front of the multiunit package. If the individual packages are not uniformly arranged, or if, for some other reason, the multiunit package does not have a front side, the warning statement must appear on each alternative front side. In general, the warning statement must appear on the surface of the multiunit package that is ordinarily presented to consumers when the product is displayed for sale at the retail level. If there are alternative ways to display the product, each surface that may be displayed to consumers must bear the warning.

17. If it is physically impossible on small retail packages (e.g., individual packages of chewing gum), to place the warning statement immediately above or below the statement of identity for the food, the warning statment may be placed on either side, and immediately adjacent to, the statement of identity for the food. If it is physically impossible to place the warning statement immediately above or below, or on either side and adjacent to, the statement of identity for the food, the warning statement may be placed on any panel adjacent to the principal display panel. "Physically impossible" means that the warning statement cannot be placed on the principal display panel in accordance with these guidelines, even if all nonmandatory information, including vignettes, is removed from the principal display panel.

18. Food containing saccharin that is dispensed through vending machines or cold boxes, such as canned or bottled soft drinks, must bear the warning statement on each unit (e.g., can or bottle). The warning statement may be placed on the crown or closure of a bottle in type not less than 1/16 of an inch, by a hang-tag, printed on the label of the unit, or through use of a stick-on label. While it is desirable that vending machines and cold boxes bear the warning statement, products sold from these machines or boxes will be deemed to be misbranded under section 403(o) of the act if the products themselves do not bear the warning statement.

19. These guidelines apply to all food containing saccharin introduced or delivered for introduction into interstate commerce on or after February 21, 1978. Food containing saccharin that is delivered for introduction into interstate commerce before February 21, 1978, but is not introduced into interstate commerce until February 21, 1978, or thereafter, must bear the warning statement. Food containing saccharin that is introduced into interstate commerce before February 21, 1978, and food held for sale after shipment in interstate commerce before February 21, 1978, are not required to bear the warning statement. If food containing saccharin is shipped in interstate commerce by a manufacturer before February 21, 1978, the product is not inisbranded if its label does not bear the warning statement when the recipient of the shipment subsequently moves the product in interstate or intrastate commerce. If, however, a manufacturer ships the product in interstate commerce before February 21, 1978, but title does not pass, or the manufacturer otherwise retains control over the disposition of the product, the product would be misbranded if shipped thereafter in interstate commerce, unless its label and labeling contained the warning statement.

20. If the label and labeling of food containing saccharin bear the warning

statement in accordance with these guidelines, the label and labeling need not also contain the statement required to be on saccharin-containing foods under 21 CFR 105.79 (i.e., "Contains———saccharin (or saccharin salt, as the case may be), a nonnutritive artificial sweetener which should be used only by persons who must restrict their intake of ordinary sweets").

The Commissioner again urges manufacturers to begin placing the warning statement on the label and labeling of food containing saccharin as soon as possible, "to minimize controversy as to the application of the (warning) requirements." (Joint Explanatory Statement of the Committee of Conference, Cong. Rec. H12182, daily ed., November 3, 1977.)

Dated: December 6, 1977.

JOSEPH P. HILE,
Associate Commissioner for Compliance.

[FR Doc. 77-35308 Filed 12-7-77; 9:52 am]

[4110-03]

Food and Drug Administration

[Docket No. 77N-0392]

SULFAMETHAZINE-CONTAINING PRODUCTS FOR USE IN SWINE FEED OR DRINKING WATER

Fifteen Day Withdrawal Period Prior to Slaughter

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This document gives notice to all firms marketing sulfamethazine-containing products for use in swine feed or drinking water that such products shall bear labeling to provide that treated animals are not to be slaughtered for food within 15 days of the last treatment. This action is necessary based on an evaluation of new data as well as a reevaluation of data previously available to the Commissioner of Food and Drugs indicating that residues of sulfamethazine may occur in edible tissues of swine when the current withdrawal-time intervals provided for in the labeling are observed. The 15-day withdrawal period is intended to provide additional assurance that illegal residues of sulfamethazine will be eliminated from eddible tissues of treated swine when these products are used as directed.

FOR FURTHER INFORMATION CONTACT:

David N. Scarr, Bureau of Veterinary Medicine (HFV-214), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-3183.

SUPPLEMENTARY INFORMATION: Data from four different sulfamethazine depletion studies that were evaluated supported the need for an extension of the drug withdrawal interval. Consideration of the potential hazard to man from sulfamethazine residues in food from treated animals, and the continued high incidence of violative levels of sulfamethazine residues being found in swine tissues by USDA, has led the Commissioner to conclude that a 15-day withdrawal interval must be observed.

Section 510.450 (21 CFR 510.450) of the new animal drug regulations provides for marketing of sulfonamide-containing drug products used in food-producing animals. Sulfamethazine is a sulfonamide drug subject to the provisions of this section. Section 510.450(a)(3)(i) requires that use of the drug be discontinued 10 days before treated animals are slaughtered for food. The regulation will be revised to provide for the 15-day withdrawal interval for sulfamethazine-containing drug products intended to be administered to swine in feed or drinking water.

Firms marketing products containing sulfamethazine in their formulations that are intended for administration to swine in feed or drinking water have been notified by letter that current withdrawal-time intervals for swine provided for in package labeling are not adequate and must be extended to 15 days to provide additional assurance that no violative residues will be present at the time of slaughter. This requirement will be implemented on an industry-wide basis. The firms were requested to submit copies of revised labeling (in the form of: (1) A supplement if the product is the subject of an approved new animal drug application (NADA); or (2) an amendment if the product is marketed as an interim product under § 510.450) for each application within 60 days to provide for the 15-day withdrawal interval. Firms were furnished the option of deleting from the package labeling any reference to use in swine if the product is approved for use in other species. They were requested to place label revisions into effect as soon as possible as provided for under 21 CFR 514.8 (d)(1) and (e), if the product is the subject of an approved NADA, and no later than 60 days after the date of receipt of the letter. They were advised that existing stocks of labeled products may be relabeled with a self-adhesive overlay to provide for the extended withdrawal interval. They were also advised that drug depletion data to support withdrawal intervals other than 15 days could be submitted at any time if desired. Firms were requested to inform the administration of their intentions within 15 days after receipt of the letter.

To facilitate handling, the firms were requested to address submissions with copies of revised labeling to the Division of Surveillance, HFV-210, Bureau of Veterinary Medicine, Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20857.

This notice is intended to inform all interested persons that the label requirements apply to all sulfamethazine-containing products intended for use in swine feed or drinking water, including premixes and complete medicated feeds.

Dated: November 30, 1977.

JOSEPH P. HILE,
Associate Commissioner for Compliance.

[FR Doc. 77-34958 Filed 12-8-77; 8:45 am]

[4110-03]

FACULTY DEVELOPMENT IN FAMILY MEDICINE

Application Announcement for Grants

The Bureau of Health Manpower, Health Resources Administration, announces that applications for fiscal year 1978 Grants for Faculty Development in Family Medicine are now being accepted under the authority of section 786(a) (3) and (4) of the Public Health Service Act, as amended by the Health Professions Educational Assistance Act of 1976 (Pub. L. 94-484).

Section 786(a) (3) and (4) provides for grants to public or nonprofit private schools of medicine and osteopathy, hospitals, or other public or nonprofit private entities to plan, develop, and operate training programs for the training of physicians who plan to teach in family medicine training programs. Assistance is also authorized to support the physician trainees. The objective of this grant program is to increase the supply of physician faculty to teach in family medicine programs and to enhance the skills of those faculty presently teaching in such programs.

Requests for application materials and questions regarding grants policy should be directed to:

Grants Management Officer, Bureau of Health Manpower, HRA, Center Building, room 4-22, 3700 East-West Highway, Hyattsville, Md. 20782, 301-436-6564.

To be considered for fiscal year 1978 funding, applications must be received by the Grants Management Officer, BHM, HRA, at the above address no later than January 16, 1978.

Should additional programatic information be required, please contact:

Institutional Resources Branch, Division of Medicine, Bureau of Health Manpower, HRA, Center Building, room 4-44, 3700 East-West Highway, Hyattsville, Md. 20782, 301-436-6590.

Dated: November 30, 1977.

HAROLD MARGULIES,
Deputy Administrator, HRA.

[FR Doc. 77-35059 Filed 12-8-77; 8:45 am]

[4110-83]

Health Resources Administration

ADVISORY COMMITTEE

Meetings

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following National Advisory bodies scheduled to meet during the month of January 1978:

Name: United States National Committee on Vital and Health Statistics.
Date and time: January 11-12, 1978, 9 a.m.
Place: Snow Room, 5051, HEW-North Building, 330 Independence Avenue SW., Washington, D.C. 20201.
Open for entire meeting.

Purpose: The Secretary and by delegation the Assistant Secretary for Health and the Director, National Center for Health Statistics (NCHS), are charged under section 306 of the Public Health Service Act, as amended, 42 U.S.C. 242k, with the responsibility to collect, analyze, and disseminate national health statistics on vital events and health activities, including the physical, mental, and physiological characteristics of the population, illness, injury, impairment, the supply and utilization of health facilities and manpower, the operation of the health services system, health economic expenditures, and changes in the health status of people; administer the Cooperative Health Statistics System; stimulate and conduct basic and applied research in health data systems and statistical methodology; coordinate the overall health statistical activities of the programs and agencies of the Health Resources Administration and provide technical assistance in the management of statistical information; maintain operational liaison with statistical gathering and processing services of other health agencies, public and private, and provide technical assistance within the limitations of staff resources, research, consultation and training programs in international statistical activities; and participate in the development of national health policy with Federal agencies.

Agenda: Implications of the Assistant Secretary for Health reorganization; Status of the United States National Committee on Vital and Health Statistics, Executive Secretariat, and Health Data Policy Committee; Annual Report of the National Committee; auspices, ownership, control, distribution implementation of ICD-9; Conceptual Framework; Role of the North American Centre for Disease Classification ICD-10; Health indicators; Standardization in Health Data; Confidentiality Issues; Status of Implementation of Section 19 of Pub. L. 95-142—Medicare, Medicaid, Anti-Fraud and Abuse Amendments; Impact of reduction of respondent burden on NCHS survey; Implementation of TCP Report on Data Needs for Measuring Effects of Environment on Health; Progress reports on technical consultant panels; and Executive Branch initiatives (1) Urban Initiative/Inner City Health and (2) Child Health.

The meeting is open to the public for observation and participation. Anyone wishing to participate, obtain a roster of members, or relevant information should contact Mr. James A. Smith, National Center for Health Statistics, room 2-12, Center Building, 3700 East-West Highway, Hyattsville, Md. 20782, 301-436-7122.

Name: National Advisory Council on Nurse Training.
Date and time: January 23-25, 1978, 10:30 a.m.
Place: Conference Room 7-32, Center Building, 3700 East-West Highway, Hyattsville, Md. 20782.
Open January 23, 1978, 10:30 a.m.—12:15 p.m.
Closed remainder of meeting.

Purpose: The Council advises the Secretary and Administrator, Health Resources Administration, concerning general regulations and policy matters arising in the administration of the Nurse Training Act of 1975. The Council also performs final review of grant applications for Federal assistance, and makes recommendations to the Administrator, HRA.

Agenda: Agenda items for the open portion of the meeting include announcements; consideration of minutes of previous meetings; discussion of future meeting dates; and administrative and staff reports. The remainder of the meeting will be devoted to the review of grant applications for Federal assistance, and will therefore be closed to the public in accordance with provisions set forth in section 552b(c)(6), Title 5 U.S. Code, and the Determination by the Deputy Administrator, Health Resources Administration, pursuant thereto.

Anyone wishing to obtain a roster of members, minutes of meeting, or other relevant information should contact Dr. Mary S. Hill, Bureau of Health Manpower, room 3-50, Center Building, 3700 East-West Highway, Hyattsville, Md. 20782, 301-436-6681.

Agenda items are subject to change as priorities dictate.

Dated: December 2,1977.

JAMES A. WALSH,
Associate Administrator for Operations and Management.

[FR Doc. 77-35128 Filed 12-8-77; 8:45 am]

[4110-08]

National Institutes of Health

REPORT ON BIOASSAY OF TOLBUTAMIDE FOR POSSIBLE CARCINOGENICITY

Availability

Tolbutamide has been tested for cancer-causing activity with rats and mice in the Carcinogenesis Program, Division of Cancer Cause and Prevention, National Cancer Institute. A report is available to the public.

Summary. A bioassay of tolbutamide for possible carcinogenicity was conducted by administering the test material in the diet to Fischer 344 rats and B6C3F1 mice.

Groups of 35 rats of each sex were administered tolbutamide at one of two doses, either 12,000 or 24,000 ppm, 5 days a week for 78 weeks, then observed for an additional 28 weeks. Matched-control groups consisted of 15 untreated rats of each sex. All surviving rats were killed at 106 or 107 weeks.

Groups of 35 mice of each sex were administered tolbutamide at one of two doses, either 25,000 or 50,000 ppm, 5 days a week for 78 weeks, then observed for an additional 24-26 weeks. Matched-control groups consisted of 15 untreated mice of each sex. All surviving mice were killed at 102-104 weeks.

Mean body weights of the treated rats and mice were lower than those of the corresponding matched controls during the entire study; however, survival was not significantly affected by treatment in either species. In both sexes of both species, survival was considered to be adequate for meaningful statistical analyses of the incidence of tumors.

In both the rats and the mice, a variety of neoplasms were found in both tolbutamide-treated and control groups. None of the neoplasms were present at a statistically significant increased incidence in treated groups of either species as compared with control groups and were not considered to be compound related.

It is concluded that under the conditions of this bioassay, tolbutamide was not carcinogenic for either Fischer 344 rats or B6C3F1 mice.

Single copies of the report are available from the Office of Cancer Communications, Naitonal Cancer Institute, Building 31, room 10A21, National Institutes of Health, Bethesda, Md. 20014.

(Catalogue of Federal Domestic Assistance Program Number 13.393, Cancer Cause and Prevention Research.)

Dated: November 29, 1977.

DONALD S. FREDRICKSON,
Director, National Institutes of Health.

[FR Doc. 77-34675 Filed 12-8-77; 8:45 am]

[4310-84]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AA-6691-A through AA-6691-H]

Alaska Native Claims Selection

Applications

On March 5 and October 24, 1974, Oceanside Corp., for the Native village of Perryville, filed selection applications AA-6691-A through AA-6691-H under the provisions of section 12 of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 701; 43 U.S.C. 1601, 1611 (Supp. V, 1975)), for the surface estate of certain lands in the Perryville area.

By amendment filed May 30, 1974, Oceanside Corp. selected the lands withdrawn under Public Land Order (PLO) 2070 for use by the Bureau of Indian Affairs for school purposes.

Pursuant to the act of June 4, 1953 (67 Stat. 41; 25 U.S.C. 293a), and pursuant to the authority delegated by the Secretary of the Interior in Order No. 2508, Amendment No. 8 (19 FR 4585, July 24, 1954), the Commissioner of Indian Affairs, on July 14, 1960, quitclaimed to the Division of Lands, Department of Natural Resoures, State of Alaska, those lands withdrawn by PLO 2070 which are situated near the village of Perryville for school and other public purposes only; this parcel is therefore unavailable for selection.

In accordance with the above, Oceanside Corp. must be and is hereby rejected as to the following described lands:

SEWARD MERIDIAN, ALASKA

T. 49 S., R. 64 W.,
A portion of U.S. Survey 4993, Block 7, lot 1, which is included in quitclaim deed AA-11331. Containing approximately 0.40 acres.

The selection application filed by Oceanside Corp. excludes the lands under townsite application A-064371. The lands within the townsite application were surveyed under U.S. Survey 4993 which was approved on April 8, 1975. On June 2, 1975, the townsite trustee filed application for the lands within U.S. Survey 4993, excluding lot 1, Block 3 and lot 1, Block 7.

Section 12(a)(1) of the Alaska Native Claims Settlement Act states in pertinent part "the Village Corporation * * * shall select, in accordance with rules established by the Secretary, all of the township or townships in which any part of the village is located * * *." (See also 43 CFR 2651.4(b)).

Therefore, lot 1, Block 3 and lot 1, Block 7 of U.S. Survey 4993 (excluding those lands in quitclaim deed AA-11331), which were available for selection on December 18, 1974, are considered a part of selection application AA-6691-A, and are hereby included in the lands described below.

As to the lands described below, the applications, as amended, are properly filed and meet the requirements of the Alaska Native Claims Settlement Act and of the regulations issued pursuant thereto. These lands do not include any lawful entry perfected under or being maintained in compliance with laws leading to acquisition of title.

In view of the foregoing, the surface estate of the following described lands, selected pursuant to section 12(a), aggregating approximately 88,067 acres, is considered proper for acquisition by the Oceanside Corporation and is hereby approved for conveyance pursuant to section 14(a) of the Alaska Native Claims Settlement Act:

U.S. Survey 4993, lot 1, Block 3 located at Perryville, Alaska on the south coast of the Alaskan peninsula. Containing 2.50 acres.

U.S. Survey 4993, lot 1, block 7 (excluding that portion conveyed to the State of Alaska by quitclaim deed, AA-11331, dated July 14, 1960), located at Perryville, Alaska, on the south coast of the Alaskan peninsula. Containing 3.02 acres.

SEWARD MERIDIAN, ALASKA (UNSURVEYED)

T. 48 S., R. 62 W.
Secs. 16 to 22, inclusive, all;
Sec. 30, all.
Containing approximately 5,109 acres.

T. 49 S., R. 62 W.
Sec. 4 (fractional), all;
Secs. 8 and 9 (fractional), all;
Secs. 17 to 20 (fractional), inclusive, all;
Sec. 29 (fractional), all.
Containing approximately 2,654 acres.

T. 48 S., R. 63 W.
Secs. 13 to 17, inclusive, all;
Secs. 19 to 36 inclusive, all.
Containing approximately 14,713 acres.

T. 49 S., R. 63 W.
Secs. 4 to 10, inclusive, all;
Secs. 13 and 14 (fractional), all;
Secs. 15, 16 and 17, all;
Sec. 18, excluding the Kametolook River;
Sec. 19 (fractional), excluding the Kametolook River;
Sec. 20 (fractional), all;
Sec. 21, all;
Secs. 22 and 23 (fractional), all;
Sec. 27 (fractional), excluding Native allotment A-053922;
Secs. 28 and 29 (fractional), all;
Secs. 33 and 34 (fractional), all.
Containing approximately 11,980 acres.

T. 50 S., R. 63 W.,
Sec. 3 (fractional), all;
Containing approximately 10 acres.

T. 48 S., R. 64 W.
Secs. 25 to 36, inclusive, all.
Containing approximately 7,677 acres.

T. 49 S., R. 64 W.
Secs. 1 to 10, inclusive, all;
Sec. 11, excluding the Kametolook River;
Sec. 12, all;
Secs. 13, 14, and 15, excluding the Kametolook River;
Secs. 16 to 23, inclusive, all;
Secs. 24 and 25 (fractional), all;
Sec. 26 (fractional), excluding U.S. Survey 4993;
Secs. 27 and 28 (fractional), all;
Secs. 29 and 30, all;
Secs. 31 to 34 (fractional), inclusive, all;
Sec. 36 (fractional), all.
Containing approximately 18,004 acres.

T. 49 S., R. 65 W.
Secs. 1 to 34, (inclusive), all;
Sec s. 35 and 36 (fractional), all.
Containing approximately 22,542 acres.

T. 50 S., R. 65 W.
Secs. 2 and 3 (fractional), all;
Sec. 4 (fractional), excluding Native allotment A-057451;
Sec. 5 (fractional), all;
Sec. 6, all;
Secs. 7 and 8 (fractional), all;
Secs. 10 and 11 (fractional), all;
Sec. 15 (fractional), all;
Secs. 18 to 21 (fractional), inclusive, all;
Secs. 27, 28, and 29 (fractional), all;
Sec. 32 (fractional), all;
Sec. 33 (fractional), excluding ANSCA sec. 3(e) application AA-13907;
Sec. 34 (fractional), all.
Containing approximately 5,372 acres.

The conveyance issued for the surface estate of the lands described above shall contain the following reservations to the United States:

1. A right-of-way thereon for ditches and canals constructed by the authority of the United States, as prescribed and directed by the Act of August 30, 1890, 26 Stat. 391, 43 U.S.C. 945;

2. A right-of-way thereon for the construction of railroads, telegraph, and telephone lines, as prescribed and directed by the Act of March 12, 1914, 38 Stat. 305, 43 U.S.C. 975d;

3. The subsurface estate therein, and all rights, privileges, immunities, and appurtenances, of whatsoever nature, accruing unto said estate pursuant to the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 704; 43 U.S.C. 1601, 1613(f) (Supp. V, 1975)); and

4. Pursuant to section 17(b) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 708; 43 U.S.C. 1601, 1616(b) (Supp. V, 1975)), the following public easements, referenced by easement identification number (EIN) on the easement map in case file AA-6691-EE, are reserved to the United States and subject to further regulation thereby:

(a) (EIN 1 C5, D9) A continuous linear easement twenty-five (25) feet in width upland of and parallel to the mean high tide line in order to provide access to and along the marine coastline and use of such shore for purposes such as beaching of watercraft or aircraft, travel along the shore, recreation, and other similar uses. Deviations from the water line are permitted when specific conditions so require, e.g., impassable topography or waterfront obstruction. This easement is subject to the right of the owner of the servient estate to build upon such easement a facility for public or private purposes, such right to be exercise reasonably and without undue or unnecessary interference with or obstruction of the easement. When access along the marine coastline easement is to be obstructed, the owner of the servient estate will be obligated to convey to the United States an acceptable alternate access route, at no cost to the United States, prior to the creation of such obstruction.

(b) (EIN 3 C5) An easement for an existing access trail twenty-five (25) feet in width

from the village of Perryville in sec. 26, T. 49 S., R. 64 W., Seward Meridian, to the landing strip west of the village in sec. 27, T. 49 S., R. 64 W., Seward Meridian. The usage of roads and trails will be controlled by applicable State or Federal law or regulation.

(c) (EIN 5 D9) An easement for a proposed access trail twenty-five (25) feet in width from Anchor Bay in sec. 22, T. 49 S., R. 63 W., Seward Meridian, along the right bank of Red Bluff Creek from its mouth northerly to public lands in sec. 9, T. 48 S., R. 63 W., Seward Meridian. The usage of roads and trails will be controlled by applicable State or Federal law or regulation.

(d) (EIN 9 E) An easement for a proposed access trail twenty-five (25) feet in width from the village of Perryville in sec. 26, T. 49 S., R. 64 W., Seward Meridian, generally paralleling the Kametolook River northerly to public lands in sec. 21, T. 48 S., R. 64 W., Seward Meridian. The usage of roads and trails will be controlled by applicable State or Federal law or regulation.

(e) (EIN 10 C) The right of the United States to enter upon the lands hereinabove granted for cadastral, geodetic, or other survey purposes is reserved, together with the right to do all things necessary in connection therewith.

(f) (EIN 11 C) Easements for the transportation of energy, fuel, and natural resources which are the property of the United States or which are intented for delivery to the United States or which are produced by the United States. These easements also include the right to build any related facilities necessary for the exercise of the right to transport energy, fuel, and natural resources, including those related facilities necessary during periods of planning, locating, constructing, operating, maintaining, or terminating transportation systems. The specific location of these easements shall be determined only after consultation with the owner of the servient estate. Whenever the use of such easements will require removal or relocation of any structure owned or authorized by the owner of the servient estate, such use shall not be initiated without the consent of the owner of such improvement; provided, however, that the United States may exercise the right of eminent domain if such consent is not given. Only those portions of these easements that are actually in use or that are expressly authorized on March 3, 1996, shall continue to be in force.

The grant of lands shall be subject to:

1. Issuance of a patent confirming the boundary description of the lands hereinabove granted after approval and filing by the Bureau of Land Management of the official plat of survey covering such lands;

2. Valid existing rights therein, if any, including but not limited to those created by any lease (including a lease issued under section 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339, 341; 48 U.S.C. Ch. 2, Sec. 6(g) (1970))), contract, permit right-of-way, or easement, and the right of the lessee, contractee, permittee, or grantee to the complete enjoyment of all rights, privileges, and benefits thereby granted to him;

3. Requirements of section 14(c) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 703; 43 U.S.C. 1601, 1613(c) (Supp. V, 1975)), that the grantee hereunder convey those portions, if any, of the lands hereinabove granted, as are prescribed in said section; and

4. the terms and conditions of the agreement dated January 18, 1977, between the Secretary of the Interior, Bristol Bay Native Corp., Oceanside Corp., and other Bristol Bay village corporations. A copy of the agreement shall be attached to and become a part of the conveyance document and shall be recorded therewith. A copy of the agreement is located in the Bureau of Land Management easement case file for Oceanside Corp., serialized AA-6691-EE. Any person wishing to examine this agreement may do so at the Bureau of Land Management, Alaska State Office, 555 Cordova Street, Anchorage, Alaska 99501.

Conveyance of the remaining entitlement to Oceanside Corp., will be made at a later date. Pursuant to section 14(f) of the Alaska Native Claims Settlement Act, conveyance of the subsurface estate of the lands described above shall be granted to Bristol Bay Native Corp., when conveyance is granted to Oceanside Corp., for the surface estate, and shall be subject to the same conditions as the surface conveyance.

There are no inland water bodies considered to be navigable within the lands described:

The Kametolook River is subject to tidal influence upstream from its mouth for three (3) miles.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice of this decision is being published once in the FEDERAL REGISTER and once a week, for four (4) consecutive weeks, in the Anchorage Times. Any party claiming a property interest in lands affected by this decision may appeal the decision to the Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510, with a copy served upon both the Bureau of Land Management, Alaska State Office, 555 Cordova Street, Anchorage, Alaska 99501, and the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 408, Anchorage, Alaska 99501, also:

1. Any party receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.

2. Any unknown parties, any parties unable to be located after reasonable efforts have been expended to locate, and any parties who failed or refused to sign the return receipt shall have unitl January 9, 1978, to file an appeal.

3. Any party, known or unknown, who may claim a property interest which is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

4. If Oceanside Corp., or Bristol Bay Native Corp., objects to any easement which is identified herein for reservation in the conveyance, which is subject to the discretion of the State Director and not reserved pursuant to an express Secretarial directive, a petition for reconsideration must be filed within 30 days from receipt of service with the State Director, Bureau of Land Management, 555 Cordova Street, Anchorage, Alaska 99501. A copy of the petition should be served upon the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 408, Anchorage, Alaska 99501. If a petition for reconsideration is not filed, it will be deemed that the right to contest any such easement has been wiaved.

If an appeal is taken as to the lands rejected, the adverse parties to be served are:

State of Alaska, Department of Natural Resources, Division of Lands, 323 East Fourth Avenue, Anchorage, Alaska 99501.
Attorney General, State of Alaska, 360 K Street, Anchorage, Alaska 99501.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of, and requirements for, filing an appeal may be obtained from the Bureau of Land Management, 555 Cordova Street, Anchorage, Alaska 99501.

ROBERT E. SORENSON,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 77-35192 Filed 12-8-77; 8:45 am]

[1505-01]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[OR 13354 (Wash.)]

WASHINGTON

Order Providing for Opening of Public Lands

Correction

In FR Doc. 77-30855 appearing at page 56367 in the issue for Tuesday, October 25, 1977, in the land description at the top of column one of page 56368, under "T. 10 N., R. 32 E.," insert lot "3" for Sec. 5.

[4310-55]

Fish and Wildlife Service

ENDANGERED SPECIES PERMIT

Receipt of Application

Applicant: Dr. Richard W. Thorington, Jr., Natural History Building Room 390, Smithsonian Institution, Washington, D.C. 20560.

The applicant seeks permission to import, into the United States, blood samples obtained from captured and released howler monkeys (*Alouatta villosa=palliata*) for the purpose of

genetic analysis to enhance the survival of the species.

Documents and other information submitted with this application are available to the public during normal business hours in Room 534, 1717 H St., N.W., Washington, D.C., or by writing to the Director, U.S. Fish and Wildlife Service, (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-1674. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address on or before January 9, 1978. Please refer to the file number when submitting comments.

Dated: December 6, 1977.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal Wildlife Office, United States Fish and Wildlife Service.

[FR Doc. 77-35266 Filed 12-8-77; 8:45 am]

[4310-55]

MARINE MAMMAL PERMIT

Receipt of Application

Appl icant: Sea World, Inc., 1720 South Shores Road, San Diego, Calif. 92109, L. H. Cornell, D.V.M.

An application for a Marine Mammal permit has been received requesting authorization to capture alive up to twenty (20) subadult walrus (*Odobenus rosmarus*) for scientific research and eight (8) walrus pups for educational display. The purpose of the research is to determine the effectiveness of various anesthetics in immobilizing walruses for research and treatment. The research is not expected to result in the death of any of the walruses.

Documents and other information submitted with this application are available to the public during normal business hours in Room 534, 1717 H Street, NW., Washington, D.C., or by writing to the Director, U.S. Fish and Wildlife Service, (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-1486. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address on or before January 9, 1978. Please refer to the file number when submitting comments.

Dated: December 6, 1977.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal Wildlife Office.

[FR Doc. 77-35265 Filed 12-8-77; 8:45 am]

[4310-55]

THREATENED SPECIES PERMIT

Receipt of Application

Applicant: Pittsburgh Zoo, P.O. Box 5250, Pittsburgh, Pa. 15206, Howard R. Hays, Director.

The applicant requests a Captive Self-Sustaining Population permit authorizing the purchase and sale, for the purpose of propagation, of those species of mammals and pheasants listed as T (C/P) in 50 CFR 17.11. Humane shipment and care in transit is assured.

Documents and other information submitted with this application are available to the public during normal business hours in Room 534, 1717 H Street NW., Washington, D.C., or by writing to the Director, U.S. Fish and Wildlife Service, (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-1391. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address on or before January 9, 1978. Please refer to the file number when submitting comments.

Dated: December 6, 1977.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal Wildlife Office, United States Fish and Wildlife Service.

[FR Doc. 77-35264 Filed 12-8-77; 8:45 am]

[4310-55]

THREATENED SPECIES PERMIT

Receipt of Application

Applicant: Wayne C. Young, R.D. 1 Box 81, Nicholson, Pa. 18446.

The applicant requests a Captive Self-Sustaining Population permit authorizing the purchase and sale, for the purpose of propagation, of those species of mammals listed as T (C/P) in 50 CFR 17.11. Humane shipment and care in transit is assured.

Documents and other information submitted with this application are available to the public during normal business hours in Room 534, 1717 H St., NW., Washington, D.C., or by writing to the Director, U.S. Fish and Wildlife Service, (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-1695. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address on or before January 9, 1978. Please refer to the file number when submitting comments.

Dated: December 6, 1977.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal Wildlife Office, United States Fish and Wildlife Service.

[FR Doc. 77-35267 Filed 12-8-77; 8:45 am]

[4310-10]

Office of Hearings and Appeals

[Docket No. M 78-18]

B & Z COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), B & Z Coal Co., 1433 Poplar St., Kulpmont, Pa. 17834, has filed a petition to modify the application of 30 CFR 75.301, air quality, quantity, and velocity, to its No. 1 Slope Mine, located in Northumberland County, Pa.

The substance of Petitioner's statement is as follows:

1. Petitioner requests that section 75.301 be modified for this anthracite mine to require, in part, that the minimum quantity of air reaching each working face shall be 1,500 cubic feet a minute, that the minimum quantity of air reaching the last open crosscut in any pair of developing entries shall be 5,000 cubic feet a minute, and that the minimum quantity of air reaching the intake end of a pillar line shall be 5,000 cubic feet a minute, and/or whatever additional quantity of air that may be required in any of these areas to maintain a safe and healthful atmosphere.

2. This petition requesting modification of 30 CFR 75.301 is submitted for the following reasons:

A. Air sample analysis history reveals that harmful quantities of methane are nonexistent in the mine.

B. Ingition, explosion, and mine fire history are nonexistent for the mine.

C. There is no history of harmful quantities of carbon dioxide and other noxious or poisonous gases.

D. Mine dust sampling programs have revealed extremely low concentrations of respirable dust.

E. Extremely high velocities, in small cross-sectional areas of airways required in friable anthracite veins for the control purposes, particularly in steeply pitching mines, present a very dangerous flying object hazard to the miners.

F. High velocities and large quantities of air cause extremely uncomfortable damp and cold conditions in the already uncomfortable, wet mine.

G. Difficulty in keeping miners on the job and securing additional mine

help is due primarily to the conditions cites.

3. Finally the Petitioner avers that a decision in its favor will in no way provide less than the measure of protection afforded the miners under the existing standard.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments within 30 days from the date of publication of this notice in the FEDERAL REGISTER. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson boulevard, Arlington, Va. 22203. Copies of the petition are available for inspection at that address.

DAVID TORBETT,
Director,
Office of Hearings and Appeals.

[FR Doc. 77-35255 Filed 12-8-77; 8:45 am]

[4310-10]

[Docket No. M 78-14]

CONSOLIDATION COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Consolidation Coal Company, c/o Karl T. Skrypak, 3300 One Oliver Plaza, Pittsburgh, Pa. 15222, has filed a petition to modify the application of 30 CFR 77.302, bypass stocks, to its Georgetown Central Preparation Plant, located in Cadiz, Ohio.

The substance of Petitioner's statement is as follows:

1. Petitioner operates the Georgetown Central Preparation Plant. The preparation plant removes impurities from the run of mine coal received from three deep mines and various surface mines in the area. The preparation plant employs some 95 personnel and operates two shifts each day.

2. Currently, it is necessary to pump the plant "bleed" to an impoundment basin located about 4,000 feet from the plant. The solids in the plant "bleed" contain over 70 tons per hour of fine coal and a large quantity of clay-like material. Approximately 70 tons per hour of fine coal can be recovered from this "bleed" by froth flotation followed by vacuum filtration.

3. The filter cake of fine coal produced by the vacuum filters will contain about 25 percent moisture, which is too much moisture to allow this recovered coal to be sent to Petitioner's customers. It is necessary to partially dry this filter cake to 5 to 9 percent final moisture.

4. Petitioner has had considerable experience in drying fine coal of this nature. The coal carried by the pioneer coal pipeline from Georgetown to Eastlake, near Cleveland, Ohio, was virtually identical. Then, as now, no commercially available coal dryer used the principle of exhaust gas recirculation to obtain the greatly improved safety of drying in a low oxygen atmosphere.

5. Attached hereto and, by reference, made a part hereof is a short paper entitled "Certain Aspects of Safety in Drying Fine Coal" by W. B. Jamison. Said paper is marked Exhibit "A."[1]

6. The fine coal dryer proposed for the Georgetown Central Preparation Plant[2] will use a furnace fueled with very fine coal obtained from the secondary cyclone collectors of the coal dryer. All applicable provisions of NFPA No. 60—1973, the latest Standard for Installation and Operation of Pulverized Fuel System will be followed. Also, 30 CFR 77.301(b) which specifically covers coal dryers fired by pulverized coal will be followed.

7. Petitioner contends that 30 CFR 77.302, requiring a bypass stack to vent hot gas from the furnace during shutdown, is necessary in coal dryers when using stoker firing. With stoker firing, it is not possible to interrupt or halt combustion instantly on shutdown. But a pulverized coal firing system can be shut down instantly, and in this respect operates similarly to a gas or oil fired system. Therefore, on shutdown, combustion does not continue and the only residual heat is that stored in the refractory.

8. The fine coal dryer proposed for the Georgetown Central Preparation Plant will entrain the fine damp coal in the hot gas from the furnace and will dry the wet coal almost instantly. The residence time of the coal in the dryer is about one second. Therefore, on shutdown, there is no prolonged exposure of coal to the residual heat in the dryer, since the feed is stopped instantly and the flow of gas continues long enough to cary the coal in transit to the collecting cyclones. The airlocks which empty coal from the cyclones will continue to run long enough after shutdown of the system to assure that all coal wil be emptied from the cyclones. In this way, the bypass stack required by 30 CFR 77.302 is not needed to prevent prolonged heating of coal retained in the dryer as may occur in a fluidized bed dryer.

9. The fine coal dryer proposed for the Georgetown Central Preparation Plant will be equipped with the best of modern automatic combustion controls made by Honeywell or Foxboro. The hot gas exiting from the furnace will not exceed 1,500 degrees Fahrenheit. This hot gas will contact the wet filter cake, flashing the water to steam, and lowering the gas temperature to the range of 185 to 230 degrees range and will act to adjust the rate of combustion to maintain the desired setting. If this temperature should rise to 260 degrees, the controller will alarm and will introduce water into the dryer. Continued rise to 290 to 300 degrees will be programmed to cause a complete shutdown.

10. The system of controlled water sprays will automatically prevent excessive temperature in the dryer during shutdown. The water introduced into the gas stream will flash to steam and will continue to hold the oxygen to a low level.

11. As covered in Exhibit "A," referenced in Paragraph 5 above, the fine coal dryer proposed for the Georgetown Central Preparation Plant dries coal in a low oxygen atmosphere. The prototype dryer built at Salina, Pennsylvania, did not have and did not require a continuous oxygen indicator, which was not commercially available. It is intended that a continuous oxygen indicator will be installed on the Georgetown dryer; but since we do not know of any such indicator now in use on a coal dryer, we cannot be sure that it will be reliable and operable.

12. The furnace to be used with the fine coal dryer proposed for the Georgetown Central Preparation Plant will operate at about 6" w.g. above atmospheric pressure. The difficulties in making an airtight valve of large size suitable for use at high temperature is well known. Virtually, all such valves leak, as clearances cannot be close enough to make them gas tight. Therefore, a bypass stack, unneeded with this dryer as covered in Paragraphs 7 and 8 above, would be a continued source of emission of hot gas and possibly smoke. Such continued emission would be in violation of State and Federal EPA regulations.

13. The prototype dryer, built and operated at Salina, Pa., from 1960 to 1967, did not have a bypass stack. The safety and smooth operation of that dryer demonstrated that a bypass stack is not needed on the proposed dryer.

14. The alternate proposal as above described will at all times guarantee no less than the measure of protection afforded the miners by the mandatory standard and would result in a greater measure of safety than intended by the Act, as the alternate proposal will afford:

A. Low oxygen content while drying.

[1] The enclosed exhibit is available for inspection at the address listed in the last paragraph of this petition.

[2] Although the Petitioner shall describe the specific structural design of the coal dryer proposed for Georgetown, the same design concept is applicable to all other Consol mines.

B. Oxygen content stays low on emergency shutdown or temporary upset.

C. Coal is not retained in the dryer on shutdown or power interruption.

D. No coal in the dryer during startup.

E. Low oxygen drying atmosphere is established before feed of coal is started.

F. Water sprays are tuned on automatically if temperature rises above desired control temperature.

G. Controls on water sprays are fail safe.

H. Amply sized explosion doors are provided.

I. System is entirely sealed by steel shells and tight ductwork.

J. Flame integrity is monitored by Ultra Violet combustion monitoring system which will shut down combustion and coal feed upon loss of flame.

K. All discharge of gas to atmosphere goes through a high efficiency scrubber or through the filter cake, so that air pollution requrements are met.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before January 9, 1978. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Va. 22203. Copies of the petition are available for inspection at that address.

DAVID TORBETT,
Director, Office of Hearings and Appeals

DECEMBER 5, 1977.

[FR Doc. 77-35256 Filed 12-8-77; 8:45 am]

[4310-10]

[Docket No. M 78-13]

KENTUCKY CARBON CORP.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Kentucky Carbon Corp., c/o L. Lynch Christian, P.O. Box 553, Charleston, W.Va. 25322, has filed a petition to modify the application of 30 CFR 75.300, mechanical ventilation-main fans, to its No. 1 Mine, located in Phelps, Ky.

The substance of Petitioner's statement is as follows:

1. Petitioner is the operator of the Kencar No. 1 Mine.

2. The coal mined in the Kencar No. 1 Mine is transported from the working faces to a tipple where the impurities and other mine refuse are separated out. The refuse is then carried from the tipple to a collecting bin by a conveyor belt system approximately 2,200 feet in total length. This system is comprised of two conveyor belts, the second of which is approximately 1,300 feet in length. This second belt travels approximately 1,200 feet underground in a straight entry ("belt entry") before reaching the dumping point at the refuse collection bin.

3. No mining activity is carried on in the immediate area of the belt entry. The belt entry is not interconnected to the active workings of the mine and the underground portion of the belt can only be reached where the refuse belt enters and exists the ground. One man is assigned to operate and maintain this belt on one shift every 24 hours. At all other times there is no need for empoyees to travel the belt entry.

4. The belt entry and the once active mine through which the belt entry passes do not have a history of methane. The refuse material carried on the belt is normally wet and muddy, and no activity in the belt entry creates excessive coal, rock or other type of dust.

5. Air quantity readings taken for a 12-hour period at 20-minute intervals have established that sufficient natural ventilation is present in the belt entry and that mechanical ventilation is unnecessary.

6. The installation and utilization of mechanical ventilation equipment in the belt entry will result in a diminution of safety to the miners in Kencar No. 1 Mine in that forcing air through the belt entry will cause roof deterioration. Additional safety hazards will also be posed by the addition of electrical circuits and equipment necessary to operate the ventilation system.

7. On August 20, 1973, the former District Manager for Coal Mine Health and Safety District 6 of the Mining Enforcement and Safety Administration (MESA), sent Petitioner a letter stating that Petitioner would not be required to mechanically ventilate its belt entry because there was sufficient natural ventilation of said entry. A copy of this letter is attached hereto as Exhibit B.[1]

8. On October 6, 1977, the present District Manager of MESA's Coal Mine Health and Safety District 6, sent Petitioner a letter revoking MESA's August 20, 1973, letter. A copy of the October 6, 1977, letter is attached hereto as Exhibit C.[1] Such letter apparently requires that Petitioner provide mechanial ventilation equipment for the belt entry.

9. After a thorough investigation, Petitioner has determined that its present system of natural ventilation for this belt entry is an alternative method which at all times guarantees no less than the same measure of protection afforded the miners of the Kencar No. 1 Mine by mechanical ventilation as required by 30 CFR 75.300. Petitioner has further determined that the installation and utilization of mechanical ventilation equipment in the belt entry will result in a diminution of safety to the miners in its Kencar No. 1 Mine.

10. No danger is involved. Petitioner requests that in lieu of the mandatory standard contained in 30 CFR 75.300, that it be permitted to continue to utilize the belt entry here in question in the manner described above.

[1] The enclosed exhibits are available for inspection at the address listed in the last paragraph of this petition.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before January 9, 1978. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Va. 22203. Copies of the petition are available for inspection at that address.

DAVID TORBETT,
Director Office of Hearings and Appeals.

DECEMBER 5, 1977.

[FR Doc. 77-35257 Filed 12-8-77; 8:45 am]

[4310-10]

[Docket No. M 78-17]

PEERLESS EAGLE COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Peerless Eagle Coal Co., Farmers and Merchants Bank Building, Summersville, W. Va. 26651, has filed a petition to modify the application of 30 CFR 75.1710-1, cabs or canopies, to its Mine 2A, located in Nicholas County, W. Va.

The substance of Petitioner's statement is as follows:

1. The area of the Mine 2A to which this petition is applicable is the Section Second East, entire section, called Second East, including the small panels that Petitioner works off of Main Second East. The total seam height is 40 to 50 inches.

2. The electric face equipment, subject to the regulation, in this section consists of the following:

(a) (1) Joy 11 RU coal cutter.
(b) (1) S&S Una-Trac scoop.
(c) (1) Joy 14 BU 10 loader.
(d) (2) Galis 300 roof drills.
(e) (2) Joy 18 SC shuttle cars.

(f) (1) Joy RBD15 converted coal drill.

3. Petitioner installed canopies on the two shuttle cars and the coal cutter. These canopies were manufactured by Joy Manufacturing Co. for this particular equipment.

4. Petitioner was issued notices on these three pieces of equipment because the cabs were not suitable because the operators of the equipment had to hang out from under the canopy to operate the equipment. These notices were issued on September 19, 1977.

5. On September 22, 1977, Petitioner was issued notices because it failed to provide substantially constructed cabs or canopies on all of the face equipment on this section.

6. Petitioner has applied to the Administrator-Technical support for assistance in construction of cabs or canopies. Petitioner is without knowledge of any alternate device which would be safe and otherwise suitable for use in this mine.

7. Petitioner feels that the application of 30 CFR 75.1710-1 to this area of this mine will result in a diminution of safety to the operators of equipment.

8. Operators do not have as good vision as they would have without the cabs or canopies. They have to lean out from under the canopies in order to operate the equipment and to see their fellow miners. If the machines are raised any higher, they will tear down check curtains and cause poor ventilation. The machines will tear down hanging cables and shear off roof bolts or dislodge other roof supports and endanger the operator and other miners.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before January 30, 1978. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Va. 22203. Copies of the petition are available for inspection at that address.

DAVID TORBETT,
Director, Office of Hearings and Appeals.

DECEMBER 5, 1977.

[FR Doc. 77-35258 Filed 12-8-77; 8:45 am]

[4310-10]

[Docket No. M 78-16]

W-P COAL CO.

Petition for Modificotion of Applicotion of Mondatory Sofety Standord

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), W-P Coal Co., c/o Harold S. Albertson, Jr., P.O. Box 1989, Charleston, W. Va. 25327, has filed a petition to modify the application of 30 CFR 75.1710-1, cabs or canopies, to its Mine No. 29, located in Logan County, W. Va.

The substance of Petitioner's statement is as follows:

1. Petitioner has received notices of violation with respect to the installation of canopies in certain sections of its Mine No. 29. Petitioner is of the opinion, and is prepared to offer evidence to the effect that the technology available with respect to installation of canopies under the particular conditions in Mine No. 29 is not advanced to such a degree as to make the application of such technology available from a practical and financial standpoint in that particular mine. In addition, an attempted installation of said canopies under these specific conditions will result in a diminution of safety to miners in Mine No. 29.

2. This petition for modification relates to all areas where the mining heights are less than 48 inches. It is Petitioner's position that the application of the mandatory standard in such areas will result in the diminution of safety to miners in the following specific respects:

A. The installation of canopies will severely restrict the vision of operators of the equipment while the equipment is in motion.

B. The installation of canopies will result in a severe limitation of vision of the operator of said equipment while the equipment is stationary and performing its various functions.

C. The installation of canopies will create the added danger of impact between the canopies and roof or ribs.

D. The installation of canopies in areas where the mining height is less than 48 inches will create dangerous and crowded seating conditions for the operators of the equipment.

E. The installation of canopies, by decreasing the vision of the operators of the equipment, will necessarily increase the probability of equipment hitting other equipment in the mining area.

F. The installation of canopies will increase the probability that equipment will impact with temporary or permanent roof support within the working area.

G. The installation of canopies will result in an increased probability of equipment striking other workers in the area.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before January 9, 1978. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Va. 22203. Copies of the petition are available for inspection at that address.

DAVID TORBETT,
Director, Office of Hearings and Appeals.

[FR Doc. 77-35259 Filed 12-8-77; 8:45 am]

[4310-70]

National Park Service

INTENTION TO EXTEND CONCESSION PERMIT

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that after January 9, 1978, the Department of the Interior, through the Superintendent, Wind Cave National Park, proposes to extend a concession permit to Carl F. Oberlitner, authorizing him to provide concession facilities and services for the public at Wind Cave National Park for a period of two (2) years from January 1, 1978, through December 31, 1979.

An assessment of the environmental impact of this proposed action has been made and it has been determined that it will not significantly affect the quality of the human environment, and that it is not a major Federal action under the National Environmental Policy Act and the guidelines of the Council on Environmental Quality. The environmental assessment may be reviewed in the Office of the Superintendent, Wind Cave National Park, Hot Springs, S. Dak.

The foregoing concessioner has performed his obligations to the satisfaction of the Secretary under an existing permit which expires by limitation of time on December 31, 1977, and therefore, pursuant to the Act of October 9, 1965, as cited above, is entitled to be given preference in the renewal of the permit and in the negotiation of a new permit. This provision, in effect, grants Carl F. Oberlitner, as the present satisfactory concessioner, the right to meet the terms of responsive offers for the proposed new permit and a preference in the award of the permit, if the offer of Carl F. Oberlitner is substantially equal to others received. The Secretary is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted on or before January 9, 1978.

Interested parties should contact the Assistant Director, Special Services, National Park Service, Washington, D.C. 20240, for information as to the requirements of the proposed permit.

Dated: November 30, 1977.

WILLIAM J. WHALEN,
Director,
National Park Service.

[FR Doc. 77-35219 Filed 12-8-77; 8:45 am]

[4510-30]

DEPARTMENT OF LABOR

Employment and Training Administration

EMPLOYMENT TRANSFER AND BUSINESS COMPETITION DETERMINATIONS UNDER THE RURAL DEVELOPMENT ACT

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 U.S.C. 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 commercial 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 2 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 5th day of December 1977.

ERNEST G. GREEN,
Assistant Secretary for
Employment and Training.

APPLICATIONS RECEIVED DURING THE WEEK ENDING DECEMBER 2, 1977

Name of applicant and location of enterprise	Principal product or activity
Homestead Woolen Mills, Inc., West Swanzey, N.H.	Weaving of men's and women's coating and sportswear.
Byron's Inc., Montgomery, W. Va.	Retail men's clothing.
Pine Lodge Extended Care Center, Inc., Beckley, W. Va.	Nursing service and motel service.
B. L. Montague Co., Inc., Sumter, S.C.	Engineered conveyor systems and steel fabrication.
Williamson Bros. Fertilizer and Grain, Kingstree, S.C.	Manufacture of fertilizer and buying and selling of grain.
Oklahoma Brick Corp., Henryetta, Okla.	Manufacture and distribution of clay masonry products.
Stempel Manufacturing Co., Coleman, Tex.	Manufacture of wooden office products.
P. K. Insulation Manufacturing Co., Inc., Joplin, Mo.	Manufacture industrial insulating cements.
A&L Corp., Stanton, Iowa.	Nursing and residential care.
C&M Floor Covering, Napa, Calif.	Floor covering, retail and contract, sales.
Arizona Brick Co., Inc., Tucson, Ariz.	Manufacture of bricks.
Foppiano Packing Co., Stockton, Calif.	Commercial packing and cold storage of fruits and nuts.

[FR Doc. 77-35129 Filed 12-8-77; 8:45 am]

[4510-29;4830-01]

Pension and Welfare Benefit Programs

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[Prohibited Transaction Exemption 77-12; Application Nos. D-880 and 882]

EXEMPTIONS FOR CERTAIN TRANSACTIONS INVOLVING THE CENTRAL STATES, SOUTHEAST AND SOUTHWEST AREAS PENSION FUND

AGENCIES: Department of Labor/Pension and Welfare Benefit Programs Office and Department of the Treasury/Internal Revenue Service.

ACTION: Grant of exemptions.

SUMMARY: The Department of Labor (the Department) and the Internal Revenue Service (the Service) hereby grant two exemptions for certain transactions involving the Central States, Southeast and Southwest Areas Pension Fund (the Fund). In the absence of the exemptions, these transactions would be prohibited by the Employee Retirement Income Security Act of 1974 (the Act) and the Internal Revenue Code of 1954 (the Code).

FOR FURTHER INFORMATION CONTACT:

Martha McLane, Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210, 202-523-9141.
Neil Grossman, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, D.C. 20224, Attn: E:EP:PT, 202-566-4260. (These are not toll-free numbers.)

SUPPLEMENTARY INFORMATION: On September 23, 1977, notice was published in the FEDERAL REGISTER (42 FR 48413) that the Department and the Service (hereinafter collectively referred to as the Agencies) had under consideration proposed exemptions from the restrictions of sections 406(a)(1) (A), (B), and (D) of the Act and from the taxes imposed by sections 4975 (a) and (b) of Code by reason of sections 4975(c)(1) (A), (B), and (D) of the Code. The exemptions were requested in an application filed by The Equitable Life Assurance Society of the United States (Equitable) and an application filed by Victor Palmieri and Co. Inc., Mr. Victor Palmieri, and Mr. Brian Corbell. The applications were filed pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code. The proposed exemptions applied to three ground leases between Equitable and the Fund and a loan by the Fund.

The exemptions were proposed in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975) and Rev. Proc. 75-26, 1975-1 C.B. 722, and all interested persons were invited to submit written comments on the proposed exemp-

tions. No comments were received by the Agencies.

GENERAL INFORMATION

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other disqualified person or party in interest with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act which, among other things, require a fiduciary to discharge his duties respecting the plan solely in the interest of the plan's participants and beneficiaries and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) The exemptions set forth herein do not extend to transactions prohibited under section 406(b) of the Act and sections 4975(c)(1) (E) and (F) of the Code.

(3) The exemptions set forth herein are supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory exemptions and transiticnal rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is in fact a prohibited transaction.

EXEMPTIONS

Pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975) and Rev. Proc. 75-26, 1975-1 C.B. 722, and based upon the entire record, the Agencies find that it is administratively feasible, in the interests of the Fund and its participants and beneficiaries, and protective of the rights of participants and beneficiaries of the Fund to grant, and hereby grant, the exemptions proposed in the notice of September 23, 1977, 42 FR 48413.

Signed at Washington, D.C., this 2d day of December 1977.

J. VERNON BALLARD,
Deputy Administrator Pension and Welfare Benefit Programs, Department of Labor.

FRED J. OCHS,
Director, Employee Plans Division, Internal Revenue Service.

[FR Doc. 77-35171 Filed 12-8-77; 8:45 am]

[4810-28]

Office of the Secretary

[TA-W-2292]

CONTINENTAL SPORTSWEAR, INC., PATERSON, N.J.

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-2292: 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 29, 1977, in response to a worker petition received on August 25, 1977, which was filed on behalf of workers and former workers producing women's winter coats at Continental Sportswear, Inc., Paterson, N.J. During the course of the investigation it was revealed that the company also produces ladies' raincoats.

The notice of investigation was published in the FEDERAL REGISTER on September 20, 1977 (42 FR 47270). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Continental Sportswear, Inc., its customers, the International Ladies' Garment Workers Union, 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.

The investigation revealed that all of the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The only employment data that was available was (1) the total number of production employees who worked in each quarter, and (2) the total number of weeks these employees worked in each quarter.

The average number of production workers in each quarter declined 28 percent from 1974 to 1975 and then remained stable in the first nine months of 1976 when compared to the same period in 1975.

The average number of weeks worked per quarter declined 12 percent from 1974 to 1975 and then declined 17 percent in the first nine months of 1976 when compared to the same period in 1975.

All employment was terminated in October 1976 when the company closed.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales of Continental Sportswear, in value, declined 25 percent from 1974 to 1975. All sales ceased when the company closed on October 20, 1976. A comparison of the January through October periods of 1975 and 1976 is not possible with the available data.

Continental Sportswear was a contractor, therefore, sales and production were equal.

Continental did not import any products.

Continental produced exclusively for contracts, therefore, had no inventory.

INCREASED IMPORTS

Imports of women's misses', and children's coats and jackets increased in absolute terms, from 1972 to 1973, declined from 1973 to 1974, and increased from 1974 to 1975. Imports increased 48 percent from 1975 to 1976 and increased 28 percent in the first 6 months of 1977 compared to the same period in 1976. The ratios of imports to domestic production and consumption increased from 38.9 percent and 28 percent, respectively, in 1975 to 57.5 percent and 36.5 percent, respectively, in 1976.

Imports of women's, misses', and children's raincoats declined in absolute terms from 1972 to 1973, declined from 1973 to 1974, and increased from 1974 to 1975. Imports increased 37 percent from 1975 to 1976 and declined 13

percent in the first half of 1977 compared to the same period in 1976. The ratios of imports to domestic production and consumption increased from 36.8 percent and 26.9 percent, respectively, in 1975 to 50.4 percent and 33.5 percent, respectively in 1976.

CONTRIBUTED IMPORTANTLY

The Department's investigation revealed that Continental Sportswear, Inc. did sewing on a contract basis for other manufacturers. An OTAA survey revealed that a manufacturer representing a majority of Continental's sales decreased contract work with Continental by 56 percent from 1975 to 1976. This manufacturer increased purchases of imported ladies' coats by 29 percent from 1975 to 1976.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with ladies' winter coats and ladies' raincoats produced at Continental Sportswear, Inc., Paterson, N.J., contributed importantly to the decline in sales and production and 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 Continental Sportswear, Inc., Paterson, N.J., who become totally or partially separated from employment on or after August 17, 1976, and before December 31, 1976, are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Trade Act of 1974. All workers who became totally or partially separated from employment after December 31, 1976 are not eligible to apply for adjustment assistance.

Signed at Washington, D.C., this 25th day of November 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc. 77-35289 Filed 12-8-77; 8:45 am]

[4510-28]

[TA-W-2594]

SERSTEL CORP., PITTSBURGH, PA.

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-2594: 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 10, 1977 in response to a worker petition received on October 19, 1977 which was filed by the Boilermakers Union on behalf of workers and former workers of the Serstel Corp. who where hired to rebuild a blast furnace at the Lackawanna, N.Y. plant of the Bethlehem Steel Corp.

The Notice of Investigation was published in the FEDERAL REGISTER on November 18, 1977 (42 FR 59565). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Serstel Corp., the Boilermakers Union, 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.

The Serstel Corp. works as a general contractor for the steel industry in the installation, replacement and rebuilding of refractories in high temperature steel making vessels such as coke ovens and blast furnaces. Refractories are the brick linings in the furnaces.

The petitioners were engaged in the rebuilding of a blast furnace at the Lackawanna, N.Y. plant of the Bethlehem Steel Corp. Serstel's function was solely to organize, supervise and administer a labor force which was engaged in the rebuilding of the blast furnace utilizing materials and designs provided by the Bethlehem Steel Corp.

There is no corporate relationship between the Serstel Corp. and the Bethlehem Steel Corp.

The Department of Labor has previously 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, Inc. (TA-W-153; 40 FR 54639).

The Serstel Corp. provides the service of organizing, supervising and administering a labor force on a contract basis for steel producers. The Serstel Corp. was not involved in the production of an article within the meaning of Section 222(3) of the Act.

CONCLUSION

After careful review of the issues, I have determined that the services provided by the Serstel Corp. are not articles within the meaning of Section 222(3) of the Trade Act of 1974 and that the workers should therefore be denied eligibility to apply for adjustment assistance.

Signed at Washington, D.C., this 30th day of November 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc. 77-35290 Filed 12-8-77; 8:45 am]

[7590-01]

NUCLEAR REGULATORY COMMISSION

ABNORMAL OCCURRENCE REPORT

Tenth Report Submitted to the Congress

Notice is hereby given that pursuant to the requirements of section 208 of the Energy Reorganization Act of 1974, as amended, the Nuclear Regulatory Commission has published and issued the tenth periodic report to Congress on abnormal occurrences (NUREG-0090-9). The release date is December 2, 1977.

Under the Energy Reorganization Act of 1974, which created the NRC, an abnormal occurrence is defined as "an unscheduled incident or event which the Commission (NRC) determines is significant from the standpoint of public health or safety." The NRC has made a determination, based on criteria published in the FEDERAL REGISTER (42 FR 10950) on February 24, 1977, that events involving an actual loss or significant reduction in the degree of protection against radioactive properties of source, special nuclear, and byproduct materials are abnormal occurrences.

The tenth report to Congress is for the third quarter of 1977. The report is based upon occurrences or events that the Commission determined were significant during the quarter. The report indicates that the following incidents or events were determined by the Commission to be significant and reportable during that time period:

(a) There were no abnormal occurrences at the 65 nuclear powerplants licensed to operate.

(b) There were no abnormal occurrences at fuel cycle facilities (other than nuclear powerplants).

(c) There was one abnormal occurrence at other licensee facilities. It involved the loss and recovery of a radioactive source and probable overexposure.

The incidents involved temporary reductions in margins of safety normally provided.

The tenth report to the Congress also contains updating information on abnormal occurrences reported in previous reports.

The report also contains information on activities in those States which have entered into agreements with the NRC for the assumption of certain regulatory authority pursuant to section 274 of the Atomic Energy Act, as amended.

Interested persons may review the report at the NRC's Public Document Room, 1717 H Street NW., Washington, D.C. or at any of the 130 local Public Document Rooms throughout the country. The report, designated NUREG-0090-9, may be purchased from the National Technical Information Service, Springfield, Va. 22161, at $4 a copy on or about December 16, 1977.

Dated at Washington, D.C., this 5th day of December, 1977.

For the Nuclear Regulatory Commission.

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc. 77-35052 Filed 12-8-77; 8:45 am]

[7590-01]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS SUBCOMMITTEE ON EMERGENCY CORE COOLING SYSTEMS (ECCS)

Notice of Meeting; Additional Topic

In addition to the topics listed in the FEDERAL REGISTER on December 2, 1977, page 61339, for consideration at the meeting of the ACRS ECCS Subcommittee on December 19, 1977, there will be a discussion of the status of the Westinghouse Upper-Head Injection (UHI) Model and the NRC Staff Review of the UHI Model.

All other items remain the same as announced in the above cited issue of the FEDERAL REGISTER.

Dated: December 5, 1977.

JOHN C. HOYLE,
Advisory Committee,
Management Officer.

[FR Doc. 77-35185 Filed 12-8-77; 8:45 am]

[7590-01]

[Docket No. 40-3453]

ATLAS MINERALS CORP.

Availability of Draft Environmental Statement for Moab Uranium Mill

Pursuant to the National Environmental Policy Act of 1969 and the United States Nuclear Regulatory Commission's regulations in 10 CFR Part 51, notice is hereby given that a Draft Environmental Statement prepared by the Commission's Office of Nuclear Material Safety and Safeguards related to the application for renewal of Source Material License No. SUA-917 for the Moab Uranium Mill located in Grand County near Moab, Utah, is available for inspection by the public in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C. 20555. The Draft Statement is also being made available at the Utah State Clearinghouse, Utah State Planning Coordinator, Office of the Governor, State Capitol Building, Salt Lake City, Utah 84114, and at the Southeastern Utah Association of Governments, P.O. Box 686, 109 South Carbon Avenue, Price, Utah 84501. Requests for copies of the Draft Environmental Statement (NUREG-0341) should be addressed to the U.S. Nuclear Regulatory Commission, Attention: Director, Division of Document Control, Washington, D.C. 20555.

The Applicant's Environmental Report, as supplemented, submitted by Atlas Minerals Corp. is also available for public inspection at the above-designated locations. Notice of availability of the Applicant's Environmental Report was published in the FEDERAL REGISTER on March 3, 1977 (42 FR 12272).

Pursuant to 10 CFR Part 51, interested persons may submit comments on the Applicant's Environmental Report, as supplemented, and the Draft Environmental Statement for the Commission's consideration. Federal and State agenices are being provided with copies of the Applicant's Environmental Report and the Draft Environmental Statement (local agencies may obtain these documents upon request). Comments are due by January 23, 1978. Comments by Federal, State, and local officials, or other persons received by the Commission will be made available for public inspection at the Commission's Public Document Room in Washington, D.C.

Upon consideration of comments submitted with respect to the Draft Environmental Statement, the Commission's staff will prepare a Final Environmental Statement, the availability of which will be published in the FEDERAL REGISTER.

Comments on the Draft Environmental Statement from interested persons of the public should be addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Fuel Cycle and Material Safety.

Dated at Silver Spring, Md., this 21st day of November 1977.

For the Nuclear Regulatory Commission.

LELAND C. ROUSE,
Chief, Fuel Processing and Fabrication Branch, Division of Fuel Cycle and Material Safety.

[FR Doc. 77-34814 Filed 12-8-77; 8:45 am]

[7590-01]

[Docket No. 50-346]

TOLEDO EDISON CO. AND CLEVELAND ELECTRIC ILLUMINATING CO. (DAVIS-BESSE NUCLEAR POWER STATION, UNIT NO. 1)

Notice of Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No.7 to the Facility Operating License No. NPF-3, issued to the Toledo Edison Co. and the Cleveland Electric Illuminating Co., for operation of the Davis-Besse Nuclear Power Station, Unit No. 1 (the facility) located in Ottawa County, Ohio. The amendment is effective as of its date of issuance.

This license is amended by making the appropriate changes as listed to the technical specifications on pages 3/4 3-7 and 3/4 3-13. This license is further amended by changing license conditions 2.C.(2), 2.C.(3)(k) and 2.C.(3)(l) and removing license conditions 2.C.(3)(m) and 2.C.(3)(q) of Facility Operating License No. NPF-3. License conditions 2.C.(3)(m), and 2.C.(3)(q) have been fully satisfied.

The amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact, and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see: (1) Amendment No. 7 to License No. NPF-3, and (2) the Commission's related Safety Evaluation supporting Amendment No. 7 to License No. NPF-3. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555 and at the Ida Rupp Public Library, 310 Madison Street, Port Clinton, Ohio 43452. A copy of items (1) and (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Project Management.

Dated at Bethesda, Maryland, this 29th day of November, 1977.

For the Nuclear Regulatory Commission.

JOHN F. STOLZ,
Chief, Light Water Reactors Branch No. 1, Division of Project Management.

[FR Doc 77-35190 Filed 12-8-77; 8:45 am]

[7590-01]

[Docket No. 50-289]

METROPOLITAN EDISON CO., ET AL.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 32 to Facility Operating License No. DPR-50, issued to Metropolitan Edison Co., Jersey Central Power and Light Co., and Pennsylvania Electric Co. (the licensees), which revised Technical Specifications for operation of the Three Mile Island Nuclear Station, Unit No. 1 (the facility) located in Dauphin County, Pa. The amendment becomes effective 30 days after its date of issuance.

The amendment incorporates fire protection Technical Specifications on the existing fire protection equipment and adds administrative controls related to fire protection at the facility. This action is being taken pending completion of the Commission's overall fire protection review of the facility.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated February 10, 1977, as revised August 12, 1977, (2) Amendment No. 32 to License No. DPR-50, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Government Publications Section, State Library of Pa., Box 1601 (Education Building), Harrisburg, Pa. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 30th day of November 1977.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors Branch No. 4, Division of Operating Reactors.

[FR Doc.77-35288 Filed 12-8-77; 8:45 am]

[7590-01]

[Docket No. 50-336]

NORTHEAST NUCLEAR ENERGY CO., ET AL.

Notice of Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 33 to Facility Operating License No. DPR-65 issued to Northeast Nuclear Energy Co., The Connecticut Light and Power Co., The Hartford Electric Light Co., and Western Massachusetts Electric Co., which revised Technical Specifications for operation of the Millstone Nuclear Power Station, Unit No. 2, located in the town of Waterford, Conn. The amendment is effective as of the date of issuance.

The amendment consists of a license amendment and Technical Specification changes relating to (1) the receipt, possession, and use of byproduct, source, and special nuclear material and (2) an extension of the maximum allowable fuel burn-up from 500 to 502 effective full power days (EFPD).

The applications for the amendment comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the applications for amendment dated November 4, 1977 (as supplemented by letter dated September 28, 1977) and November 18, 1977, (2) Amendment No. 33 to License No. DPR-65, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Waterford Public Library, Rope Ferry Road, Waterford, Conn. 06385. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulation Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 2d day of December 1977.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.

[FR Doc. 77-35186 Filed 12-8-11; 8:45 am]

[7590-01]

[Dockets Nos. 50-245 and 50-336]

NORTHEAST NUCLEAR ENERGY CO., ET AL.

Notice of Issuance of Amendment to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 42 to Provisional Operating License No. DPR-21 and Amendment No. 34 to Facility Operating License No. DPR-65 to Northeast Nuclear Energy Co., the Connecticut Light and Power Co., the Hartford Electric Light Co., and Western Massachusetts Electric Co., which revised Environmental Technical Specifications for operation of the Millstone Nuclear Power Station, Units Nos. 1 and 2, located in the town of Waterford, Conn. The amendments are effective as of their date of issuance.

The amendments consist of changes to the Environmental Technical Specifications which will allow operation of the Millstone Unit No. 1 interim offgas system with hydrogen concentrations greater than 4 percent.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of the amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of the amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of the amendments.

For further details with respect to this action, see (1) the application for amendments dated November 8, 1977, (2) Amendments Nos. 42 and 34 to License Nos. DPR-21 and DPR-65 respectively, and (3) the Commission's related letter dated December 2, 1977. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Waterford Public Library, Rope Ferry Road, route 156, Waterford, Conn. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md. this 2d day of December 1977.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.

[FR Doc. 77-35188 Filed 12-8-77; 8.45 am]

[7590-01]

[Docket Nos. 50-277 O.L. & 50-278 O.L.]

PHILADELPHIA ELECTRIC CO., ET AL. (PEACH BOTTOM ATOMIC POWER STATION, UNITS 2 AND 3)

Reconstitution of Atomic Safety and Licensing Appeal Board

Notice is hereby given that, in accordance with the authority in 10 CFR § 2.787(a), the Chairman of the Atomic Safety and Licensing Appeal Panel has reconstituted the Atomic Safety and Licensing Appeal Board for this operating license proceeding to consist of the following members:

Michael C. Farrar, Chairman, Dr. John H. Buck, Dr. W. Reed Johnson.

Dated: December 2, 1977.

MARGARET E. DU FLO,
Secretary to the Appeal Board.

[FR Doc. 77-35189 Filed 12-8-77; 8:45 am]

[7590-01]

[Dockets Nos. 50-266 and 50-301]

WISCONSIN ELECTRIC POWER CO. AND WISCONSIN MICHIGAN POWER CO.

Notice of Issuance of Amendments To Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments Nos. 30 and 34 to Facility Operating Licenses Nos. DPR-24 and DPR-27 issued to Wisconsin Electric Power Co. and Wisconsin Michigan Power Co. for operation of the Point Beach Nuclear Plant Units Nos. 1 and 2, located in the town of Two Creeks, Manitowoc County, Wis. The amendments are effective as of the effective date of the merger of Wisconsin Michigan Power Co. into Wisconsin Electric Power Co.

These amendments, when effective, will change the licenses to reflect the merger of licensees Wisconsin Electric Power Co. and Wisconsin Michigan Power Co. into Wisconsin Electric Power Co.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since these amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated July 22, 1977, (2) Amendment No. 30 to License No. DPR-24, (3) Amendment No. 34 to License No. DPR-27, and (4) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the University of Wisconsin—Stevens Point Library, Attn: Mr. Arthur M. Fish, Stevens Point, Wis. 54481. A copy of items (2), (3), and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 2d day of December 1977.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.

[FR Doc. 77-35191 Filed 12-8-77; 8:45 am]

[3110-01]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE FOR 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 Dec. 2, 1977 (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 agent 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

UNITED STATES INTERNATIONAL TRADE COMMISSION

Color Television Receivers and Subassemblies (Producers' Annual Survey),annually, U.S. producers of color TV receivers, C. Louis Kincannon, Office of Federal Statistical Policy and Standard, 395-3211.

VETERANS ADMINISTRATION

Request for and Consent to Release of Drug Abuse Alcoholism, or Alcohol Abuse of Sickle Cell Anemia Information From Medical Records, 10-5345, on occasion, patients with drug abuse, alcoholism or sickle cell, Richard Eisinger, 395-3214.

Notice of Disenrollment and Application for Funds Deposited in Post-Vietnam Era Veterans Educational Assistance, 4-5281, on occasion, veterans and servicemen, Caywood, D. P., 395-3443.

TENNESSEE VALLEY AUTHORITY

TVA Larval Fish Information Questionnaire, single time, Larval fish researchers, Ellett, C. A., 395-6132.

ACTION

Trainee Questionnaire, on occasion, Peace Corps Trainees, Lowry, R. L., 395-3772.

NATIONAL TRANSPORTATION SAFETY BOARD

Nass Evaluation Letter, single time, Highway Safety Officials, Strasser, A., 395-6132.

DEPARTMENT OF AGRICULTURE

Statistical Reporting service, Sunflower Growers' Intentions Survey, single time, sample of sunflower growers, Office of Federal Statistical Policy and Standard, Ellett, C. A., 395-6132.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education, Study of the ESEA Title I Migrant Program, DE-565, 1 through 10, single time, State coordinators, directors, principal, teachers, Human resources division, Laverne V. Collins, 395-3532.

Social Security Administration, Key Questions for Determining Continuing Eligibility, SSA-8204, annually, Recipients of SSI Benefits for the Aged, Blind, and Disabled, Human resources division, Caywood, D. P., 395-3443.

DEPARTMENT OF LABOR

Labor Ma nagement and Service Administration Interview Guides for Effect of ERISA on Collective Bargaining Process, LMSA-86 T, single time, Negotiators, of collectively bargained pension plans, Strasser, A., 395-6132.

DEPARTMENT OF TRANSPORTATION

Departmental and other, Transit System Characteristics, single time, Metropolitan planning organizations, Strasser, A., 395-6132.

National Highway Traffic Safety Administration, Survey of Public Perceptions on Highway Safety, annually, Adult drivers 18-55 in national sample, Strasser, A., 395-6132.

REVISIONS

ENVIRONMENTAL PROTECTION AGENCY

National Pollutant Elimination System Application to Discharge Wastewater, short form, EPA-7550-6, -8 -9, on occasion, Potential dischargers, Natural resources division, Hulett, D. T., 395-4730.

DEPARTMENT OF LABOR

Labor Management and Service Administration, annual report, DOL 5500, annually, All pension plans and selected welfare plans, Strasser, A., 395-6132.

EXTENSIONS

ENVIRONMENTAL PROTECTION AGENCY

National Pollutant Discharge Elimination System Manufacturing Commercial and Municipal Discharge Permit Application, EPA-7550-22, -23 -24, on occasion, Point source discharge to navigable waters, Natural resources division, Ellett, C. A., 395-6132.

NATIONAL SCIENCE FOUNDATION

Report to the President and Congress: Federal Support to Universities, Colleges, and Selected Nonprofit Institutions, Fiscal Year 1975, NSF 818, annually, Federal agencies supporting R. & D., Caywood, D. P., 395-3443.

ENVIRONMENTAL PROTECTION AGENCY

National Pollutant Elimination System Application to Discharge Wastewater—Short Form B, EPA 7550-7, on occasion, point source discharge, natural resources division, Ellett, C. A., 395-6132.

DEPARTMENT OF AGRICULTURE

Statistical Reporting Service, Wool Sales and Price Inquiry, annually, Wool Co-ops, Pools and Buyers 16A=1, Office of Federal Statistical Policy and Standard, Strasser, A., 395-6132.

Economic Research Service, Retail Price List, weekly, Retail food chains—division offices, Office of Federal Statistical Policy and Standard, Strasser, A., 395-6132.

Statistical Reporting Service:

Monthly and Annual Naval Stores Inquiries, 13-4, monthly, Naval stores processors, Office of Federal Statistical Policy and Standard, Ellett, C. A., 395-6132.

Seed Inquiries—Shippers, annually, Seed cleaners and shippers, Office of Federal Statistical Policy and Standard, Ellett, C. A., 395-6132.

Seed Inquiries—Growers, annually, Seed producers, Office of Federal Statistical Policy and Standard, Ellett, C. A., 395-6132.

DEPARTMENT OF DEFENSE

Departmental and other, Raw—Basic Processed—and Semi-Fabricated Stock Form (and) Bill of Materials for Subcontracted or Purchased Parts, DD 346, on occasion, DOD Contractors, Marsha Traynham, 395-3773.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Services Administration, Migrant Hospitalization Demonstration Program Referral Form, HSA-T1 on occasion, Clients of migrant health centers requiring hospitalization, Richard Eisinger, 395-3214.

National Institutes of Health, International Fellowship Application and Instruction Sheets, NIH-F1-1, annually, Medical research scientists and institutions, Richard Eisinger, 395-3214.

Food and Drug Administration, Food Additive Petition, FDA 73-7, on occasion, Food manufacturers, Richard Eisinger, 395-3214.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc. 77-35413 Filed 12-8-77; 8:45 am]

[3110-01]

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 Dec. 11, 1977 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, 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.

The symbol (x) identifies proposals which appear to raise no significant issues, and 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.

REVISIONS

UNITED STATES INTERNATIONAL TRADE COMMISSION

Domestic Producers' Questionnaire—Watch Movements, annually, Domestic producers, C. Louis Kincannon, 395-3211.

DEPARTMENT OF HEALTH, EDUCATION,AND WELFARE

Center for Disease Control, Human Health Consequences of Polybrominated Biphenyls (PBBS) Contamination of Farms in Michigan, other (see SF 83), Families around PBB contaminated farms in Michigan, Richard Eisinger, 395-3214.

Social Security Administration, Application for Search of Census Records for Proof of Age, SSA-1535, on occasion, Social Security claimants who do not have proof of age, Caywood, David P., 395-3443.

National Institutes of Health, Application for Staff Fellowship Program, PHS-3997, on occasion, Research scientists and physicians, Richard Eisinger, 395-3214.

OFFICE OF EDUCATION:

Application for Federal Assistance (Nonconstruction Programs) Instructions for Teacher Corps Program, OE-298, annually, Local education agencies and institutions of higher education, Budget review division, 395-4775.

Upward Bound Financial Status and Performance Report, OE-1197, on occasion, Upward bound project directors, Budget review division, 395-4775.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration, Disaster Assistance Registration Form, HUD-223, on occasion, Disaster victims, Housing, veterans and labor division, 395-3532.

DEPARTMENT OF THE TREASURY

Bureau of Customs, Application for Customhouse Broker's License, CF-3124, on occasion, Persons wanting customhouse broker's license, Marsha Traynham, 395-3773.

EXTENSIONS

DEPARTMENT OF AGRICULTURE

Statistical Reporting Service, Sheep and Lamb Feeder Inquiries, Quarterly, Sheep producers, Office of Federal Statistical Policy and Standards, Ellett, C. A., 395-6132.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration:

Certification by Religious Group (For Purposes of Tax Exemption), SSA-1458, on occasion, Spokesman for religious groups, Caywood, D. P., 395-3443.

Statement of Self-Employment Income, SSA-766, on occasion, Persons Earning Marginal Self-Employment Income, Caywood, D. P., 395-3443.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT EQUAL OPPORTUNITY

Affirmative Fair Housing Marketing Plans, 935.2, on occasion, Developers and sponsors using HUD housing programs, housing, veterans and labor division, 395-3532.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc. 77-35413 Filed 12-8-77; 8:45 am]

[8010-01]

SECURITIES AND EXCHANGE COMMISSION

[Release No. 14214; File Nos. SR-Amex-77-18; SR-Amex-77-3]

AMERICAN STOCK EXCHANGE, INC.

Order Instituting Proceedings To Determine Whether Proposed Amendments to Listing Requirements Should Be Disapproved and Granting Request for a Rehearing on Proposed Amendments to the American Stock Exchange's Original Listing Requirements and Provisions Governing Suspension and Delisting

NOVEMBER 29, 1977.

The American Stock Exchange, Inc. ("Amex"), 86 Trinity Place, New York, N.Y. 10006, has filed, pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1), and Rule 19b-4 thereunder, 17 CFR 240.19b-4, copies of a proposed rule change (SR-Amex-77-18) which would amend sections 110, 231, and 232 of its Company Guide to establish alternate listing criteria for securities of foreign companies. Notice of the proposed rule change, together with the Amex's statement of the basis and purpose thereof, was published in the FEDERAL REGISTER on August 1, 1977 (42 FR 38948).

The Amex previously had filed a proposed rule change (SR-Amex-77-3) which would have added section 117 to part I and section 1003A to part 10 of the Amex Company Guide.[1] Proposed section 117 sets forth alternate criteria for the original listing of common stock, and section 1003A provides for the prospective application of certain delisting criteria with respect to issues which may be listed pursuant to the alternate criteria. On May 13, 1977 the Commission instituted proceedings to determine whether SR-Amex-77-3) should be disapproved,[2] and on August 31, 1977 the Commission concluded those proceedings by issuing an order disapproving the proposed rule changes contained in SR-Amex-77-3.[3] By letter dated November 4, 1977, the Amex noted that SR-Amex-77-18, which proposed rule changes modifying its listing standards with respect to foreign issuers, was pending before the Commission and, because it anticipated that substantially the same issues as were considered with respect to SR-Amex-77-3 would again be considered by the Commission in its review of SR-Amex-77-18, requested that the Commission reconsider its disapproval of SR-Amex-77-3.

PROCEEDINGS TO DETERMINE WHETHER TO DISAPPROVE SR-AMEX-77-18 AND FOR A REHEARING AS TO DISAPPROVAL OF SR-AMEX-77-3

The Commission is instituting proceedings pursuant to section 19(b)(2) of the Act to determine whether the amendments to the Amex's Company Guide proposed by SR-Amex-77-18 should be disapproved. Institution of proceedings appears appropriate at this time in view of the substantial legal and policy issues summarized below and does not necessarily indicate that the Commission has formulated any conclusions with respect to any of the issues involved.

In addition to instituting proceedings to determine whether the instant rule change proposal should be disapproved, the Commission grants the Amex's request for a rehearing on SR-Amex-77-3. The Amex, in making its request for a rehearing, asserted that the issues presented by SR-Amex-77-18 appear to be substantially the same as those considered by the Commission in disapproving SR-Amex-77-3 and there are "cogent reasons justifying the approval of both of these rule changes."[4]

GROUNDS FOR DISAPPROVAL UNDER CONSIDERATION

The stated purpose of SR-Amex-77-18 is to expand the universe of issuers who may qualify to list shares on the Amex. This expansion would result from the institution of alternate listing criteria which would allow foreign companies, which do not meet the share distribution requirements for domestic companies, to be considered eligible for listing under separate criteria. For foreign companies meeting the prescribed alternate size and earnings standards, the Amex would consider the acceptability of distribution of the company's shares on a worldwide basis.

Of the issues which would qualify for listing under the modified foreign listing criteria, the Commission understands that some are currently traded solely over the counter ("OTC"). To the extent that foreign companies' issues become eligible and are listed on the Amex, trading in these securities will be subject to Amex's restrictions pertaining to off-board principal transactions. Under Amex Rule 5, which outlines the situations where a member may execute a transaction in a listed issue in the OTC market, there is no provision which permits a member, member organization, or affiliated person to act as an OTC market maker in a listed issue.

In view of the foregoing, the Commission has decided to give notice at this time, pursuant to Section 19(b)(2)(B) of the Act of the following grounds under consideration for disapproval of SR-Amex-77-18.

A. Section 6(b)(5) of the Act requires that the rules of national securities exchanges be designed to remove impediments to and perfect the mechanism of a free and open market and a national market system. The proposed modification of the Amex's listing standards would expand the potential universe of issues which would be subject to the Amex's off-board principal trading restrictions. Accordingly, whether the Amex proposal would result in impediments to the mechanism of a free and open market and a national market system is a ground under consideration for disapproval.

B. Section 6(b)(8) of the Act requires that the rules of a national securities exchange not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. As a consequence of the listing of a security previously ineligible for Amex listing, no Amex member would be able to act (or continue to act) as an OTC market-maker in such a security. The restrictions of Amex Rule 5 as applied to such newly-listed securities could thus diminish competition which currently exists among OTC market-makers in a particular security as well as potential competition between the OTC and Amex markets. Accordingly, the extent to which the Amex proposal would make additional securities subject to such restrictions, and thereby impose burdens on competition that may not be necessary or appropriate in furtherance of the purposes of the Act, is a ground under consideration for disapproval.[5]

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[1] Notice of the proposed changes together with the Amex's statement of the basis and purpose thereof was published in the FEDERAL REGISTER on March 24, 1977 (42 FR 15994).

[2] Securities Exchange Act Release No. 13542 (May 13, 1977).

[3] Securities Exchange Act Release No. 13912 (August 31, 1977) 42 FR 44855 (September 7, 1977).

[4] Letter from Norman S. Poser, executive vice president, Amex, to George A. Fitzsimmons, Secretary of the Commission, November 4, 1977.

[5] Securities Exchange Act Release No. 13662 (June 23, 1977) announced the institution of proceedings to determine whether restrictions on the ability of exchange members to effect off-board principal transactions in listed securities should be eliminated. The Commission has not yet concluded those proceedings.

PROCEDURE

The Commission has determined to provide an opportunity for the presentation of data, views and arguments in conjunction with these proceedings. Interested persons are invited to submit written data, views and arguments within 30 days from the date hereof as to Amex's rule proposals.* Parties wishing to respond to any other person's submission should file a written response within 45 days thereof. Copies of SR-Amex-77-18 and SR-Amex-77-3 and of all submissions will be available for inspection at the Commission's Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of Amex's submissions are also available at the principal office of the Amex. Persons desiring to make written statements should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 77-35193 Filed 12-8-77; 8:45 am]

[8010-01]

[Release No. 14217; File Nos. SR-Amex-76-12, etc.]

AMERICAN STOCK EXCHANGE, INC., ET AL.

Order Extending Time Period for Public Comment on Proceedings To Determine Whether the Foregoing Proposed Rule Changes Should be Disapproved, and Order Extending Time Period For Public Comment on Proposed Rule 9b-1(T)

NOVEMBER 30, 1977.

In the matter of American Stock Exchange, Inc., 86 Trinity Place, New York, N.Y. 10006; Chicago Board Options Exchange, Inc., LaSalle at Jackson, Chicago, Ill. 60604; Midwest Stock Exchange, Inc., 120 South LaSalle Street, Chicago, Ill. 60603; National Association of Securities Dealers, Inc., 1735 K Street, NW., Washington, D.C. 20006; New York Stock Exchange, Inc., 11 Wall Street, New York, N.Y. 10005; Pacific Stock Exchange Inc., 301 Pine Street, San Francisco, Calif. 94104; Philadelphia Stock Exchange, Inc., 17th Street and Stock Exchange Place, Philadelphia, Pa. 19103; File Nos. SR-Amex-76-12, SR-Amex-76-28, SR-Amex-77-8, SR-Amex-77-9, SR-CBOE-76-16, SR-CBOE-76-27, SR-CBOE-77-5, SR-CBOE-77-14, SR-CBOE-77-15, SR-CBOE-77-16, SR-MSE-77-2, SR-MSE-77-4, SR-MSE-77-6, SR-MSE-77-28, SR-NASD-77-2, SR-NYSE-77-17, SR-NYSE-77-21, SR-PHLX-76-18, SR-PHLX-77-5, SR-PHLX-77-6, SR-PSE-76-17, SR-PSE-76-40, SR-PSE-77-9, SR-PSE-77-13, SR-PSE-77-15, SR-PSE-77-17; and in the matter of Proposed Rule 9b-1(T)—temporary restriction on further expansion of Pilot Options Programs.

The self-regulatory organizations listed above have each filed with the Commission, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78(s)(b)(1), and Rule 19b-4 thereunder, 17 CFR 240.19b-4, rule or rule change proposals which would expand existing programs for trading standardized options or initiate new programs for such trading (the "Expansion Proposals"). Notice of each proposal, together with the respective terms of substance thereof, was given by the publication of a Commission release and by publication in the FEDERAL REGISTER as follows:

To expand the number of call option classes which may be listed on the American Stock Exchange, Inc. ("Amex") from 80 to 100 classes, SR-Amex-76-12, Securities Exchange Act ("SEA") Release No. 12334; April 12, 1976, 41 FR 16523, April 19, 1976;

To permit the trading on Amex of options on underlying securities that are solely traded in the over-the-counter market, SR-Amex-76-28, SEA Release No. 13095, December 22, 1976, 42 FR 2146, January 10, 1976;

To permit trading on Amex of options on Government guaranteed debt securities, SR-Amex-77-8, SEA Release No. 13559, June 20, 1977, 42 FR 2734, May 27, 1977;

To permit the Amex to institute strike price intervals of 5 points for option series on underlying stocks priced up to $100, and 10 point intervals for option series on stocks above $100, SR-Amex-77-9, SEA Release No. 13518, May 6, 1977, 42 FR 24779, May 16, 1977;

To permit the trading on the Chicago Board Options Exchange, Incorporated ("CBOE") of options on underlying securities that are solely traded in the over-the-counter market, SR-CBOE-76-16, SEA Release No. 12703, August 12, 1976, 41 FR 35884, August 23, 1976;

To expand the number of call option classes which may be listed on the CBOE from 100 to 125 classes, SR-CBOE-76-27, SEA Release No. 13160, January 13, 1977, 42 FR 3911, January 21, 1977.

To permit the CBOE to institute strike price intervals of 5 points for option series on underlying stocks priced up to $80, and 10 point intervals for option series on stocks above $80, SR-CBOE-77-5, SEA Release No. 13429, April 4, 1977, 42 FR 19194, April 12, 1977;

To trade equity securities on the CBOE floor, SR-CBOE-77-14, SEA Release No. 13672, June 24, 1977, 42 FR 33825, July 1, 1977;

To permit the trading on CBOE of options on Government guaranteed debt securities, SR-CBOE-77-15, SEA Release No. 13698, June 29, 1977, 42 FR 35236, July 8, 1977;

To provide increased position limits for CBOE member options positions which are offset by related positions on the opposite side of the market, SR-CBOE-77-16, SEA Release No. 13803, July 25, 1977, 42 FR 38949, August 1, 1977;

To permit the Midwest Stock Exchange, Inc. ("MSE") to institute strike price intervals of 2½ points for option series on underlying stocks priced up to $25 and 5 point intervals for option series on stocks between $25 and $100, SR-MSE-77-2, SEA Release No. 13369, March 14, 1977, 42 FR 16005, March 24, 1977;

To permit the trading on MSE of options on underlying securities that are solely traded in the over-the-counter market, SR-MSE-77-4, SEA Release No. 13406, March 25, 1977, 42 FR 19200, April 12, 1977;

To expand the number of call option classes that may be listed on the MSE from 20 to 40 classes, SR-MSE-77-6, SEA Release No. 13431, April 5, 1977, 42 FR 19202, April 12, 1977;

To allow MSE option and equity members to hold simultaneous market maker appointments in both an option and its underlying stock, SR-MSE-77-28, SEA Release No. 13707, June 30, 1977, 42 FR 35718, July 11, 1977;

To permit the National Association of Securities Dealers, Inc. to display standardized options quotations on the NASDAQ system under a pilot program, SR-NASD-77-2, SEA Release No. 13230, February 1, 1977, 42 FR 8244, February 9, 1977;

To permit the trading of standardized options on the New York Stock Exchange, Inc. ("NYSE") under a pilot program, SR-NYSE-77-17, SEA Release No. 13674, June 24, 1977, 42 FR 33829, July 1, 1977;

To enable the NYSE to offer for sale optons market maker annual memberships, SR-NYSE-77-21, SEA Release No. 13882, August 22, 1977, 42 FR 44052, September 1, 1977;

To increase the number of call option classes which may be listed on the Philadelphia Stock Exchange, Inc. ("PHIX") from 40 to 70 classes, SR-PHLX-76-18, SEA Release No. 13071, December 14, 1976, 41 FR 55758, December 22, 1976;

To permit PHLX to institute strike price intervals of 5 points for option series on underlying stocks priced below $100, and 10 point intervals for option series on stocks at or above $100, SR-PHLX-77-5, SEA Release No. 13517, May 6, 1977, 42 FR 24790, May 16, 1977;

To eliminate the requirement that a wall or physical barrier separate option and stock trading activities on the PHLX, SR-PHLX-77-6, SEA Release No. 13689, June 28, 1977, 42 FR 34561, July 6, 1977;

To permit the trading on the Pacific Stock Exchange Incorporated ("PSE") of options on underlying securities that are solely traded in the over-the-counter market, SR-PSE-76-17, SEA Release No. 12539, June 11, 1976, 41 FR 24787, June 18, 1976;

To expand the number of call option classes which may be listed on the PSE from 30 to 50 classes, SR-PSE-76-40, SEA Release No. 13161, January 13, 1977, 42 FR 3914, January 21, 1977;

To permit the PSE to institute strike price intervals of 2½ points for option series on

*Persons wishing to comment on the issues presented in the proceeding should note that the Commission authorized its staff to inform Amex that, "absent some new and compelling reasons or a change of circumstances involving the Commission's proceedings, pursuant to section 19(c) of the Act, concerning off-board trading restrictions of national securities exchanges, upon reconsideration of SR-Amex-77-3 it is unlikely that the Commission will reach a different conclusion from that recited in its August 31, 1977 order." Letter dated November 11, 1977 from Michael K. Wolensky, Assistant General Counsel to the Commission, to Norman S. Poser, executive vice president, Amex.

underlying stocks priced below $25, 5 point intervals for option series on stocks between $25 and $80, and 10 point intervals for option series on stocks above $80, SR-PSE-77-9, SEA Release No. 13485, April 28, 1977, 42 FR 23901, May 11, 1977;

To eliminate the requirement that a wall or physical barrier separate option and stock trading activities on the PSE, SR-PSE-77-13, SEA Release No. 13567, May 23, 1977, 42 FR 28178, June 2, 1977;

To expand the number of call option classes which may be listed on the PSE to 80 classes, SR-PSE-77-15, SEA Release NO. 13795, July 22, 1977, 42 FR 38952, August 1, 1977;

To allow PSE members to hold simultaneous marketmaker appointments in both an option and its underlying stock, SR-PSE-77-17, SEA Release No. 13725, July 7, 1977, 42 FR 37083, July 19, 1977.

On October 17, 1977, in Release No. 34-14057, the Commission instituted proceedings to determine whether the proposed rule changes cited above should be disapproved. In Release No. 34-14057 the Commission also published notice of the grounds for disapproval under consderation and provided an opportunity for interested persons to submit, by November 16, 1977, written data, views, and arguments concerning the Commission's action. On November 7, 1977, the Commission received a request from the NASD to extend the time period for comment on Release No. 34-14057 beyond November 16, 1977, and on November 14, 1977, the Commission received a similar request from the Amex. In response to staff inquiries, the Midwest Stock Exchange indicated that it could not furnish the Commission with its comments by the deadline date, November 16, 1977, and that an extension would alleviate its time constraints. The other exchanges trading standardized options advised the staff that the requested extensions were not objectionable. Accordingly, on November 16, 1977, the Commission, in Release No. 34-14179, extended the time for public comment on the matters contained in Release No. 34-14057 until November 30, 1977.

On October 17, 1977, in Release No. 34-14056, the Commission proposed for adoption Rule 9b-1(T) which would temporarily restrict further expansion of existing pilot options trading programs or the initiation of new programs for the trading of standardized options. In Release No. 34-14056, the Commission also published various reasons for the proposed adoption of Rule 9b-1(T) and invited interested persons to submit, by November 30, 1977, written data, views, and arguments concerning these reasons, the proposed terms of Rule 9b-1(T) itself, and other matters relating to the regulation of standardized options trading.

On November 29, 1977, the Commission received requests from the CBOE and the Amex to extend the time for public comment on Releases 34-14056 and 34-14057 beyond November 30, 1977. In response to staff inquiries, the NASD, NYSE, PSE, and PHLX indicated that a brief extension of time for public comment on these two releases would not be objectionable. The MSE indicated to the staff that, while it would not request any such extension of time for public comment, it would not object to a brief extension of the comment period in order to accommodate other persons.

Because the Commission wishes to afford as much opportunity for public comment as is practicable on Releases 34-14056 and 34-14057, the Commission, acting pursuant to section 19(b)(2) of the Act, hereby extends the time period for public comment on Releases 34-14056 and 34-14057 until December 7, 1977. The Commission is hopeful that further extensions of the comment period will not be necessary.

Persons desiring to make written submissions regarding Releases 34-14056 or 34-14057 should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Submissions regarding Release No. 34-14056 should make reference to File No. S7-722, and submissions regarding Release No. 34-14057 should make reference to File No. 4-202.

Copies of all submissions will be available for inspection at the Commission's Public Reference Room, 1100 L Street NW, Washington, D.C. Copies of individual rule change proposals cited above are also available at the principal office of the self-regulatory organization which has filed such a rule change proposal with the Commission.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 77-35194 Filed 12-8-77; 8:45 am]

[8010-01]

BOSTON STOCK EXCHANGE, INC.

Application for Unlisted Trading Privileges and of Opportunity for Hearing

NOVEMBER 29, 1977.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exhange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the security of the company as set forth below, which security is listed and registered on one or more other national securities exchanges:

Levitz Furniture Corp., File No. 7-5016, Common Stock, $0.40 Par Value.

Upon receipt of a request, on or before December 15, 1977, from any interested person, the Commission will determine whether the applications with respect to the companies named shall be set down for hearing. Any such request should include a brief statement as to the title of the security in which the person is interested, the nature of his interest making the request, and the position which he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, not later than the date specified. If no one requests a hearing with respect to the particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 77-35196 Filed 12-8-77; 8:45 am]

[8010-01]

[Release No. 10036; 812-4090]

CANADIAN INTERNATIONAL POWER CO. LTD., ET AL.

Filing of Application for an Order Exempting a Proposed Transaction Permitting Such Transaction

DECEMBER 1, 1977.

In the matter of Canadian International Power Co. Ltd., Suite 1800, 2020 University Street, Montreal, Quebec, Canada H3A 2A5; The United Corp., 250 Park Avenue, New York, N.Y. 10017; Alejandro J. Lara, Casa Rosada, Calle Las Lomas, Urb. Las Mercedes, Caracas, Venezuela, Alfredo Anzola Montauban, Ruta C, Quinta Larraul, Los Campitos Caracas, Venezuela.

Notice is hereby given that The United Corp. ("United"), a closed-end, non-diversified, management investment company registered under the Investment Company Act of 1940 ("Act"), Canadian International Power Co. Ltd. ("CI Power"), Sr. Alejandro J. Lara ("Lara"), and Sr. Alfredo Anzola Montauban ("Anzola") (collectively, "Applicants"), filed an application on February 11, 1977, and an amendment thereto on July 19, 1977, for an order, pursuant to section 6(c) of the Act, exempting from the provisions of section 17(e)(1) the proposed payment of compensation by CI Power to Lara and Anzola for their efforts in negotiating the sale of substantially all of CI Power's Venezuelan assets to an

agency of the Venezuelan Government, and for an order, pursuant to section 17(d) of the Act and Rule 17d-1 thereunder, to the extent necessary, permitting such transaction. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein which are summarized below.

Applicants represent that United owns approximately 48 percent of the outstanding voting shares of CI Power, a Canadian corporation primarily engaged in the public utility business in Latin America. In 1971, CI Power's management anticipated that its four Venezuelan electric power generating subsidiaries, which constituted CI Power's most substantial assets and sources of income, soon would be facing the possibility of expropriation by the Venezuelan Government or sale under threat of such expropriation. Accordingly, Applicants state that CI Power appointed five individuals to serve on a negotiating committee (enlarged to six in 1974), to negotiate with the Venezuelan Government regarding the disposition of the four subsidiaries. Among the five were Lara, the committee's chairman and chief negotiator, and Anzola. Applicants submit that Lara, a Venezuelan citizen and resident and prominent banker, was and is a director of CI Power. Anzola, also a Venezuelan citizen and resident and oil industry expert, was and is president of Inversiones Indesven, C.A. ("Indesven"), a Venezuelan subsidiary of CI Power not threatened by expropriation, and also was a director of each of the four CI Power subsidiaries that were to be sold.

Applicants represent that during the approximately six years of negotiations, which periodically were quite active and time consuming and at other times dormant, Lara averaged approximately four hours per week on the negotiations and Anzola averaged three hours per week. Applicants further represent that the efforts of Lara and Anzola in the negotiations and their personal familiarity with the negotiators for the Venezuelan Government expedited the negotiations and were instrumental in bringing about a transaction favorable to CI Power and its shareholders.

Applicants state that each member of the negotiating committee was paid $600 per month for the period of the negotiations and that each received a $5,000 bonus in 1974 in connection with his service on the committee, because such services were clearly beyond their normal duties. Applicants further represent that Lara and Anzola, and two other members of the negotiating committee who were not officers of CI Power, expected further compensation at the conclusion of successful negotiations, and that CI Power's board of directors expected to make such additional payments, although there was neither a written record nor an oral discussion relating to such additional payments.

Applicants state that, in November, 1976, in recognition of the success of the negotiations whereby the four subsidiaries had been sold to a branch of the Venezuelan Government, for approximately $90,000,000 cash, CI Power's board of directors authorized additional payments to Lara, as chief negotiator, in the amount of $250,000; to Anzola in the amount of $120,000; and to two other non-CI Power officers on the Committee in the amount of $120,000 each. The two CI Power officers who were members of the negotiating committee, were not authorized any additional payments. The authorizations of payments to Lara and Anzola were conditioned upon the granting of an order by the Commission allowing such payments. Applicants further state that since the non-affiliated negotiators received payment of their additional compensation immediately upon the authorization of such payments by CI Power's board of directors, the amounts authorized for Lara and Anzola were adjusted to bear interest of 8 percent until such time as payments were permitted. In addition, Lara and Anzola were to be reimbursed if a delay in the payment should result in losses to them as a result of changes in the Venezuelan tax laws. Applicants assert that the aggregate payments to members of the negotiating committee constitute less than 1 percent of the sales price.

Applicants represent that, with a very minor exception, neither Lara nor Anzola owned stock of the four subsidiaries; that neither was an official of the Venezuelan Government during the period of the negotiations; and that none of the money paid or to be paid to any of the members of the committee constituted a payment or reimbursement of a payment to any representative of the Venezuelan Government or the agency which made the purchase.

Section 17(e)(1) of the Act provides, in part, that "It shall be unlawful for any affiliated person of a registered investment company, or any affiliated person of such person, acting as agent, to accept from any source any compensation (other than a regular salary or wages from such registered company), for the purchase or sale of any property to or for such registered company or any controlled company thereof, except in the course of such person's business as an underwriter or broker."

Section 2(a)(9) of the Act provides, in pertinent part, that "any person who owns * * * more than 25 per centum of the voting securities of a company shall be presumed to control such company." Applicants submit that United is presumed to control CI Power.

Section 2(a)(3) defines "affiliated person of another person" to include any person owning 5 per centum or more of the outstanding voting securities of such other person, and any person 5 per centum or more of whose outstanding voting securities are owned by such other person. Applicants state that United and CI Power are affiliated persons of each other.

Section 2(a)(3) further defines "affiliated person of another person" to include any officer or employee of such other person. Applicants state that because Lara is a director of CI Power, he is an affiliated person of CI Power, and that because Anzola is the president of a 99.8 percent owned subsidiary of CI Power and was a director of four other CI Power subsidiaries during the period of the negotiations, he may be deemed to be an "employee" of CI Power and, therefore, an affiliated person of CI Power.

Accordingly, Applicants submit that the proposed payment of additional money to Lara and Anzola for their services in successfully negotiating the sale of the subsidiaries may be deemed to violate Section 17(e)(1) unless an exemption is granted by the Commission pursuant to Section 6(c) of the Act.

Section 6(c) provides, in part, that the Commission, upon application, may exempt any person or transaction from any provision or provisions of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest, and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Section 17(d) of the Act and Rule 17d-1 thereunder make it unlawful for any affiliated person of a registered investment company or any affiliated person of such a person, acting as a principal, to participate in, or effect any transaction in connection with, any joint enterprise or other joint arrangement or profit sharing plan in which any such registered company, or a company controlled by such registered company, is a participant unless an application regarding such arrangement has been granted by an order of the Commission. In passing upon such an application, the Commission considers whether the participation of such registered or controlled company in such arrangement is consistent with the provisions, policies, and purposes of the Act and the extent to which such participation is on a basis different from or less advantageous than that of other participants.

Applicants submit that the arrangement among Applicants may be deemed to constitute a joint enterprise

or arrangement subject to the provisions of section 17(d) of the Act and Rule 17d-1 thereunder.

Accordingly, applicants request an order, pursuant to section 6(c), exempting the proposed transaction from the provisions of section 17(e)(1) of the Act, and pursuant to Rule 17d-1, permitting the transaction. In support thereof, Applicants state that the proposed transaction comports with the applicable standards for relief.

Applicants further assert that the compensation is well within the standard of reasonableness, and, in fact, is in the lower range of compensation, for comparable transactions in Venezuela. In the opinion of the Venezuelan attorneys for applicants, the total compensation of not more than three-fourths of 1 percent of the sales price to members of the negotiating committee falls in the very lowest range of compensation which would be expected for the nature of the work, efforts, and time involved. Further, Applicants represent that the services performed by Lara and Anzola were clearly beyond their normal duties, in the case of Lara, as director of CI Power, and in the case of Anzola, as president of Indesven and director of the subsidiaries sold to Venezuela. Applicants finally state that Lara and Anzola, taking into account their qualifications, the services performed and the satisfactory results obtained, are entitled to the described compensation.

Notice is further given that any interested person may, not later than December 27, 1977, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the addresses stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate), shall be filed contemporaneously with the request. As provided by Rule 0.5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered), and any postponements thereof.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 77-35196 Filed 12-8-77; 8:45 am]

[8010-01]

[Rel. No. 20283; 70-5930]

CENTRAL AND SOUTH WEST CORP. ET AL.

Proposed Amendment to System Money Pool Arrangement for Short-Term Borrowings

DECEMBER 1, 1977.

In the matter of Central and South West Corp., P.O. Box 1631, Wilmington, Del. 19899; Central Power and Light Co., P.O. Box 2121, Corpus Christi, Tex. 78403; Southwestern Electric Power Co., P.O. Box 21106, Shreveport, La. 71156; Public Service Co. of Oklahoma, P.O. Box 201, Tulsa, Okla. 74102; West Texas Utilities Co., P.O. Box 841, Abilene, Tex. 79604; CSR Services, Inc., One Maine Place, Suite 2700, Dallas, Tex. 75250.

Notice is hereby given that Central and South West Corp. ("CSW"), a registered holding company, and five of its subsidiary companies, Central Power and Light Co., CSR Services, Inc., Southwestern Electric Power Co., West Texas Utilities Co., and Public Service Co. of Oklahoma (collectively, the "subsidiaries"), have filed a post-effective amendment to their application-declaration previously filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6, 7, 9(a), 10, 12(b), and 12(f) of the Act and Rules 43, 45 and 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application-declaration, as amended by said post-effective amendment, which is summarized below, for a complete statement of the proposed transaction.

By order dated December 30, 1976 (HCAR No. 19829), issued in this proceeding, CSW and the subsidiaries were authorized, inter alia, to establish a system money pool ("money pool"), to coordinate their short-term borrowings and to make borrowings outside the money pool from banks and through the issuance of commercial paper. The money pool is composed from time to time of funds from the following sources: (i) surplus funds of CSW; (ii) surplus funds of any of the subsidiaries; (iii) borrowings by CSW or the subsidiaries from banks; and (iv) proceeds from CSW's sales of commercial paper. CSW administers the money pool by matching up, to the extent possible, short-term cash surpluses and loan requirements of CSW and the various subsidiaries. Subsidiary requests for short-term loans are met first from surplus funds of the other subsidiaries which are available to the money pool, and then from CSW's corporate funds to the extent available. To the extent that subsidiary contributions of surplus funds to the money pool and CSW's corporate funds are insufficient to meet subsidiary requests for short-term loans, borrowings are made from outside the system. The interest rate applicable to all loans of surplus funds through the money pool is the rate published in The Wall Street Journal for commercial paper placed directly by a major finance company and having a term nearly equal to the term of the particular money pool loan in question. The interest rate applicable to funds borrowed by CSW from external sources and loaned through the money pool is equal to CSW's net cost for the external borrowings. No loan is made by CSW or a subsidiary if the borrowing subsidiary could borrow more cheaply directly from banks or through the sale of its own commercial paper.

By post-effective amendment filed in this proceeding, it is proposed to amend the money pool arrangement to provide that while no loan will be made by CSW or a subsidiary if the borrowing subsidiary could borrow more cheaply directly from banks or through the sale of its own commercial paper, a subsidiary will nonetheless borrow directly from a bank, even if the cost of such borrowing is not less than the cost of equivalent borrowings through the money pool, if and only to the extent that such bank require that such borrowings be made as a condition of maintaining the subsidiary's line of credit with such bank. It is stated that this flexibility is necessary because the subsidiaries do not maintain adequate balances with some of the smaller banks with which the subsidiaries have lines to compensate the banks for the lines without making some actual borrowings.

The fees and expenses to be incurred in connection with the proposed transaction will be supplied by amendment. It is stated that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than December 28, 1977, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said post-effective amendment to the application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicants-de-

clarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate), should be filed with the request. At any time after said date, the application-declaration, as amended by said post-effective amendment or as it may be further amended, may be granted and permitted to become effected as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered), and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 77-35197 Filed 12-8-77; 8:45 am]

[8010-01]

[Release No. 14208; SR-DTC-77-7]

DEPOSITORY TRUST CO.

Order Approving Rule Change Enabling Participants to Accept Exchange Offers or Cash Tender Offers on Certain Securities Without Withdrawing Them From the Depositary.

NOVEMBER 28, 1977.

On August 1, 1977, The Depository Trust Company ("DTC"), 55 Water Street, New York, New York 10041, submitted, pursuant to Rule 19b-4 under the Securities Exchange Act of 1934 (the "Act"), a proposed rule change which would enable DTC participants to accept exchange offers or cash tender offers on certain securities without withdrawing the securities from DTC.

In accordance with Section 19(b) of the Act and Rule 19b-4 thereunder, notice of the proposed rule change was published in the FEDERAL REGISTER (42 FR 43159, August 26, 1977), and the public was invited to comment thereon. Notice of the filing and an invitation for comments also appeared in Securities Exchange Act Release No. 34-13865, August 16, 1977. No letters of comment were received.[1]

In addition, by letter dated November 23, 1977, which has been incorporated in the proposed rule change and included in the public file, DTC made certain changes and representations in connection with the submission.

[1]Three letters of comment received by DTC prior to filing were submitted with the filing and considered in the course of Commission review.

The Commission has reviewed the proposed rule change and finds that it is consistent with the requirements of the Act and the rules and regulations thereunder applicable to registered clearing agencies.

It is therefore ordered, Pursuant to Section 19(b)(2) of the Act, that the proposed rule change contained in File No. SR-DTC-77-7 be, and hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-35198 Filed 12-8-77; 8:45 am]

[8010-01]

[Rel. No. 20282; 70-5957]

GENERAL PUBLIC UTILITIES CORP.

Filing of Post-Effective Amendment Regarding Extension of Time for Capital Contributions to Subsidiary Company

DECEMBER 1, 1977.

Notice is hereby given that General Public Utilities Corp. ("GPU"), 80 Pine Street, New York, N.Y. 10005, a registered holding company, has filed with this Commission a post-effective amendment to the declaration previously filed in this proceeding pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Section 12(b) of the Act and Rule 45 promulgated thereunder as applicable to the following proposed transaction. All interested persons are referred to the declaration, as now amended, which is summarized below, for a complete statement of the proposed transaction.

By order dated February 22, 1977 (HCAR No. 19895), the Commision authorized GPU to make cash capital contributions from time to time during the period ending December 31, 1977, to two of its major operating subsidiaries, Jersey Central Power & Light Co. ("JCP&L") and Pennsylvania Electric Co. ("Penelec"), in amounts up to an aggregate of $100,000,000, such amounts to be allocated between such subsidiaries so as to best match the needs of each such subsidiary.

GPU now proposes to make cash capital contributions, from time to time during the period ending December 31, 1978, to JCP&L of amounts up to an aggregate of $70,000,000. During 1978, JCP&L will require an aggregate of approximately $305,000,000 for its construction program, including anticipated net payments to Metropolitan Edison Co. and Penelec relating to the transfer of ownership in portions of certain generating stations and approximately $16,000,000 for sinking fund and refinancing purposes.

The fees and expenses to be incurred in connection with the proposed transaction will be supplied by amendment. It is stated that no state commission and no federal commission, other than this Commission, has jurisdiction with respect to the proposed transaction.

Notice is further given that any interested person may, not later than December 28, 1977, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said post-effective amendment to the declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the declarant at the above-stated address and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as amended by said post-effective amendment or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 77-35199 Filed 12-8-77; 8:45 am]

[8010-01]

[Rel. No. 20285; 70-5858]

INDIANA & MICHIGAN ELECTRIC CO.

Past-Effective Amendment Regarding Proposed Issue and Sale of Notes to Banks and a Dealer in Commercial Paper and Request for Exemption From Competitive Bidding

DECEMBER 1, 1977.

Notice is hereby given that Indiana & Michigan Electric Co. ("I&M"), 2101 Spy Run Avenue, Fort Wayne, Ind. 46801, an electric utility subsidiary company of American Electric Power Co., Inc., a registered holding company, has filed with this Commission a sixth post-effective amendment to its application previously filed in

this proceeding pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Section 6(b) of the Act and Rules 50(a)(2) and 50(a)(5) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application, as amended by said post-effective amendment, which is summarized below, for a complete statement of the proposed transactions.

By orders dated June 30, August 20, September 15, 1976, February 23, 1977, and July 18, 1977, (HCAR Nos. 19598, 19655, 19680, 19898 and 20113), this Commission, among other things, authorized the issuance and sale of short-term notes by I&M to 37 banks with lines of credit in an aggregate amount of $189,840,000, to a dealer in commercial paper and to the trust departments of two commercial banks. By said orders, I&M was authorized to incur short-term borrowings through June 30, 1978, to mature no later than December 31, 1978, in an aggregate principal amount not to exceed $125,000,000 outstanding at any time. This amount, date, and maturity were to be limited as allowable under I&M's Articles of Acceptance (20 percent of capitalization as defined therein, December 31, 1976, and June 30, 1977, respectively). I&M was granted an exemption from the competitive bidding requirements of Rule 50 in connection with the issuance of this short-term debt. Pursuant to order dated September 29, 1976, in proceeding 70-5887 (HCAR No. 19697), I&M called a special meeting of its cumulative preferred shareholders on October 13, 1976, at which time I&M was permitted, under its Articles of Acceptance, to issue short-term debt up to 20 percent of capitalization as defined therein, to December 31, 1980, with maturity no later than June 30, 1981.

By its sixth post-effective amendment, I&M requests that the authority granted to it in the above-cited orders, and the exemption from the competitive bidding requirements of Rule 50, be modified to allow I&M to issue and sell short-term notes to 39 named banks and to a dealer in commercial paper to June 30, 1978. I&M proposes to incur such short-term debt in an aggregate principal amount not to exceed $125,000,000 outstanding at any one time, with none of the notes to mature later than December 31, 1978. As of November 7, 1977, I&M had $103,345,000 of such short-term debt outstanding.

It is stated that I&M has lines of credit with 39 named banks which total $282,640,000. For purposes of borrowing, these banks are of three classes. Each note to be issued to a Class I bank will mature not more than 270 days after the date of issuance or renewal thereof, and will be prepayable at any time without premium or penalty. I&M's credit arrangements with these banks require it to maintain compensating balances equal to a percentage of the line of credit made available by the bank plus a percentage of any amount actually borrowed (generally not in excess of 10 percent of the line of credit and 10 percent of the amount borrowed). In most cases I&M maintains deposit balances for its operational and financial needs in amounts sufficient to satisfy any compensating balances required with respect to borrowings from such banks. Borrowings from a Class I bank would generally bear interest at an annual rate not greater than the bank's prime commercial rate in effect from time to time.

Each note to be issued to a Class II bank will mature not more than 90 days after the date of issuance or renewal thereof, and will be prepayable at any time without premium or penalty. I&M's credit arrangements with these banks require it to maintain compensating balances of 5 percent of the line of credit and to pay a fee equal to 4 percent of the bank's prime commercial rate then in effect on the size of the line. The combination of 5 percent compensating balances and a fee is generally equivalent to compensating balances not in excess of 10 percent of the line of credit made available. In addition, I&M must pay interest at the rate of 108.5 percent of the bank's prime commercial rate then in effect on the borrowings. It is stated that if the balances maintained and the fees paid by I&M with and to the Class I and II banks were maintained and paid solely to fulfill requirements for borrowings by I&M, the effective annual interest cost under either such arrangement, assuming full use of the line of credit, would not exceed 125 percent of the prime commercial rate in effect from time to time, or not more than 9.6875 percent on the basis of a prime commercial rate of 7.75 percent.

With respect to the Class III banks, I&M has a money market facility at each of two named banks in an aggregate amount of $25,000,000. These money market facilities do not represent a formal commitment or engagement by these banks to I&M, but represent merely the ability of I&M to request unsecured borrowings, in the form of promissory notes, on a case-by-case basis. These money market facilities are available for unsecured borrowings in domestic dollars and/or in Eurodollars for periods of up to 180 days after the date of issuance, and any such borrowings will be prepayable at any time without premium or penalty. No compensating balances are required. The interest rate, which is presently to be negotiated on a case-by-case basis (using a 360 day year), is pegged to either the London Interbank Offering Rate plus a designated percent, if the borrowings are made in Eurodollars, or to a designated percent of the bank's prime rate, if the borrowings are made in domestic dollars. It is stated that interest rates on these notes will be lower than the effective interest rates for borrowings made from Class I and II banks, including the effect of any compensating balances and fees paid.

It is further proposed that commercial paper will be sold directly by I&M to Lehman Commercial Paper Incorporated (the "Dealer"). The commercial paper will consist of promissory notes in denominations of not less than $50,000 nor more than $5,000,000, of varying maturities, with no maturity more than 270 days after the date of issue; such notes will not be repayable prior to maturity and will be sold at a discount rate not in excess of the discount rate per annum prevailing at the time of issuance for commercial paper of comparable quality and maturity. No commercial paper will be issued having a maturity of more than 90 days if such commercial paper would have an effective interest cost to I&M which exceeds the effective interest cost at which I&M could borrow from commercial banks. The Dealer will reoffer the commercial paper, at a discount rate ⅛ of 1 percent per annum less than the discount rate at which such notes were purchased from I&M, to not more than 200 of the Dealer's customers designated in a non-public list prepared by the Dealer in advance. No sales of such commercial paper will be made to any customer unless that customer has received up-to-date reports as to the credit position of I&M. It is expected that the Dealer's customers will hold such commercial paper to maturity; but if any such customer wishes to resell I&M commercial paper prior to maturity, the Dealer, pursuant to a verbal repurchase agreement, will repurchase the commercial paper and reoffer it to other customers on its non-public list.

The proceeds from the issue and sale of the notes will be used by I&M to reimburse its treasury for past expenditures made in connection with its construction program and to pay part of the cost of its future construction program. Such construction expenditures for the year 1977 are estimated at approximately $158,800,000, exclusive of the cost of the construction program of I&M's subsidiary, Indiana & Michigan Power Co. The estimate of this subsidiary's construction expenditures for the year 1977 is approximately $74,300,000.

I&M claims exemption from the competitive bidding requirements of Rule 50 for the proposed issuance of notes to banks pursuant to paragraph (a)(2) thereof. Additionally, I&M re-

quests exemption from the competitive bidding requirements of Rule 50 for the proposed issue and sale of its commercial paper pursuant to paragraph (a)(5) thereof on the grounds that it is not practicable to invite competitive bids for commercial paper and that current rates for commercial paper of prime borrowers such as I&M are published daily in financial publications.

There are no fees or expenses to be incurred in connection with the proposed transactions. It is stated that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than December 28, 1977, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application, as amended by said post-effective amendment, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as amended by said post-effective amendment or as it may be further amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 77-35200 Filed 12-8-77; 8:45 am]

[8010-01]

[Rel. No. 20281; 70-4538]

MICHIGAN POWER CO. AND AMERICAN ELECTRIC POWER CO., INC.

Proposed Extension of Time for Open Account Advances by Holding Company

DECEMBER 1, 1977.

Notice is hereby given that American Electric Power Co., Inc. ("AEP"), 2 Broadway, New York, N.Y. 10004, a registered holding company, and its public-utility subsidiary company, Michigan Power Co. ("MPC"), 100 South Main Street, Three Rivers, Mich. 49093, have filed with this Commission a post-effective amendment to their declaration, as previously amended, in this proceeding pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Section 12(b) of the Act and Rule 45 promulgated thereunder as applicable to the following proposed transaction. All interested persons are referred to the declaration, as now amended, which is summarized below, for a complete statement of the proposed transaction.

By orders dated October 10, 1967, May 2, 1968, May 26, 1969, December 16, 1969, October 28, 1970, December 21, 1971, March 23, 1972, November 29, 1972, December 27, 1973, December 4, 1974, December 16, 1975, and December 23, 1976 (HCAR Nos. 15872, 16051, 16383, 16559, 16880, 17405, 17508, 17783, 18232, 18686, 19297, and 19820), this Commission, among other things, authorized AEP to make open-account advances to MPC up to $12,000,000 outstanding at any one time. Such advances are to be repaid on or before December 31, 1977, provided that the advances are not to be repaid before the preferred stock of MPC is retired.

Declarants now request authorization for an extension of time through December 31, 1978, to make the aforesaid open-account advances and to repay such advances, provided that the advances are not to be repaid prior to the retirement of the preferred stock of MPC.

The proceeds from the open-account advances are required by MPC in connection with its construction program, which for the year 1978 is expected to amount to approximately $4,300,000, and to pay bank loans the proceeds of which were used in connection with past expenditures in connection with MPC's construction program. Declarants state that the open-account advances will be repaid with a portion of the proceeds to be realized by MPC in connection with the divestment by MPC of its gas assets.

Any fees or expenses to be incurred in connection with the proposed transaction will be supplied by amendment. It is stated that no state commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than December 28, 1977, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said post-effective amendment to the declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the declarants at the above-stated addresses and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, is further amended by said post-effective amendment or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rule 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Divison of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 77-35201 Filed 12-8-77; 8:45 am]

[8010-01]

[Release No. 34-14216; File No. SR-NSE-77-35]

MIDWEST STOCK EXCHANGE, INC.

Self-Regulatory Organization; Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on November 21, 1977, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

MIDWEST STOCK EXCHANGE, INC.
("MSE")

Statement of the terms of substance of the proposed rule change; (additions italicized, deletions bracketed.)

ARTICLE I

Transfers of Memberships.
Rule 10: No change in text.
* * * Interpretations and Policies
.01: No change in text.
.02: Transfers, pursuant to financing arrangements, whereby the transferor retains the right to reacquire the membership, will not be processed by the Exchange's Membership Department unless the transferor is current in all filings and payments of dues, fees and charges relating to that membership,

including filings, fees and charges required by the Securities and Exchange Commission and the Securities Investor Protection Corporation.

MSE'S STATEMENT OF BASIS AND PURPOSE

The purpose of the proposed interpretation and policy is to provide the Exchange with a more effective means of fulfilling its responsibility as a Securities Investor Protection Corporation collection agent as well as to obtain completed Securities and Exchange Commission forms when the transfer of membership does not result in the proceeds of the sale of the membership being deposited with the Exchange. This interpretation and policy will also provide the Exchange with additional leverage for collections of dues, fees and other charges.

This interpretation and policy is consistent with section 6(c)(4) of the Securities Exchange Act of 1934, as amended, which provides for the equitable allocation of reasonabale dues, fees and other charges amongst its members and section 6(b)(5) of that Act. MSE states that comments have neither been solicited nor received and believes that this interpretation and policy would impose no burden on competition.

On or before January 12, 1978, 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 wrtitten 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 December 29, 1977.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: November 29, 1977.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 77-35210 Filed 12-8-77; 8:45 am]

[8010-01]

[Rel. No. 20286; 70-6080]

MONONGAHELA POWER CO. ET AL.

Proposed Issuance and Sale of Short-Term Notes to Banks and to Commercial Paper Dealer and Request for Exception From Competitive Bidding

DECEMBER 1, 1977.

In the matter of Monongahela Power Company, 1310 Fairmont Avenue, Fairmont, W. Va. 26554; The Potomac Edison Company, Downsville Pike, Hagerstown, Md. 21740; West Penn Power Company, 800 Cabin Hill Drive, Greensburg, Pa. 15601.

Notice is hereby given that Monongahela Power Co. ("Monongahela"), The Potomac Edison Co. ("Potomac"), and West Penn Power Co. ("West Penn"), each a wholly-owned electric utility subsidiary of Allegheny Power System, Inc. ("Allegheny"), a registered holding company, have filed an application and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Section 6(b) of the Act and Rule 50(a)(5) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transactions.

Monongahela, Potomac, and West Penn (collectively, the "Companies") propose to issue, reissue, sell and renew short-term notes to banks and commercial paper to provide short-term funds for the period January 1, 1978 through June 30, 1979. It is stated that the notes and commercial paper will be issued, reissued, sold and renewed from time to time as funds may be required prior to June 30, 1979, provided that no such notes or commercial paper will mature after October 1, 1979. Accordingly, the Companies hereby request that, from the date of the granting of the application filed in this matter to June 30, 1979, the exemption from the provisions of Section 6(a) of the Act afforded to each by the first sentence of Section 6(b) thereof be increased to the extent necessary to permit the issuance and sale of notes to banks and commercial paper to dealers in commercial paper in an aggregate amount not to exceed $50,000,000 in the case of Monongahela, $48,000,000 in the case of Potomac, and $84,000,000 in the case of West Penn.

The foregoing amounts, which in each case include any notes which may remain outstanding under the Commission's Order in File No. 70-5844 represent the maximum amount of notes for which authorization is presently sought in this Application. Changes may be made in the maximum amount of notes authorized to be outstanding after the filing of a post-effective amendment setting forth such changes and upon further order of this Commission. As of September 30, 1977, Monongahela, Potomac and West Penn had short-term debt outstanding of $40,500,000; $25,600,000 and $15,450,000 respectively. It is stated that on January 1, 1978, West Penn is expected to have no short-term debt outstanding, and Monongahela and Potomac are expected to have approximately $10,000,000 and $12,000,000 outstanding, respectively, pursuant to this Commission's Order in File No. 70-5844, assuming the sale by each of the companies of the Pollution Control Notes which are the subject of File No. 70-6058 and of the First Mortgage Bonds which are the subject of File Nos. 70-6065 (Monongahela), 70-6064 (Potomac), and 70-6066 (West Penn). No additional commercial paper or notes to banks can be issued after December 31, 1977, pursuant to this Commission's Order in File No. 70-5844.

Each note payable to a bank will be dated as of the date of the borrowing which it evidences, will mature not more than two hundred-seventy (270) days after the date of issuance or renewal thereof, will bear interest at the prime or comparable interest rate of the bank from which the borrowing is made, in effect at the time of issuance, or in effect from time to time, and will be prepayable at any time without premium or penalty. The name or names of the banks from which such borrowings are proposed to be effected (maximum $175 million for all Companies outstanding at any one time) and the maximum aggregate principal amount of loans which may be outstanding from each such bank to any one or more of the Companies, including Allegheny Power System, Inc., are as follows:

Citibank, N.A.	$40,000,000
The Chemical Bank	30,000,000
Mellon Bank, N.A.	45,000,000
Pittsburgh National Bank	7,500,000
Manufacturers Hanover Trust Co.	45,000,000
Irving Trust	5,000,000
Chase Manhattan Bank, N.A.	2,500,000
	175,000,000

No commitment or agreement has been made with respect to any of the proposed borrowings. The maximum amount of such borrowings at any one time outstanding will not, when taken together with any commercial paper then outstanding, be in excess of $50 million in the case of Monongahela, $84 million in the case of West Penn, and $48 million in the case of Potomac, in each case including any notes

or commercial paper which may be outstanding pursuant to the Order of the Commission in File No. 70-5844. Allegheny and the Companies have established lines of credit with such banks for short-term borrowing. Balances are maintained by one or more of the System companies at all of these banks to meet regular operating requirements as well as, when necessary, in connection with these lines of credit. It is stated that compensating cash balances requirements are generally either on the basis of a percentage of the line of credit extended by such bank (for example 10 percent), or a higher percentage of notes outstanding (for example 20 percent), whichever is greater, or a percentage of the line of credit (for example 10 percent) plus a percentage (for example 10 percent) of notes outstanding, in each case on an average annual basis. If such balances were maintained solely to fulfill compensating balance requirements for borrowings, the effective interest cost of issuing and selling the notes would be 9.688 percent on the basis of a prime commercial credit rate of 7¾ percent.

The commercial paper will be in the form of promissory notes in denominations of not less than $50,000 nor more than $5,000,000, will be of varying maturities, with no maturity more than 270 days after the date of issue, and will not be prepayable prior to maturity. The commercial paper notes will be sold by each of the Companies directly to the dealer, at a discount not in excess of the discount rate per annum prevailing at the time of issuance for commercial paper of comparable quality and of the particular maturity sold by issuers to dealers in commercial paper. The dealer may reoffer the commercial paper at a discount rate of ⅛ of 1 percent per annum less than the discount rate to Monongahela, Potomac or West Penn. Monongahela, Potomac and West Penn may issue commercial paper notes if (1) the interest cost thereof is equal to or less than the effective interest cost at which such company could borrow the same amount from the banks named herein at that time or (2) such company cannot at that time borrow the same amount for the same period of time from the banks named herein. The dealer will reoffer the commercial paper notes to not more than 200 of its commercial and industrial customers, identified and designated in a list for each company (nonpublic) prepared in advance. It is expected that the commercial paper notes will be held by the dealer's customers to maturity, but if the customers wish to resell prior to maturity, the dealer, pursuant to a verbal repurchase agreement, will repurchase the notes and reoffer them to others on said list. Exemption from the competitive bidding requirements of Rule 50 is requested for the proposed issuance and sale of commercial paper pursuant to paragraph (a)(5) thereof, since it is not practicable to invite competitive bids for commercial paper and current rates for commercial paper for prime borrowers such as the Companies are published daily in financial publications. The Companies also request authority to file certificates under Rule 24 with respect to the issuance and sale of commercial paper on a quarterly basis.

It is stated that the proceeds from the issuance and sale of the proposed short-term borrowings will be used by each of the Companies to reimburse its corporate treasury for past expenditures made in connection with its construction program, to pay part of the cost of future construction and for other corporate purposes. The estimated gross construction expenditures for 1978 and 1979 are estimated to aggregate $162 million in the case of Monongahela, $172 million in the case of Potomac, and $255 million in the case of West Penn. Unless otherwise authorized by this Commission, any short-term debt outstanding hereunder after June 30, 1979, will be retired by each of such Companies having such short-term debt outstanding not later than October 1, 1979, from internal cash resources of, or sale of permanent debt, preferred stock or common or such other securities as the Commission and other regulatory authorities having jurisdiction may authorize.

It is stated that the fees and expenses to be incurred by the Companies in connection with the proposed transaction are estimated to be approximately $10,400, including credit rating fees of $8,000. It is stated that, the State Corporation Commission of Virginia has jurisdiction over the issuance and sale by Potomac of the short-term debt. It is further stated that no other state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than December 27, 1977, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicant at the above-stated address, and proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 77-35202 Filed 12-8-77; 8:45 am]

[8010-01]

[Release No. 34-14218; File No. SR-MSRB-77-18]

MUNICIPAL SECURITIES RULEMAKING BOARD

Self-Regulatory Organizations; Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on November 25, 1977, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission proposed rule changes as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGES

The Municipal Securities Rulemaking Board (the "Board") is filing proposed amendments (hereinafter sometimes referred to as the "proposed rule changes") to Board rule G-3 relating to professional qualifications. The proposed rule changes amend the provisions of rule G-3 relating to the respective effective dates of the Board's qualification examination requirements, establish time periods and limitations for retaking the examinations, and clarify the scope of certain exemptions from the examination requirements. The test of the proposed rule changes appears below.

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule changes are as follows:

PURPOSE OF PROPOSED RULE CHANGES

The purpose of the proposed rule changes is to amend the provisions of rule G-3 relating to the respective effective dates of the Board's qualification examination requirements, to establish time periods and limitations for retaking the examinations, and to

clarify the scope of certain exemptions from the examination requirements.

The proposed amendments relating to the effective dates of the examination requirements[1] relate such dates to the date the respective examinations are first administered, rather than the date of approval by the Securities and Exchange Commission (the "Commission") of a Board rule designating the examination. A delay of 6 months would be provided in each case.[2] The Board recognizes that some delay is necessary between the date of Commission approval of a rule designating an examination and the implementation of the examination. The proposed amendments are intended to prevent any such delay from reducing the time periods otherwise available for satisfying the examination requirements.

The purpose of proposed new section (g) of rule changes G-3 is to establish time periods within such persons who fail to pass qualification examinations may retake such examinations, as well as limitations on the number of times a person could retake an examination. A person would be permitted to retake an examination three times, allowing at least 30 days between examinations. If still unsuccessful, the person would be required to wait at least 6 months following the third examination before retaking the examination. These requirements would provide an opportunity for more than one attempt at passing an examination, but would establish minimum time periods between attempts to encourage better preparation. The Board's approach in this regard is consistent with that of the National Association of Securities Dealers, Inc. (the "NASD").

The proposed rule changes relating to exemptions from the examination requirements[3] are intended to clarify the categories of persons covered. Rule G-3 requires that persons seeking to qualify as municipal securities principals and municipal securities representatives take and pass examinations unless they meet specified standards for exemption.[4] In each instance, an exemption is provided at the present time for persons qualified with NASD. Persons qualified under NASD rules need not be registered with the NASD, depending upon whether they are currently associated with an NASD member firm. Under NASD rules, a person is qualified if less than 2 years has elapsed since such person was last associated with an NASD member firm as a qualified representative or principal. For example, a person registered and qualified with an NASD member firm as a general securities representative who leaves that firm and becomes associated with a bank municipal securities dealer may return to registered status with the NASD within 2 years without taking an examination. To clarify the Board's intent that such persons remain qualified for purposes of the Board's rules, the proposed rule changes would delete references to registration status.

The Board's rules presently provide an exception for persons qualified as general securities principals with the NASD and under Commission rules for nonmember or "SECO" firms. Consistent with this approach, the Board believes it appropriate to provide that persons qualified to perform supervisory functions at the present time in the general securities area be exempt from the Board's examination requirements for municipal securities principals irrespective of the regulatory organization granting such qualified status. The proposed rule changes clarify this intent by inserting references to qualification with national securities exchanges. This would cover allied member and branch manager of New York Stock Exchange, Inc., firms and similar personnel of firms which are members of other exchanges.

Basis Under the Act for Proposed Rule Changes

The Board has adopted the proposed rule changes pursuant to the provisions of section 15B (b) (2) (A) of the Securities Exchange Act of 1934, as amended (the "Act"), which directs the Board to propose and adopt rules to:

> Provide that no municipal securities broker or municipal securities dealer shall effect any transaction in, or induce or attempt to induce the purchase or sale of, any municipal security unless * * * such municipal securities broker or municipal securities dealer and every natural person associated with such municipal securities broker or municipal securities dealer meets such standards of training, experience, competence, and such other qualifications as the Board finds necessary or appropriate in the public interest or for the protection of investors.

Comments Received From Members, Participants, or Others on Proposed Rule Changes

Comments were not solicited or received on the proposed rule changes.

Burden on Competition

The Board does not believe that the proposed rule changes will impose any burden on competition.

On or before January 12, 1977, or within such longer period (i) as the Commission may designated up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons of 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 NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before January 9, 1977.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

NOVEMBER 30, 1977.

Rule G-3.—Classification of Principals and Representatives; Numerical Requirements; Testing [1]

(a) No change.

(b) No change.

(c) Qualification Requirements for Municipal Securities Principals.

(i) No change.

(ii) The requirements of paragraph (c)(i) shall not apply to any person associated with a municipal securities broker or municipal securities dealer and who

(A) No change.

(B) On the effective date of a rule of the Board first prescribing a qualification examination for municipal securities principals is duly [registered and] qualified as a general securities principal with a registered securities association *or in a general securities supervisory capacity with a national securities exchange;* or

(C) No change.

(iii) through (v) No change.

(vi) The requirements of paragraph (c)(i) shall [not] become effective *on*

[1] *Italics* indicate new language; brackets indicate deletions.

[1] See rule G-3 (c)(vi), (d)(v), and (e)(vi).

[2] With respect to the Financial and Operations Principal Examination, which has been approved by the Commission, July 1, 1978, would be specified as the date by which the examination requirement becomes effective instead of the current date of April 7, 1978.

[3] See rule G-3 (c) (ii) (B) and (e) (ii) (B).

[4] Examination requirements may be waived under certain circumstances. See rule G-3 (c)(v) and (e)(v).

——— (*six months following the date of the first administration of a qualification examination for municipal securities principals designated by the Board*) [until six months following the effective date of a rule of the Board first establishing a qualification examination for municipal securities principals].[2]

(d) Qualification Requirements for Financial and Operations Principals.

(i) through (iv) No change.

(v) The requirements of paragraph (d)(i) shall become effective on *July 1, 1978*[April 7, 1978].

(e) Qualification Requirements for Municipal Securities Representatives.

(i) No change.

(ii) The requirements of paragraph (e)(i) shall not apply to any person associated with a municipal securities broker or municipal securities dealer who:

(A) No change.

(B) On the effective date of a rule of the Board first prescribing a qualification examination for municipal securities representatives is duly [registered and] qualified as a general securities representative or general securities principal with a registered securities association or *in a general securities supervisory capacity with a national securities exchange;* or

(C) No change.

(iii) through (v). No change.

(vi) The requirements of paragraph (e)(i) shall [not] become effective on (*six months following the date of the first administration of a qualification examination for municipal securities representative designated by the Board*) [until six months following the effective date of a rule of the Board first establishing a qualification examination for municipal securities representatives].[3]

(f) Confidentiality of Qualification Examinations. No change.

(g) *Retaking of Qualification Examinations. Any associated person of a municipal securities broker or municipal securities dealer who fails to pass a qualification examination prescribed by the Board shall be permitted to take the examination again after a period of 30 days has elapse from the date of the prior examination: Provided, That any person who fails to pass an examination three times in succession shall be prohibited from again taking the examination until a period of six months has elapsed from the date of the third examination.*

(*h*) [(g)] Employment. Notwithstanding any other provision of this rule, a person who first becomes associated with a municipal securities broker or municipal securities dealer in a representative capacity (whether as a general securities representative or a municipal securities representative) or in a principal capacity without previously having qualified as a general securities representative or municipal securities representative shall not transact business with any member of the public with respect to, or be compensated for any transactions in, municipal securities for a period of at least 90 days following the commencement of such person's association with such municipal securities broker or municipal securities dealer, regardless of such person's having qualified as a municipal securities principal or municipal securities representative during such period: *Provided, however,* That the requirements of this section (*h*) [(g)] may be waived by a registered securities association with respect to a person associated with a member of such association, by the Commission with respect to a person associated with any other municipal securities broker or municipal securities dealer (other than a bank dealer), or by the appropriate regulatory agency with respect to a person associated with a bank dealer, in extraordinary cases in which such person demonstrates extensive experience in a field closely related to the business of such municipal securities broker or municipal securities dealer in municipal securities.

[FR Doc. 77-35211 Filed 12-8-77; 8:45 am]

[2]The date of the first administration of the qualification examination for municipal securities principals will depend on the date of Commission action on the examination. When the date of Commission action is determined, the Board will notify the Commission of the effective date of the examination requirement and, if deemed necessary by the Commission, submit a rule filing specificaiiy designating such date.

[3]The date of the first administration of the qualification examination for municipal securities representatives will depend on the date of Commission action on the examination. When the date of Commission action is determined, the Board will notify the Commission of the effective date of the examination requirement and, if deemed necessary by the Commission, submit a rule fiiing specifically designating such date.

[8010-01]

[Release No. 14220; SR-NYSE-77-11]

NEW YORK STOCK EXCHANGE, INC.

Order Approving Proposed Rule Changes

DECEMBER 1, 1977.

On March 25, 1977, the New York Stock Exchange, Inc. (the "NYSE"), 11 Wall Street, New York, N.Y. 10005, filed with the Commission, pursuant to Section 19(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78s(b)) (the "Act") and Rule 19b-4 thereunder (17 CFR 240.19b-4), proposed rule changes concerning the scope of business associations a person may have outside of his association with a member or member organization. The principal parts of the proposed rule changes would relax restrictions on the ability of a person associated with a member or member organization (including a director, officer, principal shareholder, partner, or registered representative) to establish or maintain other business, employment, or financial affiliations and would permit any such person to work part-time if (i) he does not exercise supervisory control over other employees within the meaning of NYSE Rule 342 and (ii) he has obtained his member's or member organization's written permission. A person exercising such supervisory control would be required to devote his entire time during business hours to the business of his member or member organization.[1] In a separate provision, the NYSE proposed rule changes which would require members and member organizations to provide prompt written notice to the NYSE as to the identity of any person, other than a member, allied member or employee, which controls, is controlled by, or is under common control with, the member or member organization. A member would be able to qualify only one organization for membership in the NYSE but, if not associated with a member organization, the member would be required to register as a broker or dealer with the Commission.[2]

Notice of the proposed rule changes together with their terms of substance was given by publication of a Commission release (Securities Exchange Act Release No. 13415 (Mar. 30, 1977)) and

[1]Under proposed NYSE Rules 346(a) and 346.10, the NYSE may grant permission to an associated person to devote iess than "full time" to the business of his member or member organization if that permission "wiil not impair the protection of investors or the public interest." The Commission nevertheless recognizes that too rigid an application of the full-time requirement for supervisory employees could act as an inappropriate barrier to the empioyment of, for example, married women, single parents and certain handicapped persons, whose family responsibiilities or health problems may preclude full-time employment. Accordingly, the Commission expects that the NYSE will make appropriately flexible use of its exemptive authority in situations where the member's or member organization's over-all supervisory effort would not thereby be impaired.

[2]That requirement is subject to Section 31(a) of the Securities Act Amendments of 1975 (Pub. L. No. 94-29 (June 4, 1975)), which provides that Sections 3(a)(3), 6(b)(2), and 6(c)(1) of the Act (15 U.S.C. 78c(a)(3), 78f(b)(2), and 78f(c)(1)), and rules and regulations thereunder shall not apply so as to deprive any person of membership on a national securities exchange of which such person was, on June 4, 1975, a member or member firm or to deny membership in any such exchange to any natural person who is or becomes associated with such member or member firm.

by publication in the FEDERAL REGISTER (42 FR 18316 (Apr. 6, 1977)). Interested persons were invited to submit written data, views and arguments concerning the proposed rule changes by April 27, 1977.

The Commission has not received any comment on the proposed rule changes. The NYSE, however, has earlier received seven comment letters,[3] which were attached to its filing on Form 19b-4A.[4] Three member organizations opposed the proposed rule changes on the grounds that the income of registered representatives would suffer; that the proposed rescission of prohibitions against members and allied members would not have any effect since such persons generally act in a supervisory capacity and therefore would still be required to work full time; that a member organization cannot independently distinguish acceptable outside interests of employees from those involving conflicts of interest; and that part-time employment is unrealistic or represents a lowering of standards. One commentator, however, favored part-time employment of registered representatives if coupled with a prohibition against employment by more than one member organization. Four member organizations endorsed the proposed rule changes on the grounds that, in their view, the changes would eliminate unduly restrictive rules that have had an adverse and discriminatory impact on the growth of their businesses and would remove artificial barriers that did not bear a reasonable relationship to standards of competence and integrity applicable to associated persons of members and member organizations. The proponents also stated that such persons are subjected by the NYSE to a detailed investigation and an exhaustive examination and that member organizations are more knowledgeable than the NYSE itself with respect to the outside interests of their associated persons.

On June 29, 1977, the NYSE filed an amendment to proposed Rule 346 generally to permit a member who is a sole proprietor to introduce customers' accounts to a non-member organization rather than only to a member organization, as originally proposed. On November 17, 1977, the NYSE filed a second amendment to delete (i) the requirement in proposed Rule 346 that a member who is a sole proprietor must be actively engaged in the securities business and (ii) the prohibition against an individual member's associating with a registered non-member broker-dealer without the NYSE's consent. That amendment also clarified the standards applicable to a waiver of the full-time employment requirement, incorporated into the NYSE's rules the obligation of a broker or dealer under the Act to register with the Commission,[5] and eliminated the requirement, contained in the original filing, that a member organization consent to an associated person's ownership of a non-controlling interest in a publicly held, securities-related business.

With respect to the adverse comments, the Commission notes that flat prohibitions on part-time and dual employment of employees of registered broker-dealers have not been imposed by the National Association of Securities Dealers, Inc., with respect to its members, nor has the Commission imposed any such flat prohibition with respect to SECO broker-dealers. The absence of such restrictions has not been shown to lead to any abuses which appropriate supervisory controls imposed by the broker-dealers themselves could not prevent.[6] For that reason, and in view of the statements of some commentators to the effect that a flat restriction on part-time or dual employment imposes unnecessary burdens on competition, the Commission believes that the proposed rule changes do not represent, on balance, a reduction in appropriate qualification requirements for members' associated persons. Furthermore, the concern over a reduction in the earnings of registered representatives is unsubstantiated and does appear to relate to any provisions of the Act or the rules and regulations thereunder applicable to national securities exchanges. Finally, the proposed rule changes do not alter in anyway the obligation of an NYSE member or member organization to oversee the operation of its business and supervise the performance of its associated persons, including any potential conflicts of interest involving any associated person, in a manner that assures compliance with the Act and rules and regulations thereunder, as well as applicable rules of the NYSE.

The Commission finds that the proposed rule changes set forth in File No. SR-NYSE-77-11, as amended, are consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges, and, in particular the requirements of Section 6 and the rules and regulations thereunder.[7]

It is therefore ordered, Pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule changes be, and hereby are, approved.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 77-35203 Filed 12-8-77; 8:45 am]

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[3] *See* Letters of Bache Halsey Stuart Inc. (Jan. 11, 1977); Howard, Weil, Labouisse, Friedricks (Jan. 6, 1977); Edward D. Jones & Co. (Jan. 3, 1977); Loewi & Co. Inc. (Dec. 21, 1976); Manley, Bennett, McDonald & Co. (Jan. 5, 1977); Mitchum, Jones & Templeton Inc. (Dec. 20, 1976); and Wedbush, Noble, Cooke, Inc. (Dec. 27, 1976). File No. SR-NYSE-77-11.

[4] 17 CFR 249.19a.

[5] *See* note 2 *supra.*

[6] *See also* Securities and Exchange Commission, *Report of Special Study of Securities Markets,* H.R. Doc. No. 95, 88th Cong., 1st Sess., pt. 1, at 112-15, and pt. 5 at 48 (1963).

[7] The Commission's approval of amendments to Section 7 of Article IX of the NYSE Constitution and to NYSE Rules 318 and 345 is subject, nevertheless, to the Commission's review under Section 31(b) of the Securities Act Amendments of 1975. *See* Securities Exchange Act Release No. 12157 (Mar. 2, 1976), 41 FR 10662 (Mar. 12, 1976); Securities Exchange Act Release No. 13027 (Dec. 1, 1976), 41 FR 53557 (Dec. 7, 1976).

PHILADELPHIA STOCK EXCHANGE, INC.

Application for Unlisted Trading Privileges and of Opportunity for Hearing

NOVEMBER 29, 1977.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the security of the company as set forth below, which security is listed and registered on one or more other national securities exchanges:

Whiting Corporation, File No. 7-5017, Common Stock, $5.00 Par Value.

Upon receipt of a request, on or before December 15, 1977 from any interested person, the Commission will determine whether the applications with respect to the companies named shall be set down for hearing. Any such request should include a brief statement as to the title of the security in which the person is interested, the nature of his interest in making the request, and the position which he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing with respect to the particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 77-35204 Filed 12-8-77; 8:45 am]

PHILADELPHIA STOCK EXCHANGE, INC.

Applications for Unlisted Trading Privileges and of Opportunity for Hearing

NOVEMBER 28, 1977.

The above named securities exchange has filed an application with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the securities of the companies as set forth below, which securities are listed and registered on one or more other national securities exchanges:

Levitz Furniture Corporation, File No. 7-5014, Common Stock, $0.40 Par Value; Emery Industires, File No. 7-5015, Common Stock, No Par Value.

Upon receipt of a request, on or before December 14, 1977 from any interested person, the Commission will determine whether the applications with respect to the companies named shall be set down for hearing. Any such request should include a brief statement as to the title of the security in which the person is interested, the nature of his interest in making the request, and the position which he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing with respect to the particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 77-35205 Filed 12-8-77; 8:45 am]

[8010-01]

[Release No. 14209; SR-PHLV-77-9]

PHILADELPHIA STOCK EXCHANGE, INC.

Order Approving Proposed Rule Change

NOVEMBER 28, 1977.

On July 8, 1977, the Philadelphia Stock Exchange, Inc., 17th Street and Stock Exchange Place, Philadelphia, Pa. 19103, filed with the Commission, pursuant to Section 19(b) of the Securities Exchange Act of 1934 (the "Act") as amended by the Securities Acts Amendments of 1975, and Rule 19b-4 thereunder, copies of a proposed rule change regarding permissible bids and offers of specialists and Registered Options Traders for options listed on the Exchange. The Exchange submitted an amendment to its proposal on November 25, 1977.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 13771, July 19, 1977) and by publication in the FEDERAL REGISTER (42 FR 38036, July 26, 1977).

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges, and in particular, the requirements of Section 6 and the rules and regulations thereunder.

It is therefore ordered, Pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 77-35206 Filed 12-8-77; 8:45 am]

[8010-01]

[Rel. No. 10032; 812-3911]

PRUDENTIAL INSURANCE COMPANY OF AMERICA AND PRUDENTIAL'S ANNUITY PLAN ACCOUNT-2

Application for an Order of Exemption and for Approval of an Offer of Exchange

NOVEMBER 30, 1977.

In the matter of The Prudential Insurance Co. of America, Prudential Plaza, Newark, N.J. 07101, and Prudential's Annuity Plan Account-2, The Prudential Insurance Co. of America, Financial Security Program Office, P.O. Box 2925, Phoenix, Ariz. 85062.

Notice is hereby given that Prudential Insurance Co. of America ("Prudential"), a New Jersey mutual life insurance company, and Prudential's Annuity Plan Account-2 ("APA-2"), a separate account of Prudential registered under the Investment Company Act of 1940 ("Act") as a unit investment trust (hereinafter collectively referred to as "Applicants"), filed an application on February 11, 1976, and amendments thereto on May 5, 1977, and November 10, 1977, pursuant to section 6(c) of the Act for an order exempting Applicants from the provisions of sections 22(e), 27(c)(1) and 27(d) to the extent necessary to permit compliance by Applicants with certain provisions of the Education Code of the State of Texas and pursuant to section 11 approving an offer of exchange. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

Prudential is the sponsor and depositor of APA-2. The assets of APA-2 consist solely of shares of Prudential's Gilbraltar Fund ("Fund"), a Delaware corporation registered as an open-end management investment company under the Act. The Fund does not offer shares to the public. It sells shares only to Prudential and to separate accounts of Prudential, including APA-2. APA-2 issues individual variable annuity contracts for use in connection with several types of retirement plans, each of which provides certain tax advantages under the Internal Revenue Code of 1954, as amended, for participants therein.

In 1967, the State of Texas directed the governing boards of all Texas institutions of higher education to make available to certain employees an Optional Retirement Program ("Program"), codified as Subchapter G of Chapter 51 of the Texas Education Code. The statute provides as the funding media for the Program fixed or variable annuity contracts purchased from any insurance or annuity company qualified to do business in Texas. In 1973, the Texas legislature made two amendments in the Program legislation, which amendments became effective on June 14, 1973. The statutory definition of the Program was amended to provide that the benefits of such annuities are to be available only upon termination of employment in the Texas public institutions of higher education, retirement, death or total disability of the participant. The other amendment added a new § 51.358 to Subchapter G which also provides that the benefits of such annuities will be available only if the participant dies, terminates his employment due to total disability, accepts retirement, or terminates employment in the Texas public institutions of higher education.

Because of uncertainty regarding the effect of these amendments, the University of Texas System ("System") requested the opinion of the Attorney General of Texas with respect to several questions concerning such amendments. The Attorney General rendered an opinion dated February 18, 1975, in response to the System's letter. The Attorney General interpreted § 51.358 to prohibit provisions in a variable annuity contract issued in connection with the Program

on or after June 14, 1973, which provide for making available the redemption value of such contract prior to the occurrence of one of the conditions specified in the statute, i.e., termination of employment, retirement, death or total disability. Moreover, the opinion further stated that the prohibitions of § 51.358 were impliedly in effect upon the establishment of the Program (in 1967) and that notwithstanding any language which may be contained in existing contracts, a participant in the Program has never had the right to redeem his annuity contract otherwise than in accordance with the limitations described above. The opinion did not affect the right of a participant to transfer the redemption value of his annuity contract from one carrier to another; accordingly, the granting of the relief requested in the application would not affect such right.

SECTIONS 27(c)(1), 22(e), AND 27(d)

Section 27(c)(1) of the Act makes it unlawful for any registered investment company issuing periodic payment plan certificates, or for any depositor of or underwriter for such company, to sell any such certificate unless such certificate is a redeemable security. Section 2(a)(32) of the Act defines "redeemable security" to mean any security under the terms of which the holder upon its presentation to the issuer or to a person designated by the issuer is entitled to receive approximately his proportionate share of the issuer's current net assets, or the cash equivalent thereof.

Section 22(e) of the Act provides that no registered investment company shall suspend the right of redemption or postpone the date of payment or satisfaction upon redemption of any redeemable security in accordance with its terms for more than seven days after the tender of such security to the company or its agent designated for that purpose for redemption except in certain prescribed circumstances.

Section 27(d) of the Act makes it unlawful for any registered investment company issuing periodic payment plan certificates, or for any depositor of or underwriter for such company, to sell any such certificate unless the certificate provides that the holder thereof may surrender the certificate at any time within the first eighteen months after the issuance of the certificate and receive in payment thereof, in cash, the sum of (1) the value of his account, and (2) an amount, from such underwriter or depositor, equal to that part of the excess paid for sales loading which is over 15 per centum of the gross payments made by the certificate holder.

Applicants request exemptions from the provisions of Sections 22(e), 27(c)(1) and 27(d) of the Act to the extent necessary to permit compliance with Section 51.358 as it pertains to redemption values under Contracts issued to participants in the Program subsequent to the date of such exemptive order.

Applicants assert that if such exemptions are not granted, persons participating in the Program effectively will be denied an opportunity to select as a funding medium for their retirement benefits one of two funding media (the other being fixed annuity contracts) specifically provided in the Texas statute for such purpose. Additionally, participants will be unable to obtain the State's matching contributions for the purchase of an equity-based retirement vehicle. In this respect, the Attorney General's opinion indicated that these matching contributions will encourage participation in the retirement plan but that unrestricted withdrawals prior to retirement might be detrimental to an effective retirement vehicle. In view of the foregoing, Applicants assert that the Commission should grant the requested exemptions because: (1) The limited restriction on redemption would be voluntarily assumed by participants, i.e., eligible employees are not required to participate in the Program; (2) the restrictions were not formulated nor suggested by Applicants; and (3) participants' relinquishment of the full right of redemption is a reasonable requirement in exchange for the benefits bestowed by the matching contributions of the State of Texas.

Applicants will ensure that appropriate disclosure is made to persons who consider participation in the Program, informing them of the restriction on the availability of redemption values under Contracts to be issued to them. This disclosure will take the form of an appropriate reference in each Prospectus to the restrictions on redemption of these Contracts, as well as requiring each participant, as a part of the determination that the sale of these Contracts is suitable for that participant, to sign a statement indicating that he/she is aware that these restrictions will be placed on his/her Contract when it is issued. In addition, Applicants will review all sales literature that is to be used in conjunction with the sales of these contracts for the existence of material representations that are inconsistent with the restrictions to be placed on these contracts and will instruct the salespeople involved in soliciting in this market specifically to bring this restriction to the attention of the potential participants.

Section 6(c) authorizes the Commission to exempt any person, security or transaction or any class or classes of persons, securities or transactions, from the provisions of the Act and Rules promulgated thereunder if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

SECTIONS 11(a) AND 11(c)

Section 11(a) of the Act provides that is shall be unlawful for any registered open-end company, or any principal underwriter for such a company, to make, or cause to be made, an offer to the holder of a security of such a company, or of any other open-end investment company, to exchange his security for a security in the same or another such company on any basis other than the relative net asset values of the respective securities to be exchanged unless the terms of the offer have first been submitted to and approved by the Commission. Section 11(c) provides that, irrespective of the basis of exchange, the provisions of Section 11(a) shall be applicable to any type of offer of exchange of the securities of registered unit investment trusts for the securities of any other investment company.

Applicants have requested an Order pursuant to Sections 11(a) and 11(c) of the Act in order to permit an offer to be made to owners of contracts issued by APA-2 prior to the date of the requested order so that they may exchange their contracts for new contracts which comply with the Education Code of the State of Texas.

Applicants state that the requested order permitting an offer of exchange to be made is necessary in order that present contract owners may continue to receive matching contributions from the State of Texas. Applicants further state that no charge of any kind will be made to the contract holders in connection with the proposed exchange.

Accordingly, Applicants have requested that the Commission issue an Order approving the offer of exchange, as described pursuant to the provisions of Sections 11(a) and 11(c) of the Act.

Notice is further given that any interested person may, not later than December 27, 1977, at 5:30 p.m. submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by

affidavit, or in the case of an attorney at law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following December 27, 1977, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and ordes issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 77-35207 Filed 12-8-77; 8:45 am]

[8010-01]

[Rel. No. 20284; 70-6101]

SOUTHWESTERN ELECTRIC POWER CO.

Proposed Agreement With State Authority for Construction of Pollution Control Equipment; Request for Exception From Competitive Bidding

DECEMBER 1, 1977.

Notice is hereby given that Southwestern Electric Power Co. ("SWEPCO"), P.O. Box 21106, Shreveport, La. 71156, an electric utility subsidiary of Central and South West Corp., a registered holding company, has filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6(a), 7, 9(a)(1), 10 and 12(d) of the Act and Rules 44 and 50, promulgated thereunder, as applicable to the proposed transaction. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transaction.

SWEPCO has begun construction of a coal-fired generating unit, designated Welsh Unit No. 2 ("Unit") in Titus County, Texas. The Unit is scheduled to be completed in 1980, will have a rated capacity of 528 megawatts and is expected to cost approximately $131,472,000.

SWEPCO states that complance with applicable state and federal environmental control standards requires it to construct and equip the Units with air and water pollution control facilities and sewage and solid waste disposal facilities ("Facilities"). SWEPCO states that it proposes to enter into a First Amendatory Installment Sale Agreement ("Amendatory Agreement"), with the Titus County Fresh Water Supply District No. 1 ("District"), an instrumentality of the State of Texas, pursuant to which the District will undertake the financing of the Facilities and which Amendatory Agreement is contemplated by the Installment Sale Agreement relating to the District's Pollution Control Revenue Bonds, 1974 Series A (Southerwestern Electric Power Company Project) (the "1974 Bonds") which was entered into pursuant to the Commission's order of October 17, 1974 (HCAR No. 18609). The Amendatory Agreement provides that SWEPCO will transfer to the District its interest in the Facilities and that the Distric will own the Facilities during the period of construction. SWEPCO states that, as agent for the District, it will provide for the completion of the Facilities and will be reimbursed by the District for the costs incurred in connection therewith. SWEPCO further states that title to the Facilities will be reconveyed to it pursuant to the Amendatory Agreement upon completion of construction.

The acquisition and construction of the Facilities will be financed through the issuance and sale by the District of its Pollution Control Revenue Bonds, 1978 Series A (Southwestern Electric Power Co. Project), in an aggregate amount presently expected to be approximately $17,500,000 and in no event to exceed $18,500,000 ("Bonds").

The Bonds will be issued pursuant to a First Supplemental Indenture of Trust ("Supplemental Indenture") in accordance with the provisions of the Trust Indenture relating to the 1974 Bonds and under which Manufacturers Hanover Trust Co., New York, N.Y., is Trustee ("Trustee"). SWEPCO states that the District will adopt a resolution authorizing the issuance of the Bonds under the conditions contemplated by the Amendatory Agreement and the Supplemental Indenture, for the purpose of financing the Facilities.

The Bonds will be dated on or about the first day of the month in which they are issued, presently scheduled for January 1978, will bear interest semiannually and will mature at a date or dates not more than 30 years from their date of issuance with the exact maturity dates to be determined at the time of pricing.

The Bonds will be redeemable at any time in whole, at SWEPCO's option, at par plus accrued interest upon the occurrence of various extraordinary events specified in the Amendatory Agreement and the Supplemental Indenture. All of the Bonds, or such portion of the Bonds maturing more than 10 years after the date of issuance, will be redeemable in whole or any date or in part on any interest payment date on or after a date to be 10 years from the date of issuance, at SWEPCO's option, at redemption prices (plus accrued interest) beginning at 103 percent of principal amount and declining by 0.5 percent each year thereafter to par for redemption on or after a date 16 years from the date of issuance. The Bonds will be subject to mandatory redemption at par plus accrued interest if the Amendatory Agreement shall by constitutional amendment or legislative, administrative or judicial action become void or unenforceable or impossible of performance on a permanent basis. All or a portion of the Bonds maturing more than 10 years after the date of issuance will be subject to mandatory redemption in satisfaction of sinking fund provisions under the Supplemental Indenture. The sinking fund provisions will be determined in detail at the time pf pricing, but will be designed (in combination with any serial maturities prior to 30 years from the date of issuance) to retire in less than 30 years at least 25 percent in principal amount of the Bonds.

SWEPCO states that Bond counsel has informed it that, subject to the completion of its investigation with regard to the qualification of the Facilities under the Internal Revenue Code for tax-exempt financing, it is prepared to render its legal opinion to the effect that interest on the Bonds will be exempt from federal income taxation. SWEPCO states that while it is not possible to ascertain in advance the interest rate which may be obtained in connection with the issuance of the Bonds, it has been advised that similar tax-exempt bonds generally carry an annual interest rate which is significantly lower than that of comparable taxable bonds.

SWEPCO states that the proceeds from the sale of the Bonds will (except as otherwise required under the Supplemental Indenture) be placed in a Construction Fund created and established under the Supplemental Indenture and will be disbursed to reimburse SWEPCO for (i) the cost of acquisition and construction of the Facilities, (ii) the Trustee's expenses and (iii) the District's administrative and overhead expenses incurred in connection with the issuance of the Bonds, all in the manner specified in the Amendatory Agreement and allowed by the Supplemental Indenture. In the event the amounts in the Construction Fund are insufficient to cover such costs, the Amendatory Agreement obligates SWEPCO to complete construction of the Facilities at its own expense.

SWEPCO states that the Amendatory Agreement contains unsecured commitments by it to pay to the trustee on behalf of the District, at specified times, in payment of the purchase price for the Facilities, amounts sufficient to enable the District to service

the Bonds through the payment of principal, interest, sinking fund and redemption premium requirements with respect to the Bonds. Such amounts are assigned under the Amendatory Agreement to the Trustee and are to be held under the Supplemental Indenture in a Bond Fund to be maintained for the discharge of the District's obligations on the Bonds.

SWEPCO states that is contemplated that the Bonds will be sold by the District pursuant to arrangements between the District and Merrill Lynch, Pierce, Fenner and Smith Inc., as Underwriter. The Underwriter may, if market conditions at the time of offering dictate, add other underwriters to assist in the offering and sale. SWEPCO will not be a party to the Contract of Purchase pursuant to which the Underwriter will purchase the Bonds from the District but the Contract of Purchase is subject to approval by SWEPCO and SWEPCO will furnish a Letter of Representation, containing various warranties, representations and indemnities, on which the Underwriter and District will rely in entering into the Contract of Purchase.

SWEPCO requests that the Amendatory Agreement and the Contract of Purchase be excepted from the competitive bidding requirements of Rule 50 pursuant to subsection (a)(5) thereof.

It is stated that the fees and expenses to be incurred by SWEPCO in connection with the proposed transaction will be supplied by amendment. It is stated that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Noticed is further given that any interested person may, not later than December 27, 1977, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicant-declarant at the above-stated address, and proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 77-35208 Filed 12-8-77: 8:45 am]

[8010-01]

[Release No. 20277; 70-6084]

YANKEE ATOMIC ELECTRIC CO.

Proposed Issuance and Sale of Short-Term Promissory Notes to a Bank and a Dealer in Commercial Paper and Exemption From Competitive Bidding

NOVEMBER 30, 1977.

Notice is hereby given that Yankee Atomic Electric Co. ("Yankee Atomic"), 20 Turnpike Road, Westborough, Mass. 01581, an electric utility subsidiary company of New England Electric System and Northeast Utilities, registered holding companies, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6(a) and 7 of the Act and Rule 50(a)(5) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Yankee Atomic proposes to issue and sell from time to time, but not later than December 31, 1978, short-term promissory notes in order to finance the cost of nuclear fuel or to use for other corporate purposes. The notes are expected to be sold to The First National Bank of Boston, Mass., or to A. G. Becker & Co., Inc. ("Becker"), a dealer in commercial paper, or both, up to a maximum aggregate principal amount of $26,000,000 to be outstanding at any one time. Yankee Atomic now has borrowing authority aggregating $20,000,000 through December 31, 1977 (File No. 70-5932) and expects to have about $17,700,000 of short-term debt outstanding at the end of 1977. During 1978, Yankee Atomic expects to spend approximately $10,000,000 for nuclear fuel and to make capital expenditures of approximately $2,000,000 for plant improvements.

The proposed short-term borrowing will be repaid from time to time in part from internally generated funds, and the balance will be refinanced either through additional short-term borrowings or permanent financing.

The proposed borrowings from The First National Bank of Boston will be evidenced by notes payable maturing in less than 1 year from the date of issuance and will provide for prior payment in whole or in part without premium. Yankee will either maintain funds in the bank which represent compensating balances or, in lieu thereof, pay fees equivalent to such compensating balance requirement. The notes will bear interest at not in excess of the prime rate (not including fees in lieu of compensating balances). Based on prevailing compensating balance requirements of 10 percent of the line of credit and 10 percent of any borrowings thereunder, or fees equivalent thereto, the effective cost to Yankee would be approximately 9.69 percent per annum assuming borrowings up to the maximum amount of the lines of credit based on a prime rate of 7¾ percent.

Yankee Atomic also proposes to issue and sell its commercial paper during the period through December 31, 1978, directly to Becker. Becker, as a principal, will reoffer such commercial paper to not more than 200 of its customers whose names appear on a nonpublic list prepared by Becker in advance. No additions will be made to such list of customers. It is expected that such commercial paper will be held to maturity by the purchasers, but, if any such purchaser wishes to resell prior to maturity, Becker, pursuant to an oral repurchase agreement, will repurchase the paper for resale to others on said list of customers. The commercial paper so issued and sold will be in the form of unsecured promissory notes having varying maturities of not in excess of 270 days. Actual maturities will be determined by market conditions, the effective interest cost to Yankee Atomic, and Yankee Atomic's cash requirements at the time of issuance. The commerical paper will be in denominations of not less than $50,000 and not more than $1,000,000 and will not by its terms be prepayable prior to maturity. The Commercial paper will be purchased by Becker from Yankee Atomic at a discount which will not be in excess of the discount rate per annum prevailing at the date of issuance for the particular maturity at which prime commercial paper of comparable quality is sold by public-utility issuers to commercial paper dealers. Becker will initially reoffer the commercial paper at a discount rate not more than ⅛ of 1 percent per annum less than the prevailing discount rate to Yankee Atomic. No commercial paper notes having a maturity of more than 90 days will be issued at an effective interest cost which exceeds the effective

interest cost at which Yankee Atomic could borrow from The First National Bank of Boston.

Yankee Atomic requests exemption from the competitive bidding requirements of Rule 50 with respect to the proposed issuance and sale of commercial paper pursuant to paragraph (a)(5) thereof and also proposes to file the requisite certificates of notification under Rule 24 covering the proposed transactions on a quarterly basis.

The fees and expenses to be incurred by Yankee Atomic in connection with the proposed transactions are estimated to be approximately $3,000, including not in excess of $1,000 for services performed at cost by New England Power Service Company, an affiliated service company. It is stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than December 23, 1977, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 77-35209 Filed 12-8-77; 8:45 am]

[8025-01]

SMALL BUSINESS ADMINISTRATION

[Proposal No. 05/05-0123]

CONSUMER GROWTH CAPITAL INC.

Notice of Application for a License as a Small Business Investment Company

Notice is hereby given of the filing of an application with the Small Business Administration (SBA) pursuant to section 107.102 of the SBA Regulations (13 CFR 107.102 (1977)) by Consumer Growth Capital Inc., 300 Roanoke Building, Minneapolis, Minn. 55402, for a license to operate as a small business investment company (SBIC) under the provisions of the Small Business Investment Act of 1958 (the Act), as amended (15 U.S.C. 661 et seq.).

The proposed officers, directors, and shareholders are:

Name, Address, Title, and Relationship

John T. Gerlach, 4861 East Lake Harriet Boulevard, Minneapolis, Minn. 55409, president, general manager, treasurer, and director.
Richard N. Flint, 300 Roanoke Building, Minneapolis, Minn. 55402, secretary.
Donald R. Koessel, 624 Third Avenue SE., Minneapolis, Minn. 55414, director.
E. William Swanson, Jr., 719 St. Lawrence Avenue, Janesville, Wis. 53545, director.
Richard N. Thielen, 62 Sedgemeadow Road, Wayland, Mass. 01778, director.

Percent of ownership to be determined upon the completion of the initial offering of capital stock to investors.

The Applicant will begin operations with a capitalization of $435,804 and will be a source of equity capital and long term loan funds for qualified small business concerns. In addition, the Applicant will offer management consulting services to portfolio and other small business concerns.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed owner and management, and the probability of successful operations of the new company under their management, including adequate profitability and financial soundness, in accordance with the Act and Regulations.

Notice is further given that any person may, not later than December 27, 1978, submit written comments on the proposed SBIC to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington, D.C.

A copy of this notice will be published in a newspaper of general circulation in Minneapolis, Minn.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies.)

Dated: December 5, 1977.

PETER F. MCNEISH,
Deputy Associate Administrator for Investment.

[FR Doc. 77-35183 Filed 12-8-77; 8:45 am]

[8025-01]

[Delegation of Authority No. 30, Rev. 15, Amendment 15]

FIELD OFFICES

Delegation of Authority to Conduct Program Activities; Correction

In FR Doc. 77-34579 appearing at page 61347 in the issue for Friday, December 2, 1977, in the text of the amendment to the delegation of authority in paragraph 1 the first sentence in the unnumbered paragraph reads in part ". . . membership consisting of the Assistant District for Finance and Investment, ..." It should have read ". . . membership consisting of the Assistant District Director for Finance and Investment, . . ."

Dated: December 5, 1977.

OLETA F. WAUGH,
Federal Register Liaison Officer.

[FR Doc. 77-35184 Filed 12-8-77; 8:45 am]

[4910-06]

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[FRA E.O. No. 6]

ILLINOIS CENTRAL GULF RAILROAD COMPANY

Emergency Order Restricting Certain Operations

The Federal Railroad Administration (FRA), Department of Transportation has determined that considerations of public safety necessitate the issuance of an emergency order removing from service the line of railroad operated by the Illinois Central Gulf RR. Co. (ICG) between Rock Creek Junction, Mo., and Clark, Mo., a distance by rail of approximately 130 miles (portions of the Slater District and Kansas City District, Missouri Division). This document summarizes the factual and legal basis for FRA action and issues the emergency order.

The above-described segment of line is a single track main line over which operations are conducted by timetale, train order, and an automatic block signal system. Under this method of operation, trains will in many instances rely on the aspects displayed by wayside signals to ascertain whether portions of the line of railroad are occupied and, thus, whether entry into the portion of track or "block" is safe. In addition, to a certain extent train crews may tend to rely on clear as-

pects as assurance that the track structure is intact and switches are properly aligned. In this context, if a signal displays a more favorable aspect than intended, a train may be drawn into a trap in which the train cannot be stopped short of another train, broken rail, or misaligned switch leading into a low-speed turnout. The display of a more favorable aspect than intended is known as a "false clear" or "false proceed."

As a result of a series of inspections on the segment of line by FRA inspectors and a participating state inspector from the Missouri Public Service Commission over a period of more than one year, FRA became aware that vegetation had been permitted to grow in such a way as to entangle itself in and interfere with signal line wires carried on poles along the right-of-way. Vegetation growth of this kind has the potential to result in signal wires touching one another, producing a false proceed indication by the wayside signals.

The Signal Inspection Act (49 U.S.C. 26) provides that it shall be unlawful for any carrier to use on its line any signal system which is not "in proper condition and safe to operate in the service to which it is put, so that same may be used without unnecessary peril to life and limb . . ." The FRA Track Safety Standards, issued under the authority of the Federal Railroad Safety Act of 1970 (45 U.S.C. 421, 431-441), provide that vegetation must be controlled so that it does not prevent the proper functioning of signal or communication lines. (49 CFR § 213.37(d)). FRA administers and enforces both the Signal Inspection Act and the Federal Railroad Safety Act of 1970 under a delegation from the Secretary of Transportation. (49 CFR § 1.49).

Through the issuance of numerous inspection and violation reports in the period September 14, 1976, through the present FRA has repeatedly called to the attention of the ICG specific dangerous and defective conditions relating to vegetation on the segment of line. The ICG responded with inadequate measures which left untouched many serious situations.

As a result of persistent carrier neglect, a number of known false proceed conditions have arisen on this segment of line since the latter part of June 1977. At least six false proceeds have been caused by vegetation growth causing signal wires to be wrapped or otherwise to contact other signal wires or communication wires. Vegetation may have contributed to a seventh false proceed. One of the false proceed conditions known to have been caused by vegetation actually existed unabated for a period of 12 days due to an apparent lapse of internal communication within the railroad. An eighth false proceed was apparently caused by a wrapping of lines during the course of work done by bulldozer to remove some of the larger vegetation.

Given the pattern of noncompliance on this segment of line and an emerging pattern of false proceed indications, FRA intensified its efforts to encourage remedial action by the carrier.

During a meeting with the FRA Regional Administrator in Chicago on September 13, 1977, an ICG Vice President and other responsible officials of the carrier set a target date for removal of vegetation of December 5, 1977. In a letter to ICG's President and Chief Operating Officer on November 23, 1977, I emphasized my concern that this target date be met and stressed that failure of the ICG to take corrective action could result in use of FRA's emergency powers under section 203 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 432). The information available to FRA on this date indicates that, while ICG has done work designed to clear completely vegetation from signal lines along approximately 52 miles of track and has done partial clearing with bulldozers on an additional 32 miles of line, the current pace of work will permit hazardous conditions to persist on a substantial portion of the line for a number of weeks into the future unless decisive action is taken.

In light of the established pattern of noncompliance by the ICG with respect to this subject matter, the repeated occurrence of known false proceed indications and the continuing significant level of probability that additional false proceed indications will continue to occur in the foreseeable future, and in light of the risk to employees and the public that such conditions may cause collisions or derailments involving immediate death or injury to persons or death or injury to persons following the release of hazardous materials transported on the line, I have determined that the aforementioned vegetation growth affecting the integrity of the signal system on the ICG line extending between Clark, Mo., and Rock Creek Junction, Mo., constitutes an unsafe condition and creates an emergency situation involving a hazard of death or injury to persons affected by the use of this segment of line.

Therefore, pursuant to the authority of section 203 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 432), delegated to me by the Secretary of Transportation (49 CFR 1.49(n)), it is hereby ordered:

1. That all train service over that part of the Illinois Central Gulfs' Missouri Division extending between Clark, Mo., and Rock Creek Junction, Mo., a distance of approximately 130 miles, shall be terminated not later than 12:01 a.m. December 8, 1977. However, any through train in transit over such track at that time may continue to its final terminal.

2. This order shall remain in effect until all vegetation has been removed from the signal pole line, all wires are properly secured on insulators, all grounds are removed and the Illinois Central Gulf Railroad has determined that the signal system functions as intended.

3. Operation of all train service (except work trains engaged in repair or restoration), over such track shall be and is prohibited by this order until the authorized designated official of the Illinois Central Gulf Railroad has certified that the above conditions have been met and the line has been inspected by a representative of the Federal Railroad Administration. Subject to these procedures, service over the line may be restored incrementally.

In consideration of the discussions and correspondence between FRA and the ICG, I have further determined that the above-stated order shall become effective according to its terms notwithstanding any provision in Part 216 of Title 49, Code of Federal Regulations.

A civil penalty of $2,500 will be assessed for any violation of this order. (45 U.S.C. 438).

Opportunity for formal review of this Emergency Order will be provided in accordance with 49 CFR 216.25 and section 203 of the Federal Railroad Safety Act of 1970 by written petition.

Issued in Washington, D.C., on December 7, 1977.

JOHN M. SULLIVAN,
Administrator.

[FR Doc. 77-35436 Filed 12-8-77; 8:45 am]

[7035-01]

INTERSTATE COMMERCE COMMISSION

[No. 543]

ASSIGNMENT OF HEARINGS

DECEMBER 6, 1977.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC-C-9753, *Direct Winters Transport Limited, et al.* v. *Reliable Transport (U.S.)*

Limited, now assigned January 5, 1978, at Buffalo, N.Y. is cancelled.
MC 141776 (Sub-no. 12), Foodtrain, Inc., now assigned December 12, 1977, at Philadelphia is postponed to a date to be hereafter fixed.
MC 141641 (Sub-No. 7), Wilson Certified Express, Inc., now assigned January 11, 1978, for hearing at the Offices of the Interstate Commerce Commission in Washington, D.C.
MC 143522, Consolidated Carriers, Inc., now being assigned March 1, 1978 (3 days), at Buffalo, N.Y. in a hearing room to be later designated.
MC 113784 (Sub-No. 55), Laidlaw Transport Ltd., now assigned January 9, 1978, at Buffalo is postponed to March 6, 1978 (1 week), at Buffalo, N.Y. in a hearing room to be later designated.
MC-F-13275, Consolidated Freightways Corp. of Delaware—Purchase—G. E. Wolfe Transportation Lines, Inc. and MC 42487 (Sub-No. 867), Consolidated Freightways Corp. of Delaware now being assigned January 9, 1978 (1 week), at Buffalo, N.Y. in a hearing room to be later designated.
MC 142478 (Sub-No. 1), Act Industries, Inc. d.b.a. Ace Courier & Expediting Service, now assigned January 5, 1978 at Washington, D.C. is cancelled and reassigned January 5, 1978 (2 days), at Hagerstown, Md., will be held in conference room 208, Washington County Courthouse.
AB 43 (Sub-No. 41), Illinois Central Gulf Railroad Co., abandonment near Bemis, Tenn. and Holly Springs, Miss., in Madison, Hardeman, and Fayette Counties, Tenn. and Benton and Marshall Counties, Miss., now being assigned March 1, 1978 (3 days), for hearing in Bolivar, Tenn., in a hearing room to be later designated.
MC 143621, Tennessee Steel Haulers, Inc., now being assigned March 6, 1978 (2 days), for hearing in Nashville, Tenn., in a hearing room to be later designated.
MC 108676 (Sub-No. 110), A. J. Metler Hauling & Rigging, Inc., now being assigned March 8, 1978 (3 days), for hearing in Nashville, Tenn., in a hearing room to be later designated.
MC 134493 (Sub-No. 3), Chicago-St. Louis Transport, Inc., now assigned January 16, 1978, at Chicago, Ill. is postponed to January 17, 1978 (2 days), at Chicago, Ill. in a hearing room to be later designated.
MC 41098 (Sub-No. 42), Global Van Lines, Inc., now being assigned January 9, 1978, for continued hearing at the Offices of the Interstate Commerce Commission in Washington, D.C.
MC 124211 (Sub-No. 302), Hilt Truck Line, Inc., now being assigned February 22, 1978 (1 day), for hearing in Omaha, Nebr., in a hearing room to be later designated.
MC 115826 (Sub-No. 269), W. J. Digby, Inc., now being assigned March 2, 1978 (2 days), for hearing in Omaha, Nebr., in a hearing room to be later designated.
MC 126118 (Sub-No. 38), Crete Carrier Corp., now assigned March 2, 1978, at Omaha, Nebr. is postponed to March 16, 1978 (2 days), at Lincoln, Nebr., in a hearing room to be later designated.
MC 119864 (Sub-No. 69), Craig Transportation Co., now assigned December 13, 1977, at Lansing, Mich. is postponed indefinitely.
MC 2860 (Sub-No. 163), National Freight, Inc., now assigned December 12, 1977, at Atlanta, Ga. is cancelled and transferred to modified procedure.
MC 113843 (Sub-No. 245), Refrigerated Food Express, Inc., now being assigned January 5, 1978 (2 days), at Buffalo, N.Y. in a hearing room to be later designated.
MC 123176 (Sub-No. 12), Rolland Guenther, d.b.a. R. Gunther Trucking, now assigned January 4, 1978, at Columbus, Ohio, is cancelled and transferred to Modified Procedure.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 77-35279 Filed 12-8-77; 8:45 am]

[7035-01]

FOURTH SECTION APPLICATION(S) FOR RELIEF

DECEMBER 6, 1977.

An application, as summarized below, has been filed requesting relief from the requirements of Section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed on or before December 27, 1977.

FSA No. 43473—*Joint Rail-Water Container Rates—Seaspeed Services.* Filed by Seaspeed Services, No. 3), for itself and interested rail carriers. Rates on general commodities, from railroad terminals at U.S. Gulf and West Coast ports, to ports in the Middle East. Grounds for relief: Water competition. Tariff: Seaspeed Services Freight tariff No. 1, I.C.C. No. 1, F.M.C. No. 2. Rates are published to become effective on January 1, 1978.

FSA No. 43474—*Sheet Steel to Fort Smith, Arkansas.* Filed by Southwestern Freight Bureau, Agent, (No. B-721), for interested rail carriers. Rates on sheet steel, in coils, plain or galvanized, in carloads, as described in the application, from Chicago, Ill. and points taking same rates, to Fort Smith, Ark. Grounds for relief: Water and market competition. Tariff: Supplement 318 to Southwestern Freight Bureau, Agent, tariff 301-F, I.C.C. No. 5098. Rates are published to become effective on January 4, 1978.

FSA No. 43475—*Rice Mill Feed from Cleveland, Mississippi.* Filed by Southwestern Freight Bureau, Agent, (No. B-719), for interested rail carriers. Rates on rice mill feed, in carloads, as described in the application, from Cleveland, Miss., to points in Arkansas, Louisiana, and Texas. Grounds for relief: Market competition. Tariff: Supplement 90 to Southwestern Freight Bureau, Agent, tariff 326-C, I.C.C. No. 5155, Rates are published to become effective on January 5, 1978.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 77-35280 Filed 12-8-77; 8:45 am]

[7035-01]

[Notice No. 264]

MOTOR CARRIER TRANSFER PROCEEDINGS

DECEMBER 9, 1977.

Application filed for temporary authority under Section 210a(b) in connection with transfer application under Section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-77439. By application filed November 1, 1977, WARNER TRANSPORTATION COMPANY, 1721 Arch Street, Philadelphia, Pa. 19103, seeks temporary authority to transfer the operating rights of John W. Hillman, an individual, d.b.a. John W. Hillman, 325 Harrison Avenue, Morrisville, Pa. 19067, under section 210a(b). The transfer to Warner Transportation Company, of the operating rights of John W. Hillman, an individual, d.b.a. John W. Hillman, is presently pending.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc.77-35283 Filed 12-8-77; 8:45 am]

[7035-01]

[Notice No. 265]

MOTOR CARRIER TRANSFER PROCEEDINGS

DECEMBER 9, 1977.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132.

No. MC-FC-77440. By application filed December 1, 1977, PERRY TRANSPORTATION, INC., 400 Amboy Avenue, Metuchen, N.J. 08840, seeks temporary authority to transfer the operating rights of M. G. Roux Trucking Corporation, 400 Amboy Avenue, Metuchen, N.J. 08840. The transfer to Perry Transportation, Inc., of the operating rights of M. G. Roux Trucking Corporation, is presently pending.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 77-35281 Filed 12-8-77; 8:45 am]

[7035-01]

[Docket No. AB-57 (Sub-No. 6)]

SOO LINE RAILROAD CO.

Abandonment Near North St. Paul and Carnelian Junction, in Washington County, Minn.; Notice of Findings

DECEMBER 6, 1977.

Notice is hereby given pursuant to Section 1a of the Interstate Commerce Act (49 U.S.C. 1a) that by a Certificate and Order dated October 7, 1977, a finding, which is administratively final, was made by the Commission, Commissioner Brown, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in *Oregon Short Line R. Co.—Abandonment—Goshen*, 354 I.C.C. 76 (1977) and for public use as set forth in said order, the present and future public convenience and necessity permit the abandonment by the Soo Line Railroad Co. of that portion of its line of railroad extending from milepost 438.33 located easterly of North St. Paul and milepost 428.45 at Carnelian Junction, a distance of 9.88 miles, all points located in Washington County, Minn. A certificate of public convenience and necessity permitting abandonment was issued to the Soo Line Railroad Co. Since no investigation was instituted, the requirement of Section 1121.38(a) of the Regulations that publication of notice of abandonment decisions in the FEDERAL REGISTER be made only after such a decision becomes administratively final was waived.

Upon receipt by the carrier of an actual offer of financial assistance, the carrier shall make available to the offeror the records, accounts, appraisals, working papers, and other documents used in preparing Exhibit I (Section 1121.45 of the Regulations). Such documents shall be made available during regular business hours at a time and place mutually agreeable to the parties.

The offer must be filed and served no later than December 27, 1977. The offer, as filed, shall contain information required pursuant to Section 1121.38(b) (2) and (3) of the Regulations. If no such offer is received, the certificate of public convenience and necessity authorizing abandonment shall become effective 45 days from the date of this publication.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 77-35284 Filed 12-8-77; 8:45 am]

[7035-01]

[Docket No. AB-12 (Sub-No. 40)]

SOUTHERN PACIFIC TRANSPORTATION CO.

Abandonment Between Sacramento and Hood in Sacramento County, Calif.; Correction

DECEMBER 6, 1977.

In the above captioned proceeding published at 42 FR 59468 on November 17, 1977, should be disregarded. This document was prematurely published, as an Appeal to Review Board Number 5's report and order served September 28, 1977, was timely filed.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 77-35284 Filed 12-8-77; 8:45 am]

sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409), 5 U.S.C. 552b(e)(3).

CONTENTS

[6351-01]

1

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 10 a.m., December 13, 1977.

PLACE: 2033 K Street NW., Washington, D.C., 5th Floor Hearing Room.

STATUS: Parts of this meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED:

Portions open to the public: Proposed Regulation 1.38a (spread trading).

Portions closed to the public: Enforcement Matters.

CONTACT PERSON FOR MORE INFORMATION:

Jane Stuckey, 254-6314.

[S-2018-77 Filed 12-7-77; 3:27 pm]

[6351-01]

2

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 11 a.m., December 16, 1977.

PLACE: 2033 K Street NW., Washington, D.C., 8th Floor Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Market Surveillance matters.

CONTACT PERSON FOR MORE INFORMATION:

Jane Stuckey, 254-6314.

[S-2019-77 Filed 12-7-77; 3:27 pm]

[6740-02]

3

FEDERAL ENERGY REGULATORY COMMISSION.

NOTICE OF MEETING: December 7, 1977. The following notice of meeting is published pursuant to section 3(a) of the Government in the Sunshine Act (Pub. L. 94-409), 5 U.S.C. 552b:

TIME AND DATE: December 14, 1977, 10 a.m.

STATUS: Open.

MATTERS TO BE CONSIDERED: (Agenda). *NOTE.—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION:

Kenneth F. Plumb, Secretary, 202-275-4166.

[S-2017-77 Filed 12-7-77; 2:45 pm]

This is a list of matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda. However, all public documents may be examined in the Office of Public Information, room 1000.

GAS AGENDA, 13TH MEETING, DECEMBER 14, 1977, REGULAR MEETING

PIPELINE RATE MATTERS

A. Pipeline Rates

RP-1.—Docket No. RP75-80, Alabama-Tennessee Natural Gas Co.
RP-2.—Docket No. RP77-140, Consolidated Gas Supply Corp.
RP-3.—Docket Nos. RP76-136 and RP77-26, Transcontinental Gas Pipeline Corp.
RP-4.—Docket No. RP77-94, Western Gas Interstate Co.
RP-5.—Docket No. CP76-285, Mountain Fuel Resources, Inc.
RP-6.—Reserved.
RP-7.—Reserved.
RP-8.—Reserved.

B. Pipeline Rates (PGA)

RP-9.—Docket No. RP74-100 (PGA Nos. 78-1 and PGA 78-1A), National Fuel Gas Supply Corp.

PRODUCER MATTERS

A. Pipeline Certificates

CI-1.—Docket No. CI75-45, et al., Tenneco Oil Co., et al.
CI-2.—Docket No. CI77-298, Tenneco Inc.
CI-3.—Docket No. CI68-815, Phillips Petroleum Co.
CI-4.—Reserved.
CI-5.—Reserved.
CI-6.—Reserved.

B. Producer Rates

CI-7.—Docket Nos. AR61-2 and AR69-1, et al., Area Rate Proceeding, et al.
CI-8.—Reserved.
CI-9.—Reserved.
CI-10.—Reserved.

C. Special Relief

CI-11.—Docket No. RI77-42, Reliable Energy, Inc.
CI-12.—Docket No. RI78-12, Oil and Gas Futures, Inc. of Texas, et al.

PIPELINE CERTIFICATE MATTERS

A. Pipeline Certificates

CP-1.—Docket No. CP77-536, Northwest Pipeline Corp.
CP-2.—Reserved.
CP-3.—Reserved.
CP-4.—Reserved.

B. Order No. 533 Authorizations

CP-5.—Docket No. CP77-71, Natural Gas Pipeline Co. of America. Docket No. CP77-118, Columbia Gas Transmission Corp. and Columbia Gulf Transmission Co. Docket No. CP77-125, Texas Gas Transmission Corp.
CP-6.—Docket No. CP77-475, Columbia Gas Transmission Corp.
CP-7.—Docket No. CP78-3, Transcontinental Gas Pipeline Corp.
CP-8.—Reserved.
CP-9.—Reserved.
CP-10.—Reserved.

C. Storage

CP-11.—Docket Nos. CP74-289, CP73-334 and CP75-360, El Paso Natural Gas Co.
CP-12.—Docket No. CP77-590, Fair Environmental Deals for United People v. National Fuel Gas Supply Corp. and National Gas Storage Corp.
CP-13.—Docket Nos. CP76-492, et al., National Fuel Gas Supply Corp., et al.
CP-14.—Docket No. CP66-237, Natural Gas Pipeline Co. of America.
CP-15.—Reserved.
CP-16.—Reserved.
CP-17.—Reserved.

D. Curtailment

CP-18.—Docket No. RP75-79, Lehigh Portland Cement Co. v. Florida Gas Transmission Co.

GAS AGENDA, 13TH MEETING, DECEMBER 14, 1977, REGULAR MEETING

CAG-1.—Docket No. RP75-8 (PGA 78-1), Commercial Pipeline Co., Inc.
CAG-2.—Docket No. RP78-13, Lawrenceburg Gas Transmission Corp.
CAG-3.—Docket No. CP77-289, El Paso Natural Gas Co.
CAG-4.—Docket No. RP71-131, Algonquin Gas Transmission Co.
CAG-5.—Docket No. CI71-460, Mobil Oil Corp., Docket No. CI76-639, Mobil Oil

Corp., Docket No. CI76-750, Northern Natural Gas Producing Co., Docket No. CI76-807, Sohio Petroleum Co.

CAG-6.—Docket Nos. G-9274, et al., Chevron U.S.A., Inc., et al.

CAG-7.—Docket No. CP77-641, Natural Gas Pipeline Co. of America. Docket No. CP78-7, Sea Robin Pipeline Co. Docket No. CP78-23, United Gas Pipe Line Co.

CAG-8.—Docket No. CP77-664, El Paso Natural Gas Co.

CAG-9.—Omitted.

CAG-10.—Docket No. CP77-609, Panhandle Eastern Pipe Line Co. and Trunkline Gas Co.

CAG-11.—Docket No. CP78-2, Arkansas Oklahoma Gas Corp.

CAG-12.—Docket No. CP77-646, Arkansas Oklahoma Gas Corp.

CAG-13.—Docket No. CP77-488, United Gas Pipe Line Co.

CAG-14.—Docket No. CP78-21, Columbia Gas Transmission Corp.

CAG-15.—Docket No. CP73-76, Michigan Wisconsin Pipe Line Co.

CAG-16.—Docket No. CP76-247, Northern Natural Gas Co. and Panhandle Eastern Pipe Line Co.

CAG-17.—Docket No. CP77-660, United Gas Pipeline Co.

CAG-18.—Docket No. CP77-572, CP77-573 and CP77-575, Cities Service Gas Co.

CAG-19.—Docket No. CP77-661, United Gas Pipe Line Co.

CAG-20.—Docket No. CP78-19, Columbia Gas Transmission Corp.

CAG-21.—Docket No. CP78-20, Columbia Gas Transmission Corp.

CAG-22.—(A) Docket Nos. CS71-646, et al., Ladd Petroleum Corp., et al. (B) Docket No. CI74-528, Exxon Corp.

MISCELLANEOUS AGENDA, 13TH MEETING, DECEMBER 14, 1977, REGULAR MEETING

M-1.—Docket No. RM76-17, Research, Development and Demonstrations; Accounting; Advanced Approval of Rate Treatment.

POWER AGENDA, 13TH MEETING, DECEMBER 14, 1977, REGULAR MEETING

I. ELECTRIC RATE MATTERS

ER-1.—Docket No. ER78-61, Oklahoma Gas & Electric Co.

ER-2.—Docket Nos. E-9597 and E-9306, Nevada Power Co. and California Pacific Utilities Co.

ER-3.—Docket No. ER76-607, Pennsylvania Electric Co.

ER-4.—Docket No. ER76-209, Metropolitan Edison Co.

ER-5.—Docket Nos. ER76-304, et al., and Docket Nos. ER77-97, et al., New England Power Co.

ER-6.—Docket No. ER76-90, Boston Edison Co.

II. LICENSED PROJECT MATTERS

P-1.—Project No. 2401, Utah Power & Light Co.

P-2.—Project Nos. 2576, 2604, 2632, and 2646, Connecticut Light and Power Co.

P-3.—Project No. 2391, Utah Power & Light Co.

P-4.—Project Nos. 1971, 1975, Idaho Power Co.

P-5.—Project No. 469, Minnesota Power and Light Co.

POWER AGENDA, 13TH MEETING, DECEMBER 14, 1977, REGULAR MEETING

CAP-1.—Docket No. ER77-559, Fitchburg Gas & Electric Light Co.

CAP-2.—Docket No. ER78-59, Tucson Gas & Electric Co.

CAP-3.—Docket No. ES76-81, Baltimore Gas and Electric Co.

CAP-4.—Docket No. ES77-58, Central Telephone and Utilities Corp.

CAP-5.—Docket No. ES78-1, Detroit Edison Co.

CAP-6.—Docket No. ES78-5, Gulf States Utilities Co.

CAP-7.—Docket No. ID-1734, John R. Burton.

CAP-8.—Docket No. 2111, Pacific Power & Light Co.

CAP-9.—Docket No. 2016, City of Tacoma.

KENNETH F. PLUMB,
Secretary.

[S-2017-77 Filed 12-7-77; 2:45 pm]

[6730-01]

4

FEDERAL MARITIME COMMISSION.

TIME AND DATE: December 14, 1977—10 a.m.

PLACE: Room 12126, 1100 L Street NW., Washington, D.C. 20573.

STATUS: Parts of the meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED:

Portions open to the public:

1. Agreements Nos. 9848-5 and 9873-2: Modifications to extend two pooling agreements in the Brazilian trades for three months.

2. Agreements Nos. 9876-3, 2744-40, 3868-25, 4610-26, 6080-25, 7540-30, 7590-26, and 8120-20: Modifications of the organic agreements of the Associated Latin American Freight Conferences, and seven of its member conferences to establish a neutral body for self-policing, enforcement and cargo inspection.

3. Agreement No. 10141-2: Application for an extension of the term of approval of a cooperative working arrangement between Johnson Line and K/S Nosac A/S & Co.

4. Agreement No. 10267-1: Application for interim 90-day extension of the Container Carriers Discussion Agreement.

5. Agreements Nos. DC-83-3 and DC-83-4: Modifications of the Atlantic Coast-Puerto Rico Discussion Agreement relating to wharfage and rate practices and extension of the agreement for one year.

6. Special Docket No. 519: *Buckley & Forstall, Inc.* v. *Gulf European Association* for Combi Line—review of initial decision.

7. Special Docket No. 522: *Hercules International Trade Corp., Ltd.* v. *Pacific Westbound Conference*—review of initial decision.

Portions closed to the public:

1. General increase in rates of Interisland Intermodal Lines, Inc., in the Puerto Rico-Virgin Islands trade.

2. Docket No. 77-4: Agreements Nos. 9902-3, 9902-4, 9902-5 and 9902-6—request for rulings on motions for orders compelling responses to interrogatories and requests for documents.

CONTACT PERSON FOR MORE INFORMATION:

Francis C. Hurney, Secretary. 202-523-5727.

[S-2010-77 Filed 12-7-77; 9:23 am]

[6230-01]

5

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.

TIME AND DATE: 10 a.m., Thursday, December 15, 1977.

PLACE: 20th Street and Constitution Avenue NW., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Proposed salary adjustments for Federal Reserve Bank officers.

2. Federal Reserve Bank and Branch director appointments. This matter was originally announced for a meeting on November 18, 1977.

3. Any agenda items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Joseph R. Coyne, Assistant to the Board, 202-452-3204.

Dated: December 7, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary
of the Board.

[S-2016-77 Filed 12-7-77; 12:28 pm]

[6750-01]

6

FEDERAL TRADE COMMISSION.

TIME AND DATE: 2 p.m., Monday, December 12, 1977.

PLACE: Room 432, Federal Trade Commission Building, 6th Street and Pennsylvania Avenue NW., Washington, D.C. 20580.

STATUS: Open.

MATTERS TO BE CONSIDERED: Consideration of proposed trade regulation rule concerning ophthalmic goods and services as proposed January 16, 1976, 41 FR 2399, Proposed 16 CFR, Part 456.

CONTACT PERSON FOR MORE INFORMATION:

Wilbur T. Weaver, Office of Public Information, 202-523-3830; recorded message, 202-523-3806.

[S-2012-77 Filed 12-7-77; 11:44 am]

[6750-01]

7

FEDERAL TRADE COMMISSION.

TIME AND DATE: 10 a.m., Tuesday, December 13, 1977.

PLACE: Room 432, Federal Trade Commission Building, 6th Street and Pennsylvania Avenue NW., Washington, D.C. 20580.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Nonadjudicative Matters

(1) Approval of Minutes of Nonadjudicative Matters Considered at Meetings of December 1, and 6, 1977.
(2) Consideration of issuance of Investigational Resolution Authorizing Compulsory Process in a nonpublic Part II matter.

Adjudicative Matters Under Part 3 of the Rules of Practice

(1) Approval of Minutes of Adjudicative Matters Considered at Meeting of December 6, 1977.
(2) Consideration of Final Opinion in Jim Walter Corp., Docket No. 8986.
(3) Consideration of final decision in Porter & Dietsch, Inc., et al., Docket No. 9047.
(4) Consideration of Proposed Disposition of Respondents' Appeal from the Initial Decision in Docket No. 8958, Boise Cascade Corp., et al.
(5) Consideration of final decision in Perpetual Federal Savings & Loan Association, Docket 9083.
(6) Consideration of status of pending Part III decision.

CONTACT PERSON FOR MORE INFORMATION:

Wilbur T. Weaver, Office of Public Information, 202-523-3830; recorded message, 202-523-3806.

[S-2013-77 Filed 12-7-77; 11:44 am]

[6750-01]

8

FEDERAL TRADE COMMISSION.

TIME AND DATE: 10 a.m., Wednesday, December 14, 1977.

PLACE: Room 432, Federal Trade Commission Building, 6th Street and Pennsylvania Avenue NW., Washington, D.C. 20580.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission has not yet scheduled any matters for discussion at this meeting. If no item is placed on the agenda by 10 a.m., on Wednesday, December 14, 1977, the meeting will automatically be canceled. Any item that is place on the agenda before that time will be announced in accordance with the Additional Information procedures posted with Commission Meeting Notices outside room 130 of the Federal Trade Commission Building.

CONTACT PERSON FOR MORE INFORMATION:

Wilbur T. Weaver, Office of Public Information, 202-523-3830; recorded message, 202-523-3806.

[S-2014-77 Filed 12-7-77; 11:44 am]

[7020-02]

9

UNITED STATES INTERNATIONAL TRADE COMMISSION.

TIME AND DATE: 9:30 a.m., Wednesday, December 21, 1977.

PLACE: Room 117, 701 E Street NW., Washington, D.C. 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda.
2. Minutes.
3. Ratifications.
4. Petitions and complaints (if necessary).
5. Proposed interpretive rules on dumping—see document GC-A-071.
6. Proposed rules on section 337—see documents GC-A-049, GC-A-055, C01-A-008, and a memorandum from Commissioner Bedell (no control No.).
7. FY 77 Annual Report.
8. Any items left over from previous agenda.

CONTACT PERSON FOR MORE INFORMATION:

Kenneth R. Mason, Secretary. 202-523-0161.

[S-2011-77 Filed 12-7-77; 10:27 am]

[7600-01]

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OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION.

TIME AND DATE: 10 a.m., December 14, 1977.

PLACE: Room 1101, 1825 K Street NW., Washington, D.C.

STATUS: This meeting is subject to being closed by a vote of the Commissioners taken at the beginning of the meeting.

MATTERS TO BE CONSIDERED: Discussion of specific cases in the Commission adjudication process.

CONTACT PERSON FOR MORE INFORMATION:

Ms. Lottie Richardson, 202-634-7970.

Dated: December 6, 1977.

[S-2015-77Filed12-7-77;12:15pm]