AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

Vol.42—No.70
4–12–77
PAGES
19123–19313

federal register

TUESDAY, APRIL 12, 1977



highlights

PART I:

SUNSHINE ACT MEETINGS 19253

FROZEN DESSERTS
HEW/FDA revises identity standards for ice cream, ice milk, sherbert, and water ices and confirms effective date for mellorine standards (2 documents) 19127, 19134

OTC HUMAN DRUGS
HEW/FDA establishes conditions for continued marketing of Category III products; effective 4–12–77 19137

COOPERATIVE MARKETING ASSOCIATIONS
USDA/CCC proposes revision of eligibility requirements for price support; comments by 5–12–77 19149

MEDICARE HOSPITALS
HEW proposes quality control and proficiency testing applicable to clinical laboratories; comments by 5–27–77 19155

COATED ABRASIVE PRODUCTS
Commerce/NBS announces intent to withdraw voluntary product standard for grading of abrasive grain; comments by 5–12–77 19169

ANTIDUMPING
Treasury announces investigation of viscose rayon staple fiber from Austria 19243

HOME MORTGAGE DISCLOSURE
FRS issues interpretations regarding depository institutions; effective 4–1–77 19123

FOOD LABELING
HEW/FDA establishes 7–1–79 as mandatory uniform effective date for compliance with food labeling regulations published after 4–1–77 19234

SHORT TERM COMMERCIAL PAPER
SEC extends to 7–1–77 existing suspension of the treatment prescribed under its uniform net capital rule; comments by 5–1–77 19126

PRIVACY ACT OF 1974
FDIC issues notice of systems of records 19209

OVER-THE-COUNTER DRUGS
HEW/FDA proposes change in safety and effectiveness standards for OTC products; comments by 6–13–77 19156

CONTINUED INSIDE

reminders

(The items in this list were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

Rules Going Into Effect Today

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

List of Public Laws

This is a continuing numerical listing of public bills which have become law, together with the law number, the title, the date of approval, and the U.S. Statutes citation. The list is kept current in the FEDERAL REGISTER and copies of the laws may be obtained from the U.S. Government Printing Office.

S. 925.....Pub. L. 95–18
To provide temporary authorities to the Secretary of the Interior to facilitate emergency actions to mitigate the impacts of the 1976–77 drought.
(Apr. 7, 1977; 91 Stat. 36) Price: $0.35.

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

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

Monday	Tuesday	Wednesday	Thursday	Friday
NRC	USDA/ASCS		NRC	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/NHTSA	USDA/FNS		DOT/NHTSA	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/OHMO	CSC		DOT/OHMO	CSC
DOT/OPSO	LABOR		DOT/OPSO	LABOR
	HEW/FDA			HEW/FDA

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

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

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

federal register
Area Code 202 Phone 523–5240

Published daily, Monday through Friday (no publication on Saturdays, Sundays, or on official Federal holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C., Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The FEDERAL REGISTER provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive orders and Federal agency documents having general applicability and legal effect, documents required to be published by Act of Congress and other Federal agency documents of public interest. Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless earlier filing is requested by the issuing agency.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $5.00 per month or $50 per year, payable in advance. The charge for individual copies is 75 cents for each issue, or 75 cents for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

INFORMATION AND ASSISTANCE

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

FEDERAL REGISTER, Daily Issue:

Subscriptions and distribution	202–783–3238
"Dial - a - Regulation" (recorded summary of highlighted documents appearing in next day's issue).	202–523–5022
Scheduling of documents for publication.	523–5220
Copies of documents appearing in the Federal Register.	523–5240
Corrections	523–5286
Public Inspection Desk	523–5215
Finding Aids	523–5227
Public Briefings: "How To Use the Federal Register."	523–5282
Code of Federal Regulations (CFR)	523–5266
Finding Aids	523–5227

PRESIDENTIAL PAPERS:

Executive Orders and Proclamations.	523–5233
Weekly Compilation of Presidential Documents.	523–5235
Public Papers of the Presidents	523–5235
Index	523–5235

PUBLIC LAWS:

Public Law dates and numbers	523–5237
Slip Laws	523–5237
U.S. Statutes at Large	523–5237
Index	523–5237
U.S. Government Manual	523–5230
Automation	523–5240
Special Projects	523–5240

HIGHLIGHTS—Continued

SALVAGE TIMBER SALE OPERATIONS
USDA/FS proposes policy on collection and use of deposits; comments by 5–12–77 19162

VETERANS' EDUCATION ASSISTANCE
VA publishes policy and procedure circulars; comments by 5–12–77 19243

NEW ANIMAL DRUGS
HEW/FDA approves revised labeling for safe and effective use of nitrofurantoin oral suspension for treating dogs, cats, and horses; effective 4–12–77 19143
HEW/FDA approves new monensin premix; effective 4–12–77 19143

EMERGENCY NATURAL GAS ACT
FPC publishes proposed order of implementation; comments by 4–13–77 19154
FPC issues emergency orders (2 documents) 19233

WOMEN'S EDUCATIONAL EQUITY ACT PROGRAM
HEW/OE announces hearing dates and times on proposed regulations 19161

MEETINGS—
Commerce/Census: Census Advisory Committee of the American Marketing Association, 5–10–77 19166
NOAA: Coastal Zone Management Advisory Committee, 5–2 thru 5–4–77 19170
North Pacific Fishery Management Council Scientific and Statistical Committee Advisory Panel, 4–27 and 4–28–77 19171
Weather Modification Advisory Board, 5–4 and 5–5–77 19171
DOD/AF: Air Force Academy Board of Visitors, 5–5 thru 5–7–77 19172
Aluminum Combustion Workshop, 5–10 and 5–11–77 19172
Scientific Advisory Board Tactical Panel, 4–28–77 19173
HEW: Student Financial Assistance Group, 4–28–77 19235
Labor/BLS: Business Research Advisory Council's Committee on Occupational Safety and Health Statistics, 5–11–77 19175
Committee on Manpower and Employment of the Business Research Advisory Council, 5–24–77 19175
NSF: Electrical Sciences and Analysis Advisory Panel, 4–28 and 4–29–77 19240
Science Information Activities Task Force, 4–25 and 4–26–77 19240
USDA/FS: Cibola National Forest Grazing Advisory Board, 5–20–77 19162
Condor Advisory Committee, 5–24–77 19162

PART II:

NEGLECTED AND DELINQUENT CHILDREN IN INSTITUTIONS
HEW/OE adopts interim regulations for grants to State agencies for programs to meet special educational needs; comments by 5–12–77 19285

PART III:

GEOLOGIC-RELATED HAZARDS
Interior/GS outlines capabilities and proposed procedures for assisting in warning and preparedness; comments by 6–30–77 19291

PART IV:

TOXIC SUBSTANCES CONTROL
EPA provides additional information on proposed inventory reporting requirements; comments by 5–9–77 19297

PART V:

FEDERAL ELECTIONS
FEC issues advisory opinion request on functioning of a "search committee" as a principal campaign committee 19311

contents

AGRICULTURAL MARKETING SERVICE

Proposed Rules

Potatoes (Irish) grown in Idaho and Oreg. 19148

AGRICULTURE DEPARTMENT

See Agricultural Marketing Service; Commodity Credit Corporation; Forest Service; Packers and Stockyards Administration.

AIR FORCE DEPARTMENT

Notices

Meetings:
- Academy Board of Visitors. 19172
- JANNAF Chemical Propulsion Advisory Committee (Combustion Working Group). 19172
- USAF Scientific Advisory Board. 19173

CENSUS BUREAU

Notices

Meetings:
- American Marketing Association Census Advisory Committee. 19166

CIVIL AERONAUTICS BOARD

Rules

Construction, publication, filing and posting of tariffs of air carriers and foreign air carriers; editorial amendment. 19125

Notices

Hearings, etc.:
- Aloha Airlines, Inc. 19164
- Caribbean Area Service Investigation. 19165
- International Air Transport Association (2 documents). 19166
- Ozarks Air Lines, Inc.; correction. 19166

CIVIL SERVICE COMMISSION

Rules

Excepted service:
- Civil Service Commission. 19147
- Temporary Schedule C positions during a Presidential transition. 19147

Equal opportunity:
- Exclusions. 19147

COMMERCE DEPARTMENT

See also Census Bureau; Domestic and International Business Administration; Maritime Administration; Natural Bureau of Standards; National Oceanic and Atmospheric Administration.

Notices

Watches and watch movements:
- Allocation of quotas; Guam, extension of new entrant. 19172

COMMODITY CREDIT CORPORATION

Proposed Rules

Cooperative marketing associations; eligibility requirements for price support (2 documents). 19149

Loan and purchase programs:
- Grain and similarly handled commodities; 1976 and subsequent crops price support. 19149

CUSTOMS SERVICE

Rules

Liquidation of duties; countervailing duties:
- Zinc, unwrought, from Spain; correction. 19127

DEFENSE DEPARTMENT

See Air Force Department; Navy Department.

DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION

Notices

Scientific articles; duty free entry:
- Associated Universities, Inc. 19166
- Mississippi State University. 19167
- Robert B. Brigham Hospital, et al. 19167
- University of California, et al.; correction. 19169

EDUCATION OFFICE

Rules

Neglected or delinquent children in institutions; grants to State agencies. 19285

Proposed Rules

Women's Educational Equity Act Program; public hearing. 19161

Notices

Applications and proposals, closing dates:
- Emergency school aid. 19234

Meetings:
- Accreditation and Institutional Eligibility Advisory Committee; correction. 19234

ENVIRONMENTAL PROTECTION AGENCY

Proposed Rules

Toxic substances:
- Inventory reporting and general provisions. 19297

Notices

Pesticide registration:
- Bonide Chemical Co., et al. 19209

FEDERAL COMMUNICATIONS COMMISSION

Proposed Rules

FM broadcast stations; table of assignments:
- Wyoming. 19160

Notices

Canadian broadcast stations. 19208

FEDERAL CONTRACT COMPLIANCE PROGRAMS OFFICE

Rules

Handicapped workers; affirmative action obligations of contractors and subcontractors; hearings procedures. 19145

Veterans, disabled, Vietnam; affirmative action obligations of contractors and subcontractors; hearings procedures. 19145

FEDERAL DEPOSIT INSURANCE CORPORATION

Notices

Privacy Act; new systems and changes to existing systems of records. 19209

FEDERAL ELECTION COMMISSION

Notices

Advisory opinion requests. 19311

FEDERAL POWER COMMISSION

Proposed Rules

Emergency Natural Gas Act of 1977; proposed rules for allocation of volumes of natural gas. 19154

Notices

Emergency Natural Gas Act of 1977; orders (2 documents). 19233

Hearings, etc.:
- Arbuckle, Walter K. et al. 19233
- Bromage, Robert. 19221
- Cities Service Gas Co. 19222
- Colorado Springs, City of, Colo. 19223
- Connecticut Light and Power Co. (2 documents). 19218, 19223
- Detroit Edison Co. 19224
- Distrigas of Massachusetts Corp. 19224
- East Tennessee Natural Gas Co. 19224
- Elms Brothers and Co. 19225
- Georgia Power Co. 19224
- Gulf States Utilities Co. 19225
- Illinois Power Co. 19218
- Indiana & Michigan Electric Co. 19225
- Kansas Gas and Electric Co. 19219
- Lake Superior District Power Co. 19234
- Metropolitan Edison Co. 19226
- Minnesota Power & Light Co. 19226
- Montana-Dakota Utilities Co. 19219
- Montaup Electric Co. (2 documents). 19219, 19227
- Nadel and Gussman. 19227
- National Fuel Gas Supply Corp. 19219
- Natural Gas Pipeline Co. of America et al. 19227
- Natural Gas Pipeline Co. of America. 19220
- Nevada Power Co. 19227
- Niagara Mohawk Power Corp. 19228
- Northern States Power Co. 19228
- Pacific Gas and Electric Co. 19221
- Southern Natural Gas Co. (2 documents). 19221, 19228
- Southern Union Gas Co. et al. 19229
- Tenneco Inc. 19230
- Texas Eastern Transmission Corp. 19221
- Texas Gas Transmission Corp. et al. 19231
- Texas Energies, Inc. (2 documents). 19222
- United Gas Pipe Line Co. (2 documents). 19231, 19232
- United Gas Pipe Line Co. and Southern Natural Gas Co. 19232

Vermont Electric Power Co., Inc 19233
Wainwright, L. R. 19226
Wallace, Anthony E. 19222

FEDERAL RESERVE SYSTEM

Rules

Home mortgage disclosure requirements:
Parent depository institutions; separate disclosure for subsidiaries, and loss of exemption .. 19123
Truth-in-lending:
Dealer participation, amount, disclosure 19124

FISH AND WILDLIFE SERVICE

Notices

Pipeline applications:
Delta National Wildlife Refuge, Plaquemines Parish, La. 19238

FOOD AND DRUG ADMINISTRATION

Rules

Animal drugs, feeds, and related products:
Monensin 19143
Nitrofurantoin oral suspension .. 19143
Food for human consumption:
Frozen desserts; ice cream, ice milk, sherbert, and water ices; identity standards 19127
Frozen desserts; mellorine; identity standards, effective date confirmed 19134
Food products, human and animal drugs, biologics, cosmetics, medical devices, radiological health; recodification and editorial changes; correction 19142
General regulations for enforcement of Food, Drug, and Cosmetic Act and Fair Packaging and Labeling Act; color additives; enforcement, hearings, etc.; correction 19127
Human drugs:
Over-the-counter drugs; testing of category III active ingredients 19137

Proposed Rules

Human drugs:
Over-the-counter drugs; conditions for use and labeling of inactive ingredients 19156

Notices

Food labeling; manufacturers, packers, and distributors; mandatory uniform effective date for regulations 19234

FOREST SERVICE

Notices

Environmental statements; availability, etc.:
Ouachita National Forest, South Fourche Unit, Ark. 19163
Wallowa-Whitman and Umatilla National Forests, Grande Ronde Planning Unit, Oreg. .. 19163
Meetings:
Cibola National Forest Grazing Advisory Board 19162
Condor Advisory Committee ... 19162
Timber, salvage, sale operations purchaser deposits; collection and use of funds; inquiry 19162

GENERAL ACCOUNTING OFFICE

Notices

Regulatory reports review; proposals 19174

GEOLOGICAL SURVEY

Notices

Geologic-related hazards; advance recognition and warning .. 19291

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See Education Office; Food and Drug Administration; Social Security Administration.

Notices

Meetings:
Student Financial Assistance Study Group 19235

HOUSING AND URBAN DEVELOPMENT

Notices

Authority delegations:
Community Planning and Development Assistant Secretary et al.; order of succession 19174

INTERIOR DEPARTMENT

See also Fish and Wildlife Service; Geological Survey; Land Management Bureau; National Park Service.

Notices

Watches and watch movements:
Allocation of quotas; Guam, extension of new entrant; cross reference 19239

INTERNAL REVENUE SERVICE

Rules

Procedure and administration:
Returns and return information disclosure; taxpayer designee .. 19144

INTERNATIONAL TRADE COMMISSION

Notices

Import investigations:
Mushrooms 19239

INTERSTATE COMMERCE COMMISSION

Rules

Rail carriers:
Demurrage charges remittance .. 19146

Notices

Car service rules, mandatory, exemptions 19247
Employee Review Boards; determination of types of finance cases for review 19252
Fourth section applications for relief 19247
Hearing assignments 19246
Motor carriers:
Temporary authority applications 19247

JUSTICE DEPARTMENT

See also Law Enforcement Assistance Administration.

Rules

Information disclosure; Deputy Assistant Attorneys General; authority delegation 19145

LABOR DEPARTMENT

See also Federal Contracts Compliance Programs Office; Labor Management Services Administration; Labor Statistics Bureau; Occupational Safety and Health Administration.

Notices

Adjustment assistance:
A & Z Fashions, et al. 19175
Alan Mfg. Co., et al. 19176
Alpha Carbide, Inc. 19177
Alpha Shoe Co. 19189
American Optical Corp. 19186
Atlantic Tubing & Rubber Co. et al. 19178
Bata Shoe Co., et al. 19178
Bern Brae Classics, Inc. 19179
Birenbaum, Louis 19183
Carmen J. 19189
Ceco Corp. 19179
Cinderella Shoe Corp. 19190
Crane Co. 19180
De Laval Turbines, Inc. 19180
Dixon-Bartlett-Lambrecht, Inc. 19181
Faber, Eberhard, Inc. 19190
Gulf & Western Manufacturing Co., et al. 19182
International Shoe Co. 19182
Lady Suzanne Foundations, Inc 19183
Lunkenheimer Co. 19184
Maremont Corp. 19191
Max Kirmayer and Sons, Inc. . 19184
Miss Quality, Inc. 19185
National Supply Co. 19186
Port Fisheries 19187
Rothschild, S., & Co. 19188
Wallace-Murray Corp. 19187

LABOR MANAGEMENT SERVICES ADMINISTRATION

Notices

Organization and functions:
Minneapolis, Minnesota area office; jurisdiction change ... 19175

LABOR STATISTICS BUREAU

Notices

Meetings:
Business Research Advisory Council, Manpower and Employment Committee 19175
Business Research Advisory Council, Occupational Safety and Health Statistics Committee 19175

LAND MANAGEMENT BUREAU

Notices

Environmental statements; availability, etc.:
Outer Continental Shelf; Western Gulf of Alaska 19238
Withdrawal and reservation of lands, proposed, etc.:
Idaho (2 documents) 19237

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

Notices

Meetings:
Law Enforcement/Private Security Relationships Committee; cancellation ... 19240

MANAGEMENT AND BUDGET OFFICE

Notices

Clearance of reports; list of request (2 documents) ... 19241

MARITIME ADMINISTRATION

Notices

Meetings:
U.S. Merchant Marine Academy Advisory Board ... 19169

NATIONAL BUREAU OF STANDARDS

Notices

Voluntary product standards:
Abrasive grain on coated abrasive products; intent to withdraw ... 19169

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Notices

Environmental statements and fishery management plans; availability, etc.:
California, coastal management program ... 19169

Meetings:
Coastal Zone Management Advisory Committee ... 19170
North Pacific Fishery Management Council Scientific and Statistical Committee Advisory Panel ... 19171
Weather Modification Advisory Board ... 19171

NATIONAL PARK SERVICE

Notices

Historic Places National Register; pending nominations ... 19238

NATIONAL SCIENCE FOUNDATION

Notices

Meetings:
Electrical Sciences and Analysis Advisory Panel ... 19240
Science Information Activities Task Force ... 19240

NAVY DEPARTMENT

Notices

Environmental statements; availability, etc:
Seafarer ELF Communications System, Sawyer AFB, Mich.; hearing ... 19173

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

Notices

State plans; development, enforcement, etc.:
South Carolina ... 19175

PACKERS AND STOCKYARDS ADMINISTRATION

Notices

Posting and deposting of stockyards:
Corning Livestock Auction, Ark., et al ... 19163
London Livestock and Car Auction, Ark., et al ... 19163
Rawhide Livestock Auction., Inc., Ariz., et al ... 19164

SECURITIES AND EXCHANGE COMMISSION

Rules

Securities Exchange Act:
Brokers and dealers; uniform net capital rule ... 19126

Notices

Self-regulatory organizations; proposed rule changes:
Chicago Board Options Exchange, Inc ... 19194
Midwest Stock Exchange, Inc. (2 documents) ... 19200, 19207
Philadelphia Stock Exchange, Inc. (2 documents) ... 19203, 19204

Hearings, etc.:
Aetna Variable Annuity Life Insurance Co. et al ... 19192
All American Fund, Inc ... 19193
Allegheny Power System, Inc ... 19194
Chicago Board Options Exchange, Inc ... 19194
Connecticut Light and Power Co ... 19195
Eastern Utilities Associates et al ... 19196
Equitable Variable Life Insurance Co. et al ... 19196
Keystone Custodian Funds, Inc. et al ... 19198
Massachusetts Mutual Life Insurance Co. and Massmutual Income Investors ... 19199
Options Clearing Corp ... 19203
Philadelphia Stock Exchange, Inc ... 19203
Security Benefit Life Insurance Co. and SBL Variable Annuity Account ... 19204
Warner Bros., Inc ... 19207

SOCIAL SECURITY ADMINISTRATION

Proposed Rules

Aged and disabled, health insurance for:
Laboratories of Medicare hospitals; quality control and proficiency testing requirements ... 19155

TREASURY DEPARTMENT

See also Customs Service; Internal Revenue Service.

Notices

Antidumping:
Bituminous paving equipment, self-propelled, from Canada ... 19242
Viscose rayon staple fiber from Austria ... 19243

VETERANS ADMINISTRATION

Notices

Education benefits; policies and procedures ... 19243

list of cfr parts affected in this issue

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, follows beginning with the second issue of the month.

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

5 CFR
213 (2 documents) 19147
713 19147

7 CFR
PROPOSED RULES:
945 19148
1421 19149
1425 (2 documents) 19149

12 CFR
203 19123
226 19124

14 CFR
221 19125

17 CFR
240 19126

18 CFR
PROPOSED RULES:
2 19154

19 CFR
159 19127

20 CFR
PROPOSED RULES:
405 19155

21 CFR
10 19127
12 19127
135 (2 documents) 19127, 19134
330 19137
430 19142
520 19143
558 19143
601 19142
PROPOSED RULES:
201 19156
330 19156

26 CFR
404 19144

28 CFR
16 19145

40 CFR
PROPOSED RULES:
700 19298
710 19298

41 CFR
60–250 19145
60–741 19145

45 CFR
116c 19286
PROPOSED RULES:
160f 19161

47 CFR
PROPOSED RULES:
73 19160

49 CFR
1254 19146

CUMULATIVE LIST OF PARTS AFFECTED DURING APRIL

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during April.

1 CFR

Ch. I 17413

3 CFR

PROCLAMATIONS:

852 (See PLO 5615) 18859
4485 (See Proc. 4495) 18053
4495 18053
4496 18855

MEMORANDUMS:

April 1, 1977 18269

4 CFR

415 18857

5 CFR

213 ..... 17411, 17414, 18082, 18607, 18608, 19147
430 18608
713 19147

7 CFR

230 18587
354 18587
722 ..... 17414, 18055
723 17414
728 17419
729 17419
775 17420
794 17421
905 18271
907 18387
910 ..... 17420, 18055, 18587
928 17422
944 18271
991 18857
1063 17423
1070 17423
1078 17423
1079 17423
1421 18055

PROPOSED RULES:

728 17456
730 17457
908 ..... 17457, 17879
918 18621
945 19148
959 18404
967 17458
989 17463
1002 18950
1421 19149
1425 19149

8 CFR

100 17434

9 CFR

78 17434
331 18609
381 18609

10 CFR

51 18387

PROPOSED RULES:

213 17470
440 17470

12 CFR

203 19123
226 ..... 17865, 18056, 19124
720 18057

PROPOSED RULES:

526 18404
545 17483
561 17483

13 CFR

108 18388

14 CFR

39 ..... 17865–17868, 18388–18390, 18857, 18858
61 18390
71 ..... 17868, 17869, 18859
97 18391
121 18394
123 18394
135 18394
221 19125
300 17436
1206 17869

PROPOSED RULES:

39 ..... 17879, 17880, 18405, 18861
71 ..... 18406, 18861
183 18407
288 18282
302 17484
399 18283

15 CFR

371 18397
376 18398
377 18398
386 18401

16 CFR

13 18057
502 18057
1500 18850

17 CFR

240 19126

PROPOSED RULES:

1 18246
32 18246
240 18621

18 CFR

3 17448
3c 17448

PROPOSED RULES:

2 19154

19 CFR

159 ..... 18587, 19127

20 CFR

210 18058
404 18272
405 18274
416 17440

PROPOSED RULES:

404 ..... 17484, 17881
405 17485
602 17486

20 CFR

PROPOSED RULES:

405 19155

21 CFR

10 19127
12 19127
135 ..... 19127, 19134
175 18610
177 18611
330 19137
430 19142

21 CFR—Continued

436 18058
442 18058
444 18059
510 ..... 18059, 18060, 18614
520 19143
556 ..... 18614, 18619
558 ..... 18059, 18060, 18614, 18619, 19143
561 18620
601 19142
701 18061
1002 18061
1010 18061

PROPOSED RULES:

109 17487
201 19156
330 19156
342 17642
431 18621
514 18621
1020 17494
1040 17495

22 CFR

6a 18063, 18064
51 ..... 17869, 18583

24 CFR

203 17452
207 17452
220 17452
890 18064

PROPOSED RULES:

1917 ..... 17684–17697, 18238–18240

25 CFR

PROPOSED RULES:

171 18083
172 18083
173 18083
177 18083
182 18083
183 18083

26 CFR

7 ..... 17870, 18275
31 17873
33 17873
404 ..... 17452, 19144

PROPOSED RULES:

1 18621

28 CFR

16 19145

29 CFR

675 18064
678 18065
694 18588

30 CFR

75 18859
211 ..... 18065, 18068, 18071

PROPOSED RULES:

211 18862

31 CFR

51 18362
530 18073

32 CFR
199 ... 17972
581 ... 17441
723 ... 18276
724 ... 18589
PROPOSED RULES:
505 ... 18863

33 CFR
87 ... 18401
110 ... 17874
PROPOSED RULES:
164 ... 17889
209 ... 18863

35 CFR
7 ... 17874

36 CFR
221 ... 17875

39 CFR
199 ... 17972
221 ... 18859
222 ... 18859
224 ... 18859
232 ... 17443
3001 ... 18075
PROPOSED RULES:
111 ... 18754

40 CFR
52 ... 17876
180 ... 17443
415 ... 17443
421 ... 17444
PROPOSED RULES:
52 ... 17496–17498
180 ... 17499
700 ... 19298
710 ... 19298

41 CFR
60–250 ... 19145
60–741 ... 19145
1500 ... 18111

42 CFR
122 ... 18279, 18606
123 ... 18607
PROPOSED RULES:
35 ... 17500
59 ... 18947
101 ... 17501

43 CFR
PUBLIC LAND ORDERS:
1127 (Revoked in Part by PLO 5615) ... 18859
5614 ... 18401
5615 ... 18859
PROPOSED RULES:
2610 ... 18100

45 CFR
103 ... 17444
115 ... 18279
116c ... 19286
235 ... 17877
614 ... 17447
1050 ... 17447, 18034
1067 ... 18402
PROPOSED RULES:
59 ... 18947
100a ... 18542, 18584, 18864
100b ... 18542, 18584
100c ... 18542, 18584
104 ... 18542, 18584
105 ... 18542, 18584
115 ... 18282
144 ... 18738
160f ... 17700, 19161
168 ... 18743
173 ... 17889
175 ... 18738
176 ... 18738

45 CFR—Continued
PROPOSED RULES—Continued
178 ... 18747
178a ... 18750
189 ... 18282
190 ... 18738
192 ... 18407
194 ... 18864
195 ... 18865
198 ... 18283

46 CFR
PROPOSED RULES:
148 ... 17889

47 CFR
73 ... 18280
PROPOSED RULES:
73 ... 18286, 18287, 19160
76 ... 17502, 18103
81 ... 18408
97 ... 18103

49 CFR
301 ... 18081
385 ... 18077
386 ... 18077
391 ... 18081
1033 ... 17447, 17448, 18081
1254 ... 19146
PROPOSED RULES:
172 ... 17891
173 ... 18409
175 ... 17891
178 ... 18409
195 ... 18412
395 ... 17891
396 ... 18103
531 ... 18413
537 ... 18867

50 CFR
17 ... 18106, 18109
611 ... 18607
PROPOSED RULES:
17 ... 18287

FEDERAL REGISTER PAGES AND DATES—APRIL

Pages	*Date*	*Pages*	*Date*
17413–17864	Apr. 1	18387–18585	7
17865–18052	4	18587–18854	8
18053–18268	5	18855–19122	11
18269–18386	6	19123–19313	12

rules and regulations

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

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

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. C; Docket No. R-0002]

PART 203—HOME MORTGAGE DISCLOSURE

Interpretations

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Interpretations.

SUMMARY: In response to requests from Federal agencies and institutions affected by the Home Mortgage Disclosure Act, the Board has issued two interpretations of Regulation C, which implements the act. The first interpretation permits a parent depository institution, such as a bank, savings and loan association, or credit union, to treat any bank or savings and loan association in which it owns a majority interest as a separate, unaffiliated institution for disclosure purposes. Public disclosure will be enhanced if that potion is chosen. The second interpretation clarifies the disclosure requirements applicable to a depository institution that ceases to be exempt under the act.

EFFECTIVE DATE: April 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Anne J. Geary, Acting Chief, Equal Credit Opportunity Section, Division of Consumer Affairs, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. (202-452-3946).

SUPPLEMENTARY INFORMATION: The Board has issued the following two interpretations of Regulation C pursuant to its authority under section 305(a) of the Home Mortgage Disclosure Act of 1975 (12 U.S.C. 2801-2809).

203.001: Treatment of Majority-Owned, Depository Subsidiaries of Depository Institutions

The Board has been asked whether a majority-owned, depository subsidiary of a depository institution should be treated in the same way as a non-depository subsidiary. The first sentence of § 203.2(c) defines a depository institution as "any commercial bank, savings bank, savings and loan association, building and loan association, homestead association (including cooperative banks), or credit union, which makes federally related mortgage loans." The second sentence deals with subsidiaries: "Any majority-owned subsidiary of a depository institution shall be deemed to be part of its parent depository institution for the purposes of this part." The purpose of the subsidiary provision is to provide a more complete picture of a parent's lending patterns by including information regarding the lending activities of any non-depository, majority-owned subsidiary.

A few depository institutions, however, have majority-owned subsidiaries that are themselves depository institutions. This raises the issue of how a depository institution as defined in the first part of § 203.2(c), which is also a majority-owned subsidiary of a depository institution, should be treated for Regulation C disclosure purposes. If, absent the second part of § 203.2(c), the depository subsidiary otherwise would make separate disclosures under Regulation C, then combining the subsidiary's loan data with the parent's into a single statement would reduce public disclosure, contrary to the intent of § 203.2(c) and the purpose of the Home Mortgage Disclosure Act.

Therefore, to further the intent of the act and the regulation, a parent depository institution may draw a distinction for disclosure purposes between depository and non-depository, majority-owned subsidiaries. A majority-owned, non-depository subsidiary of a depository institution should be treated as an integral part of its parent, with no distinction made between them for reporting purposes, in accordance with the second sentence of § 203.2(c). On the other hand, at the parent's option, a majority-owned, depository subsidiary of a depository institution may be treated as a distinct, unaffiliated entity since it is a depository institution as defined in the first sentence of § 203.2(c).

203.002: Disclosure After Loss of Exemption

The Board has been requested to clarify the Regulation C disclosure requirements that apply to a depository institution that ceases to be exempt from the Home Mortgage Disclosure Act.

Section 203.3(a) of Regulation C describes the three classes of depository institutions that are exempt from the regulation's disclosure requirements. They are: (1) Institutions that have assets of $10,000,000 or less as of the last day of their fiscal year; (2) institutions that do not have an office in a standard metropolitan statistical area; and (3) State-chartered institutions that are subject to a State disclosure law that the Board has determined imposes substantially similar requirements to those mandated by the Home Mortgage Disclosure Act.

Section 203.3(b) sets forth the initial disclosure requirements applicable to an exempt institution that subsequently loses its exemption. It states:

> A depository institution that was exempt on or after the effective date of this Part on the basis of paragraph (a) of this section and that subsequently becomes no longer exempt shall compile the data described in § 203.4 of this Part for each fiscal year beginning with its last full fiscal year ending prior to the date it was no longer exempt, and that last full fiscal year shall be deemed to be a "full fiscal year ending prior to July 1, 1976" for the purposes of § 203.4 of this Part.

The first point on which clarification has been sought is the meaning of the language "last full fiscal year ending prior to the date it was no longer exempt * * *." For any depository institution that loses its exemption under § 203.3(a)(2) because of the re-definition of a standard metropolitan statistical area or loses its exemption under § 203.3(a)(3) because applicable State disclosure law is found not to be substantially similar to the Federal act, "its last full fiscal year ending prior to the date it was no longer exempt" is its fiscal year immediately preceding the fiscal year during which the exemption was lost. For example, a depository institution having a calendar fiscal year that ceases to be exempt during 1977 would have to disclose relevant 1976 data.

For any depository institution that loses its exemption under § 203.3(a)(1) because its assets exceeded $10,000,000 on the final day of its last fiscal year, the period to be covered by its initial disclosure statement is that last fiscal year. For example, a calendar fiscal year institution that has assets of more than $10,000,000 on December 31, 1977 would have to disclose relevant 1977 loan information.

The Board also has been asked to explain the significance of the phrase "'full fiscal year ending prior to July 1, 1976 * * *.'" The purpose in § 203.3(b) of equating an institution's "last full fiscal year ending prior to the date it was no longer exempt" with a "'full fiscal year ending prior to July 1, 1976'" is to make available to an institution that loses its exemption the same disclosure options that were available to institutions when Regulation C became effective. Thus, for the purposes of § 203.4, a depository institution that ceases to be exempt may compile the necessary mortgage and home improvement loan data by United States Postal Service ZIP codes, in lieu of Census Bureau census tracts, for its last full fiscal year and any portion of its current fiscal year ending prior to the loss of exemption. In addition, such an

institution may exercise the options and rely on the presumption contained in paragraphs (a)(4)(ii) and (c) of § 203.4 as if it had lost its exemption and become subject to the regulation on July 1, 1976.

The following examples illustrate the points made in this interpretation. Assume that a depository institution having a calendar fiscal year ceases to be exempt under § 203.3(a)(2) on April 1, 1977, because of the enlargement of a standard metropolitan statistical area to include a county in which the institution has an office. Pursuant to § 203.5(a)(1)(iii), that institution would be required to prepare and make available publicly a disclosure statement by June 29, 1977, ninety days after its loss of exemption.

Under § 203.3(b), the disclosure statement would have to cover the institution's "last full fiscal year ending prior to the date it was no longer exempt," which, as indicated previously, would be 1976. Pursuant to § 203.4(a)(2)(i), read in view of § 203.3(b), the institution could compile the necessary loan information for 1976 by ZIP code if it chose.

Also, under § 203.4(a)(2)(ii), it could elect to issue a separate disclosure statement, compiled on a ZIP-code basis, for the first three months of its current fiscal year—January, February, March 1977, if it also made that statement available on June 29, 1977. If it chose that option, then it would report on its relevant lending activities for the remainder of 1977 by census tract on March 31, 1978. The alternative to this latter option would be for the institution to report on all of its relevant lending activities during 1977 by census tract on March 31, 1978. Finally, the institution may exercise the reporting options and rely on the residence presumption set forth in §§ 203.4(a)(4)(ii) and 203.4(c) for its 1976 disclosure statement and the January through March 1977 statement if that option is chosen.

The second example assumes that a depository institution having a calendar fiscal year ceases to be exempt under § 203.3(a)(1) because its assets exceed $10,000,000 as of December 31, 1977. Pursuant to the applicable provisions of the regulation as outlined in the preceding example, the institution would have to prepare a disclosure statement by March 31, 1978, covering its relevant lending activities during 1977 on a ZIP-code basis. Since the loss of exemption would not have occurred during the course of its fiscal year, no partial fiscal year report would be possible. The options and presumption contained in §§ 203.4(a)(4)(ii) and 203.4(c) respectively could be used, however, in preparing the 1977 disclosure statement.

By order of the Board of Governors, March 28, 1977.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.77-10618 Filed 4-11-77;8:45 am]

[Reg. Z; Docket No. R-0053]

PART 226—TRUTH IN LENDING

Interpretation on Disclosure of Amount of Dealer Participation

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: The Board hereby adopts an interpretation of Regulation Z stating that a dealer participation need not be identified or disclosed in Truth in Lending disclosures as a separate component of the finance charge. Simultaneous with the adoption of the interpretation, the Board withdraws a proposed amendment to regulation Z which would have required separate disclosure of the existence, but not the amount, of a dealer participation. The Board takes this action based on its conclusions (1) that a dealer participation is not a "finder's fee or similar charge" within the meaning of Regulation Z and so need not be separately disclosed under the present regulation, and (2) that amending the regulation to require separate disclosure of the existence of a dealer participation would not significantly aid consumers in shopping for credit but would result in more complex Truth in Lending disclosure statements and possible confusion or misunderstanding.

EFFECTIVE DATE: March 28, 1977.

FOR FURTHER INFORMATION CONTACT:

D. Edwin Schmelzer, 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: On August 23, 1976, the Board of Governors published for comment a proposed Interpretation § 226.821 of Regulation Z relating to the separate disclosure of a dealer participation in a consumer credit transaction (41 FR 35536). A dealer participation is typically a portion of the interest component of a finance charge which is allocated to a seller of consumer goods either by a creditor which provides direct consumer financing arranged through the seller or by an assignee which purchases a retail instalment contract from the seller. The Board was asked to determine whether a dealer participation constitutes a "finder's fee or similar charge" within the meaning of § 226.4(a)(3) of the regulation and so must be itemized and disclosed as a separate component of the finance charge pursuant to § 226.8(c)(8)(i). The proposed interpretation stated, in essence, that inasmuch as a dealer participation is simply a part of the single component of the finance charge computed by the application of a percentage rate or rates to the amount financed, it is not considered a finder's fee or similar charge and need not be separately identified or disclosed.

The Board received more than 250 comments on the proposed interpretation, the vast majority favoring the interpretation. However, comments from Federal agencies and consumer representatives indicated to the Board that consumer benefits might be derived from disclosure of the existence of a dealer participation. Therefore, on January 6, 1977, the Board published for comment (42 FR 1268) a proposed amendment to Regulation Z which, if adopted, would have become § 226.8(c)(9) and which would have required that in credit sales the disclosure statement furnished to the consumer contain, where applicable, a disclosure of the existence but not the amount of a dealer participation. For convenient reference, the proposed amendment is republished below:

Section 226.8—*Credit other than open end—specific disclosures.*

* * * * *

(c) *Credit sales.* * * *

(9) A statement that the seller or other party to the transaction arranging credit may receive from another creditor in the transaction a portion of the finance charge imposed on that transaction.

The Board indicated in publishing the proposed amendment that it would take final action on the proposed Interpretation § 226.821 in connection with its final determination on the proposed amendment.

The Board received approximately 400 comments on the proposed amendment to Regulation Z. The comments came from financial institutions, automobile dealers and other merchants, trade associations, a Federal agency, State consumer agencies, consumer groups, a university consumer affairs office, private and legal services attorneys, and private individuals. The comments can readily be broken down into three broad categories: (1) more than 81 percent of the commenters expressed opposition to the amendment requiring disclosure of dealer participations, (2) over 12 percent favored the amendment, and (3) more than 6 percent expressed the belief that the amendment was not stringent enough or did not require enough disclosure and, therefore, should not be adopted. Additionally, a significant number of commenters, almost half of those in category 2 and almost all of those in category 3, felt that the amount as well as the fact of a dealer participation should be disclosed.

As a result of the comments received, both in response to the proposed Interpretation § 226.821 and the proposed amendment § 226.8(c)(9), the Board has reached certain conclusions which are set forth below.

Dealer participation is largely a phenomenon of the financing of automobile purchases, wherein the automobile dealer secures financing for a purchaser from a lending institution in connection with the sale of a car and receives some portion of the finance charge imposed by the lending institution. In an alternative mode of proceeding, the dealer may finance the purchase of a car for it cus-

tomer and thereafter assign the credit agreement to a financial institution and receive a portion of the finance charge imposed from that financial institution. Typically, in connection with the extension of credit to the customer, the dealer interviews the customer and takes a credit application, prepares the loan documents, and reviews the terms of the loan and relevant disclosures with the customer. The customer is generally able to complete all aspects of financing his or her purchase without leaving the dealer's place of business. Often the arrangement between the dealer and the lending institution provides for "recourse" by the lender against the dealer for any loss suffered by the lender if the consumer defaults on the loan. Because of these resourse arrangements, consumers with only marginal credit may be able to obtain financing for major purchases. The dealer's participation in the finance charge may serve as compensation for the work done in arranging the financing and for the risk of loss which is shared with the lending institution. Therefore, the Board believes that, in many instances, the portion of the finance charge which represents the dealer's participation is not an amount which the consumer could save by obtaining a direct loan from a lending institution.

Further, although rates available on direct loans are often somewhat lower than in dealer-arranged loans, the Board believes that consumers are generally aware of this fact. The Board feels that disclosure of the total finance charge, the annual percentage rate and the periodic payment, all required by the Truth in Lending Act and Regulation Z, together with the widespread advertisement of credit terms, have afforded and continue to afford consumers the most important information with which to comparison shop for credit. The Board does not believe that the proposed § 226.8(c)(9) would significantly enhance the consumer's ability to shop for credit. Conversely, the addition of another disclosure requirement to Regulation Z would result in more complex disclosure statements and could lead to confusion or misunderstanding by consumers. The adoption of an additional disclosure requirement of doubtful value to consumers is also contrary to the perceived need for simplification of Regulation Z.

For the reasons set forth above, the Board has determined to withdraw the proposed § 226.8(c)(9) and not to require the disclosure of the existence of a dealer participation. Furthermore, in the Board's view, Interpretation § 226.821 represents a proper application of the requirements of Regulation Z to the issue of dealer participation. A dealer participation of the type described in the interpretation differs from the finder's fee or similar charge which must be disclosed pursuant to § 226.4(a)(3) and need not be separately itemized when it consists of a part of a finance charge attributable to the application of a percentage rate or rates to the amount financed. The Board also notes that its position is in accord with a recent appellate court decision on this issue, *Meyers v. Clearview Dodge Sales, Inc.*, 539 F.2d 511 (5th Cir. 1976).

The text of Interpretation § 226.821, effective immediately, is as follows:

§ 226.821 Disclosure of dealer participation.

(a) Section 226.8(c)(8)(i) requires the itemization of each component of a finance charge consisting of more than one type of charge. Section 226.4(a)(3) lists among the types of charges to be included in the finance charge a "finder's fee or similar charge." In certain credit transactions, such as the sale of automobiles and other consumer goods, where the finance charge is determined by application of a percentage rate or rates to the amount financed, a portion of that charge may be allocated to the dealer by the financial institution as a dealer participation. The question arises whether such allocations must be itemized as a separate component of the total finance charge in the nature of a finder's fee.

(b) The requirement for itemization of a finance charge which includes a finder's fee or other elements in addition to an interest component is intended to assure that the total finance charge disclosed to the customer properly reflects all components which must be included in that amount. Any component of the finance charge which is computed by the application of a percentage rate or rates to the amount financed constitutes a single charge of the type described in § 226.4(a)(1). As such, it must be included in the finance charge calculation and disclosure. A portion of such single component of the finance charge which is distributed to a dealer is not considered a "finder's fee or similar charge" and need not be separately identified or disclosed. The concept of a "finder's fee," as that term is used in § 226.4(a)(3), is intended to cover certain charges in the nature of brokerage fees which are imposed in addition to that portion of the finance charge attributable to the application of a percentage rate or rates to the amount financed. Any such separate fee must, of course, be separately itemized.

(Interprets and applies 12 CFR 226.8.)

By order of the Board of Governors, March 28, 1977.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.77-10632 Filed 4-11-77;8:45 am]

Title 14—Aeronautics and Space

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER A—ECONOMIC REGULATIONS

[Regulation ER-991, Amdt. 34]

PART 221—CONSTRUCTION, PUBLICATION, FILING AND POSTING OF TARIFFS OF AIR CARRIERS AND FOREIGN AIR CARRIERS

Editorial Amendment

Effective: May 2, 1977.

Adopted: April 7, 1977.

AGENCY: Civil Aeronautics Board.

ACTION: Editorial Amendment.

SUMMARY: The amendment corrects a reference in § 221.120(a) to tariffs suspended by the Board under section 1002(g) of the Act. This reference does not reflect the Board's authority, under section 1002(j) of the Act to suspend foreign air transportation tariffs. The limited reference to subsection (g) of section 1002 of the Act is thus being deleted.

DATES: Effective: May 2, 1977; Adopted: April 7, 1977.

FOR FURTHER INFORMATION CONTACT:

Simon J. Eilenberg, Rules Division, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428, 202-673-5422.

SUPPLEMENTARY INFORMATION: Part 221 sets forth provisions governing the filing of tariffs by U.S. air carriers and foreign air carriers pursuant to section 403 of the Act. This editorial amendment is being issued to correct a reference in § 221.120(a) to tariffs suspended by the Board under "section 1002(g)" of the Act. This limited reference fails to reflect the fact that the Board presently has authority to suspend not only domestic air transportation tariffs, under section 1002(g) of the Act, but also foreign air transportation tariffs, under section 1002(j) of the Act. (Pub. L. 92-259, Act of March 22, 1972, 86 Stat. 96) In order to accurately reflect the Board's existing authority to suspend all air transportation tariffs, the limited reference to the Board's suspension authority under subsection (g) of section 1002 of the Act is therefore being deleted from § 221.120(a).

This editorial amendment is issued by the undersigned pursuant to the delegation of authority from the Board to the General Counsel in 14 CFR § 385.19, and shall become effective on May 2, 1977. Procedures for review of this amendment are set forth in Subpart C of Part 385 (14 CFR §§ 385.50 through 385.54).

Accordingly, the Board hereby amends § 221.120(a) to read as follows:

§ 221.120 Effect of suspension by Board.

(a) *Suspended matter not to be used.* A rate, fare, charge, or other tariff provision which is suspended by the Board, under authority of section 1002 of the Act, shall not be used during the period of suspension specified by the Board's order.

* * * * *

(Sec. 204(a) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324. Reorganization Plan No. 3 of 1961, 75 Stat. 837, 26 FR 5989; 49 U.S.C. 1324 (note).)

By the Civil Aeronautics Board.

JAMES C. SCHULTZ,
General Counsel.

[FR Doc.77-10778 Filed 4-11-77;8:45 am]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-13419; File No. 57-609]

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

Uniform Net Capital Rule

AGENCY: Securities and Exchange Commission.

ACTION: Rule amendment; solicitation of public comment.

SUMMARY: Extends from April 1, 1977 until July 1, 1977 the existing suspension of the treatment of short term commercial paper prescribed by the Commission's uniform net capital rule. The Commission's action reflects its judgment that further public comment is needed to complete its reevaluation of the two ratings standard.

EFFECTIVE DATES: Amendment effective immediately; comments on or before: May 1, 1977.

ADDRESSES: Written comments, submitted in triplicate, should be addressed to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol St., Washington, D.C. 20549.

FOR FURTHER INFORMATION CONTACT:

Daniel J. Piliero II, Associate Director, Division of Market Regulation, Securities and Exchange Commission, Washington, D.C. 20549. (202) 755-1390.

SUPPLEMENTARY INFORMATION: Rule 15c3-1 [17 CFR 240.15c3-1] ("section 240.15c3-1") under the Securities Exchange Act of 1934 prescribes uniform net capital requirements applicable to substantially all brokers and dealers. For purposes of computing net capital, § 240.15c3-1(c)(2)(vi) prescribes certain percentage deductions from the current market value of securities carried in the accounts of a broker or dealer, known as "haircuts," which are intended to reflect the market risk inherent in the positioning of particular types of securities. In this connection, pursuant to the original version[1] of § 240.15c3-1(c)(2)(vi)(E), short term commercial paper[2] which bears a fixed rate of interest or which is sold at a discount, and which is ranked in one of the three highest ranking categories by at least two nationally recognized statistical rating services, receives haircuts graduating proportionately with time to maturity to a maximum of 3/8 of 1%.

In Securities Exchange Act Release No. 13125 (Dec. 30, 1976) (42 FR 2060 (Jan. 10, 1977)) (Release No. 13125) the Commission amended section 240.15c 3-1(c)(2)(vi)(E) to require no more than one such rating during the period expiring April 1, 1977, and sought public comment responsive to certain questions relating to the present contours of that provision. In general, these questions solicited the views of all interested members of the public concerning whether there is merit in the contention of some persons that it would be appropriate that § 240.15c3-1(c)(2)(vi)(E) be revised to modify or supplement that provision's two ratings standard.[3]

Release No. 13125 evoked a substantial response from members of the public, and the Commission's reevaluation of § 240.15c3-1(c)(2)(vi)(E) has benefited accordingly. However, the variety of views emergent from the public's comments, together with indications that additional persons desire to address themselves to the questions raised in Release No. 13125, suggest to the Commission that it is appropriate to solicit further public comment before it concludes its reevaluation of § 240.15c3-1(c)(2)(vi)(E). Accordingly, the Commission has decided to receive further public comment until May 1, 1977, during which time interested members of the public are invited to submit their views concerning this matter. In order to afford the Commission sufficient time to complete its analysis of the public's response, it has determined to amend § 240.15c3-1(c)(2)(vi)(E) to extend until July 1, 1977 the temporary qualified suspension thereof announced in Release No. 13125.

---

[1] See Securities Exchange Act Release No. 11497 (June 26, 1975), 40 FR 29795 (July 16, 1975).

[2] For purposes of § 240.15c3-1, commercial paper is "short term" if it has a scheduled maturity at date of issue not exceeding nine months, exclusive of days of grace or any renewal thereof the maturity of which is likewise limited. See § 240.15c3-1(c)(2)(vi)(E). Such commercial paper is excluded from the statutory definition of "security" found in section 3(a)(10) of the Exchange Act, 15 U.S.C. 78c(a)(10) (1970).

[3] The public comment period established by Release No. 13125 expired on February 15, 1976.

STATUTORY BASIS AND COMPETITIVE CONSIDERATIONS

Pursuant to the Securities Exchange Act of 1934, and particularly Sections 15(c)(3) and 23(a) thereof, 15 U.S.C. 78o(c)(3), 78w(a), the Commission amends section 240.15c3-1 in Part 240 of Chapter II of Title 17 of the Code of Federal Regulations in the manner set forth below. The Commission finds that any burden imposed upon competition by this action is necessary and appropriate in furtherance of the purposes of the Act, and particularly to implement the Commission's continuing mandate under Section 15(c)(3) thereof, 15 U.S.C. 78o(c)(3), to provide minimum safeguards with respect to the financial responsibility of brokers and dealers.

PUBLIC PROCEDURE AND EFFECTIVE DATE

The amendment to § 240.15c3-1(c)(2)(vi)(E) must become effective on April 1, 1977, if the temporary qualified suspension it effects is to achieve its purpose of mantaining the presently applicable capital treatment of short term commercial paper, which treatment otherwise expires on that date. The Commission therefore finds that notice and public procedure respecting such amendment would be contrary to the public interest within the meaning of 5 U.S.C. 553(b)(3)(B) (1970). Furthermore, such amendment constitutes a substantive rule relieving a restriction within the meaning of 5 U.S.C. 553(d)(1) (1970); therefore, publication thereof need not be made not less than thirty days before its effective date.

REQUEST FOR COMMENTS

All interested persons are invited to submit, in triplicate, their written views and comments addressed to the following questions:

1. Are there uniform criteria which could be used to identify high quality commercial paper?

2. What use does the marketplace for short term commercial paper of high quality make of the credit rating or ratings borne by long term secured or unsecured debt of an issuer in determining the advisability of dealing in short term commercial paper of that issuer?

3. In lieu of one or both of the two ratings presently required, what other criteria could be employed to judge the marketability of short term commercial paper of high quality?

4. Would it be appropriate to establish a range of short term commercial paper haircuts lying between the percentage levels contemplated by the present §§ 240.15c3-1(c)(2)(vi)(E) and 240.15c3-1(c)(2)(vi)(J)? If so, in what circumstances would it be appropriate to apply such an intermediate range of haircuts to positions in short term commercial paper? What would be the appropriate percentage levels of such an intermediate range of haircuts?

All communications should be addressed to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549, no later than May 1, 1977. Reference should be made to File No. S7-609. All comments received will be available for public inspection.

TEXT OF AMENDMENTS

The amendments to § 240.15c3-1 are as follows:

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

* * * * *

(c) * * *
(2) * * *
(vi) * * *

(E) *Commercial paper, bankers acceptances and certificates of deposit.* In the case of any short term promissory note or evidence of indebtedness which has a fixed rate of interest or is sold at a discount, and which has a maturity date at date of issuance not exceeding nine months exclusive of days of grace, or any renewal thereof, the maturity of which is likewise limited and is rated in one of the three highest categories by at least two of the nationally recognized statistical rating organizations (*Provided*, That effective January 1, 1977, and until July 1, 1977, this paragraph shall be deemed to require only one such rating), or in the case of any negotiable certificates of deposit or bankers acceptance or similar type of instrument issued or guaranteed by any bank as defined in Section 3(a)(6) of the Securities Exchange Act of 1934, the applicable percentage of the market value of the greater of the long or short position in each of the categories specified below are:

(*1*) Less than 30 days to maturity—0%.

(*2*) 30 days but less than 91 days to maturity ⅛ of 1%.

(*3*) 91 days but less than 181 days to maturity ¼ of 1%.

(*4*) 181 days but less than 271 days to maturity ⅜ of 1%.

(*5*) 271 days but less than 1 year to maturity ½ of 1%; and

(*6*) With respect to any negotiable certificate of deposit or bankers acceptance or similar type of instrument issued or guaranteed by any bank, as defined above, having 1 year or more to maturity, the deduction shall be on the greater of the long or short position and shall be the same percentage as that prescribed in paragraph (c)(2)(vi)(A) of this section.

* * * * *

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

MARCH 31, 1977.

[FR Doc.77-10584 Filed 4-11-77;8:45 am]

Title 19—Customs Duties

CHAPTER I—UNITED STATES CUSTOMS SERVICE, DEPARTMENT OF THE TREASURY

[T.D. 77-103]

PART 159—LIQUIDATION OF DUTIES

COUNTERVAILING DUTIES—UNWROUGHT ZINC FROM SPAIN

Correction

In FR Doc. 77-10478 appearing at page 18587 in the issue for Friday, April 8, 1977, the effective date given as April 18, 1977" should have read "April 8, 1977".

Title 21—Food and Drugs

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

SUBCHAPTER A—GENERAL

[Recodification Docket No. 17; Docket No. 77N-0032]

PART 10—ADMINISTRATIVE PRACTICES AND PROCEDURES

PART 12—FORMAL EVIDENTIARY PUBLIC HEARING

Reorganization and Republication; Correction

AGENCY: Food and Drug Administration, HEW.

ACTION: Correction.

SUMMARY: This document corrects a final rule that appeared at page 15553 in the FEDERAL REGISTER of Tuesday, March 22, 1977, (FR Doc. 77-7949).

EFFECTIVE DATE: March 22, 1977.

FOR FURTHER INFORMATION CONTACT:

John Richards, 202-443-2994.

The following corrections are made:

1. On page 15576, left column, § 10.40 *Promulgation of regulations for the efficient enforcement of the law* is corrected in paragraph (e)(2) by changing "§ 12.5(b)(2)" to read "§ 12.20(b)(2)."

2. On page 15577, right column, § 10.50 *Promulgation of regulations and orders after an opportunity for a formal evidentiary public hearing* is corrected in paragraph (a)(2) by changing "12.5" to read "12.20."

3. On page 15584, right column, § 10.105 *Representation by an organization is* corrected in paragraph (d) by changing "12.5" to read "12.20."

4. On page 15586, § 12.22 *Filing objections and requests for a hearing on a regulation or order* is corrected in the introductory text of paragraph (a) by changing "§ 12.5(d)" to read "§ 12.20(d);" in paragraph (a)(1) by changing "§ 12.5(d)" to read "§ 12.20(d);" in the introductory text of paragraph (b) by changing "§ 12.5(b)" to read "§ 12.20(b);" in paragraph (c) by changing "§ 12.5(d) or § 12.20(b)" to read "§ 12.20(d) or § 12.21(b);" and in paragraph (d) by changing "§ 12.5(a)(2)" and read "§ 12.20(a)(2)."

5. On page 15586, right column, § 12.24 *Ruling on objections and requests for hearing* is corrected in paragraph (b)(6) by changing "§ 12.20" to read "12.21" and in paragraph (d) by changing "12.5" to read "12.20."

6. On page 15586, right column, § 12.26 *Modification or revocation of regulation or order* is corrected by changing "12.5" in both places to read "12.20."

7. On pages 15586 and 15587, § 12.28 *Denial of formal evidentiary public hearing in whole or in part* is corrected in the introductory text by changing "12.5" to read "12.20;" in paragraph (b)(1)(ii) by changing "12.5" to read "12.20;" and in paragraph (b)(2)(ii) by changing "12.20" to read "12.21."

8. On page 15587, § 12.30 *Judicial review after waiver of hearing on a regulation* is corrected in paragraph (a) by changing "§ 12.5(d)" to read "§ 12.20(d)."

9. On page 15588, § 12.35 *Notice of hearing; stay of action* is corrected in paragraph (a) by changing "12.5" to read "12.20."

10. On page 15588, § 12.37 *Effective date of a regulation* is corrected in paragraph (a) by changing "§ 12.5(e)" to read "§ 12.20(e)."

11. On page 15588, § 12.38 *Effective date of an order* is corrected in the introductory text of paragraph (a) and in paragraph (b) by changing "§ 12.20(b)" to read "§ 12.21(b)."

12. On page 15594, left column, § 12.100 *Administrative record of a formal evidentiary public hearing* is corrected in paragraph (a)(2) by changing "§ 12.5" to read "12.20."

Dated: April 4, 1977.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.77-10608 Filed 4-11-77;8:45 am]

SUBCHAPTER B—FOOD FOR HUMAN CONSUMPTION

[Docket No. 76P-0500]

PART 135—FROZEN DESSERTS

Revision of Standards of Identity for Ice Cream, Ice Milk, Sherbet, and Water Ices

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Commissioner of Food and Drugs revises the standards of identity for ice cream, ice milk, sherbet, and water ices to (1) provide for full ingredient declaration for all of the frozen desserts; (2) provide for the use of any safe and suitable ingredient; and (3) provide for replacing the longstanding use of a milk solids nonfat minimum with a protein minimum.

EFFECTIVE DATES: Except as to any provisions that may be stayed by the filing of proper objections, compliance with this final regulation, including any required labeling changes, may begin June 13, 1977 and all products initially introduced into interstate commerce on or after July 1, 1979 shall fully comply; objections by May 12, 1977.

ADDRESS: Written objections to the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT:

Eugene T. McGarrahan, Bureau of Foods (HFF–415), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, D.C. 20205, 202–245–1155.

SUPPLEMENTARY INFORMATION: Based on his own initiative and on a petition filed by the International Association of Ice Cream Manufacturers (IAICM), 910 17th St. NW., Washington, D.C. 20006, the Commissioner issued a proposal, published in the FEDERAL REGISTER of July 25, 1974 (39 FR 27144), to amend the identity standards for frozen desserts. The proposal provided for the filing of comments by September 23, 1974. The comment period was subsequently extended to November 8, 1974, by notice published in the FEDERAL REGISTER of September 9, 1974 (39 FR 32562).

The July 25, 1974 notice proposed to revise and reorganize Part 20 in its entirety. The text of Part 20 appearing in the Code of Federal Regulations was recodified under Part 135, as part of a comprehensive recodification and republication of all Food and Drug Administration (FDA) regulations for food for human consumption under Subchapter B, published in the FEDERAL REGISTER of March 15, 1977 (42 FR 14302). This final regulation reflects the textual revisions, proposed July 1974, but uses the recodification numbering system and format under Part 135. For the convenience of the reader, the following table illustrates the March 1977 recodification of former Part 20, and the reformatting under Part 135 of the proposed revision of Part 20:

Old CFR section	March 15, 1977, recodification	July 25 1974, proposed revision	This final regulation
20.1	135.30	20.1	135.3
20.2	135.10	20.2	135.110
20.3	135.40	20.3	135.120
20.4	135.20	20.4	135.140
20.5	135.90	20.5	135.160
20.6	135.65	----------	----------
20.7	135.70	----------	----------
20.8	135.50	----------	----------

A total of 476 letters, containing one or more comments each, were received from industry, State governments, trade associations, and consumers. Three members of industry and 445 consumers commented favorably on the intent of the proposal to require full disclosure of all ingredients in the product by label declaration. Forty-six comments out of the 476 letters received raised specific issues and suggested changes to the proposal. A summary of the comments and the Commissioner's conclusions are discussed below.

1. Nine comments opposed the label declaration of specific stabilizers, emulsifiers, and salts in descending order of predominance. This opposition was based on two arguments. First, it was argued that the cost and/or availability of specific emulsifiers and stabilizers fluctuates enough to cause the ice cream manufacturer to substitute them interchangeably. The comments pointed out that such changes would either require the printing of new labels or cause rises in costs of raw materials, both of which result in a rise in price of the product to the consumer. Second, since the emulsifiers and stabilizers used are often blends of ingredients, it was argued that listing of all ingredients is unfair to the emulsifier and stabilizer manufacturers in that trade secrets would be revealed, competition between companies reduced, and research and development stifled due to the reticence of frozen dessert manufacturers to try new formulations once they have a supply of labels printed. The comments further stated that the type of emulsifiers and stabilizers and the amount used may vary from batch to batch; thus, the position of this ingredient on the label may not always be the same, necessitating new labels with each change.

Five alternatives were offered to this labeling requirement: (1) that ingredients used in quantities below 1 to 2 percent (0.2 to 0.5 percent in one suggestion) of the total weight of the finished product be exempt from the descending order listing requirement; (2) that ingredients be listed by class name (such as "emulsifier") in descending order, each followed by a parenthetical listing of all emulsifiers, etc., that might possibly be used; (3) that generically descriptive class terms, or groupings, be used to describe the presence of a certain kind of ingredient, e.g., the term "vegetable-derived hydrocolloids" to describe appropriate stabilizing gums, or "fatty acid ester(s)" to describe emulsifiers; (4) that ingredients be listed simply as "with safe and suitable _____," the blank to be filled with the word emulsifiers, stabilizers, or salts; and (5) that mineral salts be excluded from the label requirement on the basis that they are used as manufacturing aids only.

The Commissioner continues to adhere to the policy set forth in § 101.6 (21 CFR 101.6, formerly § 3.88 prior to recodification published in the FEDERAL REGISTER of March 15, 1977 (42 FR 14302)) that the labels of standardized foods should bear "complete information" about the ingredients contained in the food. The Commissioner rejects the suggestion that stabilizers, emulsifiers, and other ingredients be exempt from ingredient labeling or the suggestion that he provide for generic labeling of these ingredients since, if he did so, consumers would not know the specific ingredients the food contains. The Commissioner has not adopted the suggestion that he permit these ingredients to be declared in an order other than that of order-of-predominance. The label designation of ingredients should be made in accordance with requirements set forth in § 101.4 (21 CFR 101.4, formerly § 1.10 prior to recodification published in the FEDERAL REGISTER of March 15, 1977 (42 FR 14302)) that are generally applicable to all food, since this averts consumer confusion from variations and assures equal treatment of similar situations. Stabilizers, emulsifiers, and other ingredients are used in small amounts in many foods. If there are special difficulties in labeling these ingredients that warrant any exception from the order-of-predominance requirements, these difficulties are not unique to ice cream. If the persons who commented believe that a change should be made in the general requirements for labeling these ingredients, they should submit a petition, supported by an adequate showing, to amend § 101.4. Lastly, the comments provided no specific information to support the conclusional assertion that the label declaration of these ingredients would reveal a trade secret. The existence of a trade secret in the use of these ingredients is unlikely, but if those persons who commented submit a petition supported by adequate showing that a trade secret exists, the Commissioner will take any action necessary to protect the identity of bona fide trade secrets. The Commissioner points out that he has identified in the freedom of information regulations in § 20.61 (21 CFR 20.61, formerly § 4.61 prior to recodification published in the FEDERAL REGISTER of March 22, 1977 (42 FR 15553)) and the explanatory preamble published in the FEDERAL REGISTER of December 24, 1974 (39 FR 44602), the elements that are essential to establish that a trade secret exists.

2. Four comments criticized the 2.7 percent protein requirement for ice cream as being lower than that of the previous standard. One of these comments questioned the calculations used to reach this protein percentage and recommended raising the minimum protein level to 3.0 percent (and to 2.5 percent from the proposed 2.2 percent when bulk flavors are used). No data, however, were submitted substantiating the need to raise the minimum protein level.

The Commissioner finds that the comments do not warrant a revision of the proposed regulation. He has carefully reviewed the calculations used to determine the protein level in ice cream under the present standard and finds no reasonable basis for believing there is an error in the manner of making the calculations. In addition, he points out that the present standard of identity for ice cream under § 135.30 (21 CFR 135.30, formerly § 20.1 prior to recodification published in the FEDERAL REGISTER of March 15, 1977 (42 FR 14302)) requires a minimum of 20 percent total milk solids and a minimum of 10 percent milkfat content, with a resultant minimum requirement of 10 percent nonfat milk solids. The standard also permits a substitution of whey solids for

up to 25 percent of the required nonfat milk solids. Data from the scientific literature and certain trade associations on file with the Hearing Clerk, Food and Drug Administration, show that dried whey contains a maximum of 13 percent protein, and nonfat dry milk contains a maximum of 36 percent protein. Theoretically, based on these figures, a frozen dessert meeting the minimum existing requirement of 7.5 percent nonfat milk solids and 2.5 percent whey solids would contain a maximum protein level of approximately 3 per cent. The Commissioner does not believe, however, that it is appropriate to establish the protein requirement for frozen desserts at the maximum protein level that might be found in some forms of ice cream. Instead, he has examined the protein level of ice cream that would meet the minimum existing legal requirements and has set the protein level for mellorine at the average amount of that protein level. Analytical figures on file with the Hearing Clerk show that the average minimum protein level in nonfat dry milk is approximately 32 percent and that the average minimum protein level in dried whey is approximately 12 percent. Calculations based upon these average minimums project a protein level of approximately 2.7 percent for a frozen dessert complying with the existing standard and containing 7.5 percent nonfat milk solids and 2.5 percent whey solids.

The protein content of dairy ingredients varies with the breed of cattle, season, geographical location, and type of feed. Because of these fluctuations, it is more equitable to use the average minimum protein level rather than the maximum level. If the protein content were set at the higher level, manufacturers would have to add protein ingredients whenever the protein content of the particular dairy ingredients in the product fluctuated below the maximum level. Under the existing standard for ice cream, there is no minimum requirement for the amount of protein in the food. The difference between a 3 percent protein level and a 2.7 percent protein level in these foods does not amount to a significant difference in the recommended daily allowance for protein. Accordingly, there is no reasonable basis for believing that a 3 percent protein level rather than a 2.7 percent protein level is needed to ensure that ice cream does not contain significantly less protein than that found in ice cream that meets the existing standard.

The Commissioner therefore concludes that 2.7 percent protein is a reasonable minimum level of milk protein in ice cream and that the present final regulation retains this value except as necessary for the consideration of the incorporation of bulky flavors into the food and/or increased milkfat levels.

3. One comment supported the 2.7 percent protein level for ice cream. This comment further suggested, with a proposed minimum percentage, that a sliding scale for protein content in relation to milkfat content be established such that the percentage of protein may go below the 2.7 percent minimum as the percentage of milkfat rises above the minimum level.

The Commissioner has taken several considerations into account in reviewing the request for a sliding scale requirement for protein when milkfat levels above the minimum requirements are used for ice cream or ice milk. The current standards of identity for both ice cream and ice milk allow the nonfat milk solids content (the portion of the milk solids that contains the protein) to decrease as the fat levels increase above the minimum fat requirement. In the standard for ice cream, the fat range is from 10 to 14 percent, allowing a corresponding decrease from 10 to 6 percent in the amount of nonfat milk solids, the basic requirement being a minimum of 10 percent fat with a minimum of 20 percent total milk solids. Ice milk may range from 2 to 7 percent milkfat with a corresponding range of from 9 to 4 percent nonfat milk solids. The basic requirement is a minimum of 2 percent fat with a minimum 11 percent total milk solids. The published work of five experts on frozen dairy desserts on file with the Hearing Clerk shows that the practice has been to decrease the nonfat milk solids portion of frozen dairy desserts when the milkfat portion is increased. Therefore, the Commissioner concludes that it would be reasonable to establish in the ice cream and ice milk standards the following sliding scale of fat-to-protein levels:

FOR ICE CREAM

Percent milkfat:	*Minimum percent protein*
10	2.70
11	2.55
12	2.40
13	2.25
14	2.10

FOR ICE MILK

Percent milkfat:	*Minimum percent protein*
2	2.55
3	2.40
4	2.25
5	2.10
6	1.95
7	1.80

4a. One comment questioned the validity of including an official method for the determination of protein efficiency ratio (PER) in proposed § 20.2(b)(3) (§ 135.110(b)(3) (21 CFR 135.110(b)(3) of this final regulation)) since milk protein can be differentiated from other animal and plant proteins, and the quantities can be determined by approved and official methods that are both less expensive and more accurate indicators than the PER determination. It was pointed out, along with two other comments, that the figure 120 percent in the parenthetical expression "(120 percent of casein * * *)" in proposed § 20.2(a)(2) (§ 135.110(a)(3) of this final regulation) is incorrect and should be 108 percent. All three comments recommended deleting the expression altogether.

The Commissioner acknowledges the error in the preamble and at various points in the proposed amendments which stated that "the PER of the protein in the finished food is not less than that of whole milk protein (120 percent of casein as determined by the method prescribed in the regulation)." The "120 percent" should have read "108 percent." Therefore, the corrections have been made in the standard. The Commissioner rejects the suggestion to remove the requirement as to quality of the protein. Since whole milk protein has a PER of 108 percent of casein and there are other milk-derived ingredients that have a lower PER, such as casein with a PER of 100 percent, there is reason to retain this value.

4b. In addition, one comment indicated confusion about the requirement, found both in the standard of identity for mellorine published elsewhere in this issue of the FEDERAL REGISTER and in this document, that the food have a specified PER as determined by a certain method of analysis.

The Commissioner advises that the regulation requires foods to meet the specified PER value, but it does not independently require use of the official method of analysis. The regulation specified an official method of analysis solely to provide an authoritative means of resolving uncertainties and disputes in questionable cases. The manufacturer need not incur the expense of using the official method of determining the PER value so long as he correctly determines that the food satisfies the PER value specified in the regulation as determined by the official method.

5. Three comments objected to the elimination of the maximum whey solids limit. It was argued that the use of whey lowers the nutritional profile of the product, that whey may be substituted for the more expensive forms of nonfat milk solids with no concurrent decrease in price of the product, and, that increased quantities of whey may reduce the textural properties of the stored product.

The Commissioner concludes that all forms of safe and suitable milk-derived ingredients should be allowed to be used in making ice cream and related frozen desserts. The effect of the 2.7 percent minimum milk protein requirement for ice cream will be to remove the need for the current limitation on the amount of whey that can be used in the food. A further requirement is that the quality of the 2.7 percent protein must be equivalent to whole milk protein at a PER of 108 percent of casein. The minimum quantity and quality requirements of the present ice cream standard in § 135.30 (formerly § 20.1 prior to recodification published in the FEDERAL REGISTER of March 15, 1977 (42 FR 14302)) assure the consumer that the nutritional profile of ice cream, from a milk protein standpoint, will not be lowered. To compare the relative amounts of calcium and phosphorus present when all of the nonfat milk solids of ice cream are obtained from nonfat dry milk and when 25 percent

and 40 percent of sweet whey or acid whey are substituted for nonfat dry milk, the following table is provided:

Calcium and Phosphorus Levels—Percent of US RDA supplied by 58 gram (2 oz avdp or ¼ fl oz) serving

Percent nonfat milk solids in frozen dessert mix			Percent of US RDA[1]	
Nonfat dry milk solids	Sweet whey solids	Acid whey solids	Calcium	Phosphorus
10.0	.....	.....	7.9	6.1
7.5	2.5	.....	6.9	5.7
7.5	.....	2.5	8.0	5.8
6.0	4.0	.....	6.3	6.0
6.0	.....	4.0	8.1	6.0

[1] Based on US RDA of 1,000 mg each of calcium and phosphorus for adults.

It should be understood that the present ice cream standard in § 135.30 (formerly § 20.1 prior to recodification published in the FEDERAL REGISTER of March 15, 1977 (42 FR 14302)) permits up to 25 percent of the required 10 percent nonfat milk solids to be substituted with whey solids. Comparing the 25 percent whey substitution figures in the table above with the technologically feasible 40 percent whey substitution figures, it is apparent there is no significant nutritional difference in the US RDA availability of calcium and phosphorus. Even if complete substitution of the required nonfat milk solids with whey solids becomes technologically feasible, no significant nutrition differences in the US RDA availability of calcium and phosphorus would result.

No adverse textural effects have occurred when whey has been used in amounts up to 50 percent of the required 10 percent nonfat milk solids. Studies have shown that the potential problem of sandiness in ice cream, due to the high level of lactose in whey, has not occurred. Judicious use of stabilizers in the ice cream has been held a major factor in overcoming this problem. In addition, partially or completely delactosed whey may be utilized to assist in the elimination of the potential problem of sandiness in ice cream when large amounts of whey solids are substituted for nonfat dry milk in the manufacture of ice cream.

The Commissioner concludes that the arguments against elimination of the maximum whey solids limit are not supported. Therefore, there will be no limitation on the amount of whey that can be used. Rather, the minimum limitations on total percent protein and the quality of that protein (minimum PER of 108) will remain in the standards.

6. One comment questioned whether the substitution of the term "safe and suitable" for specific ingredients and limitations on those ingredients within the regulation will provide the consumer with adequate protection and information. Two additional comments advocated reinstating a list of approved ingredients and limits of use within the standards.

The Commissioner points out that since all ingredients to be used in ice cream would be considered under the "safe and suitable" definition in paragraph (d) of § 130.3 (21 CFR 130.3, formerly § 10.1, prior to recodification published in the FEDERAL REGISTER of March 15, 1977 (42 FR 14302)) those ingredients which are deemed not suitable because they change the basic character of the food may not be used since they do not perform an appropriate function in the food. Ingredients that are not specifically restricted by the standard of identity for ice cream must perform an appropriate function in the food and cannot be used at a level higher than necessary to achieve that intended purpose in the food. Reinstating a list of approved ingredients inhibits the flexibility of manufacturers to meet market needs of the consumer. Further, it is the Commissioner's opinion that the requirements for label declaration of all ingredients set forth in these standards will provide the consumer with the desired information as to the actual ingredients used to manufacture the food. Therefore, the Commissioner concludes that the revised standards of identity for frozen desserts as set forth herein will provide consumers with more protection and information.

7. One comment objected to use of the phrase "nutritive carbohydrate sweeteners" on the basis that it is contrary to FDA's "safe and suitable" substances policy, and recommended changing the phrase to read "Ice cream (sherbet, etc.) is sweetened with safe and suitable sweeteners."

The Commissioner interprets this comment to mean that use of substances such as nonnutritive sweeteners or sugar alcohols, such as sorbitol, is considered. The question has been raised several times as to whether or not the substances mannitol and sorbitol were included in the Commissioner's use of the term "carbohydrate." The Commissioner is aware that different chemical text books and scientific dictionaries may differ in their definition of the term "carbohydrate." However, for clarification, he wishes to state that mannitol and sorbitol, for the purposes of proposed § 20.2, (§ 135.110 in this final regulation) are not considered to be "carbohydrates." The Commissioner does not consider nonnutritive sweeteners or sugar alcohols to be suitable ingredients for use in the foods presently standardized as frozen desserts. Their use in lieu of sugar, for instance, would result in a change in the physical characteristics of the food. The only sweeteners permitted for use in frozen desserts under the existing standards are nutritive carbohydrate sweeteners. Furthermore, a change in the regulation to allow the use of nonnutritive sweeteners and sugar alcohols in frozen desserts should be published as a proposal, and the public should be given an opportunity for comment. If the persons who commented believe that this change is warranted, they should petition the Commissioner to amend the regulation. Accordingly, the Commissioner has retained the term "nutritive carbohydrate sweeteners" in the final regulation. Thus, nonnutritive sweeteners and sugar alcohols may not be used in frozen desserts, but all the nutritive sweeteners listed in Part 168 (21 CFR Part 168, formerly Part 26, prior to recodification published in the FEDERAL REGISTER of March 15, 1977 (42 FR 14302)) may be used as well as other safe and suitable nutritive carbohydrate sweeteners.

8. One comment objected to the requirement that water be listed as an ingredient where it is used to reconstitute a concentrated or dried ingredient, such as nonfat dry milk, on the basis that no more water is added than is necessary to restore the food to its original form. Furthermore, depending on the availability of ingredients, none may have to be reconstituted, thus making the presence of water in the ingredients list inaccurate. This comment suggested the labeling alternative "milk products (nonfat milk and milkfat)" which it felt would be both informative and not misleading to the consumer.

The Commissioner points out that he provided an option as to the manner in which dairy ingredients could appear on the label. One method is to follow the requirements of § 101.4; the other is that sources of milkfat or nonfat milk solids may be declared in descending order of predominance by use of all of the terms "water," "milkfat," and "nonfat milk solids." The Commissioner, having further reviewed this issue, concludes that since milkfat and nonfat milk solids are commonly understood to be the basic division of whole milk solids, it seems reasonable that when various forms of skim milk, milk, cream, or butterfat (as described in § 101.4(b) (3), (4), (8) and (9), published in the FEDERAL REGISTER of January 6, 1976 (41 FR 1156)) are used as the source of the milkfat and nonfat milk solids of a frozen dessert, the words "milkfat" and "nonfat milk" would be sufficient for the label declaration of such ingredients. Therefore, proposed § 20.2(d) (§ 135.110(d) of this final regulation) of the ice cream standard of identity is revised accordingly. When other dairy ingredients, in various forms (e.g., liquid, condensed or dried) such as buttermilk, whey, casein, caseinates or modified whey products are used, they too must be declared in the ingredient statement. Such ingredients must be declared by name in accordance with Part 101 (21 CFR Part 101, formerly Part 1, prior to recodification published in the FEDERAL REGISTER of March 15, 1977 (42 FR 14302)).

9. One comment objected to the term "nonfat milk solids" as used in paragraph(a)(6) of proposed § 20.4 (§ 135.140 (21 CFR 135.140) of this final regulation) on the basis that it may be narrowly interpreted to mean nonfat dry milk. The comment suggested that the term "nonfat milk-derived solids" be substituted.

The Commissioner believes that, although the term "nonfat milk solids" is a generic term, it could be interpreted to mean nonfat dry milk. Since the actual source could be skim milk, skim milk derivatives, whey, and whey derivatives,

the Commissioner concludes that the term "nonfat milk-derived solids" would be more definitive, and he amends paragraph (a)(2) of proposed § 20.4 (§ 135.14 of this final regulation) accordingly.

10. One comment stated that there is a current need for a "bulky flavor reduction" provision in a standard for ice milk in order to maximize economy in production.

The Commissioner agrees, and he amends the ice milk standard to include the statement "The provision for reduction in milkfat and protein content from the addition of bulky flavors in proposed § 20.2(a) (§ 135.110(a) of this final regulation) applies except that in no case will the milkfat content be less than 2 percent, nor the protein content less than 1.75 percent."

11. One comment objected to the proposed "generic groupings" method of labeling ingredients on the basis that it does not allow the consumer to see, on the label, the specific ingredients that might constitute a generic term such as "milkfat."

The Commissioner issued final regulations, published in the FEDERAL REGISTER of January 6, 1976 (41 FR 1156), concerning label declaration of ingredients. Ingredients that are required to be declared on the label of a food must be declared in accordance with § 101.4. Section 101.4(b) specifies that the name of an ingredient shall be a specific name and not a collective (generic) name; however, it does provide for certain exceptions. Under § 101.4(b)(3), various forms of skim milk (e.g., liquid, condensed or dried) may be declared as "skim milk" or "nonfat milk"; under § 101.4(b)(4), various forms of milk may be declared as "milk"; under § 101.4(b)(6), various forms of buttermilk as "buttermilk"; under § 101.4(b)(7), various forms of whey as "whey"; under § 101.4(b)(8), various forms of cream as "cream"; and under § 101.4(b)(9), various forms of butterfat as "butterfat." All of the above dairy ingredients contain varying amounts of milkfat and nonfat milk solids which are utilized to meet the minimum requirements of the various frozen dessert standards for milkfat and nonfat milk solids. The Commissioner concludes that the labeling requirements of the proposed frozen dessert standards provide adequate ingredient labeling information to the consumer without confusing the consumer with different forms of the same ingredients.

12. One comment expressed the opinion that the present method of labeling added colors is deceptive and suggested that it be made mandatory that wherever a statement concerning artificial flavoring appears on the carton, a statement about artificial colors used also appear.

The Commissioner points out that section 403(k) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 343(k)) specifically exempts the declaring of artificial color on the label of ice cream. The act does not provide such an exemption for the declaration of artificial flavoring. The Commissioner, however, does recommend voluntary declaration of artificial coloring since, in his opinion, such declaration would be in the best interests of the consumer.

13. One comment recommended that artificial colorings and characterizing flavors be prohibited in ice milk packed in containers larger than ½ gallon. This recommendation was made to prevent consumers from being deceived by the substitution of ice milk for ice cream.

The Commissioner points out that there are more appropriate means of regulating the potential problems of substitution than prohibiting the use of colors and flavorings; that is, any substitution of ice milk for ice cream would be unlawful.

14. One comment suggested that salt and other sodium compounds be limited in frozen foods to provide "salt free" dieters with a more varied diet of easily available foods.

The Commissioner points out that it is not his intention to provide a standard for special dietary frozen desserts which would be subject to the requirements of § 105.69 (21 CFR 105.69, formerly § 125.9, prior to recodification published in the FEDERAL REGISTER of March 15, 1977 (42 FR 14302)). He further points out that the amount of salt used would be self-limiting in that adding too much salt or other sodium compounds would make the product unpalatable to the consumer. Therefore, for these reasons, the Commissioner concludes that the use of salt and/or other sodium compounds should not be restricted in the regulation.

15. One comment requested that the proposed three-flavor category for labeling of ice cream and frozen desserts be retained. No adverse comments were received.

The Commissioner agrees and is retaining the three-flavor category for labeling ice cream and frozen desserts as proposed.

16. Eleven comments advocated that the percentage of each ingredient used be included in the label declaration. Several specifically requested that the percentage of butterfat be noted on the label.

The proposed standards of identity for frozen desserts specify minimum levels for the characterizing ingredients of the food. In addition, a minimum level of food solids is required as well as a minimum weight per unit volume for the food. The labeling requirements of the standards also require that the ingredients be listed by common or usual name in descending order of predominance by weight as provided for in Part 101. Indications are that many manufacturers of frozen deserts will voluntarily provide nutrition labeling on the containers of their products. The Commissioner concludes that this regulation provides adequate labeling information to the consumer and that the declaration of the percent of each ingredient contained in the food will not be required. Since no data were presented for percent ingredient labeling and, further, since only in Part 102 (21 CFR Part 102) are there specific provisions for such labeling, the standards concerning this matter will remain as proposed.

17. Three comments requested that either the weight of the package or the percent overrun be noted on packages of ice cream or other frozen desserts. One of the comments also suggested that air be included in the ingredient list for ice cream or other frozen desserts.

The Commissioner advises that in manufacturing ice cream it is practicable to control the quantity of overrun. The current frozen dessert standard limits the overrun by establishing a minimum weight per gallon for the finished ice cream. It also requires the weight of ice cream to be not less than 4.5 pounds per gallon. This is effective in preventing the excessive incorporation of air, i.e., overrun, and is reasonable. Therefore, the Commissioner believes that no useful purpose would be served by requiring the label declaration of weight or percent overrun on packages of ice cream and/or the declaration of air in the ingredient list.

18. Three comments requested open-code dating on all frozen dessert packages. One of the comments stated that the proposed amendment to the standard of identity for frozen desserts should include (1) packaging date, (2) pull date, (3) instructions for home storage, and (4) processing plant numbers.

The Commissioner is of the opinion that this comment is beyond the scope of this document, and, further, that there have been no compelling arguments given to provide for these label declarations for frozen desserts. Therefore, any change in this regard must come by an appropriate petition to amend these regulations.

19. One comment was received regarding the limitation on the bacteria content in ice cream.

The Commissioner concludes that this comment is beyond the scope of this document, and further, that no case has been made to amend the current proposal at this time. Therefore, any change in this regard must come by an appropriate petition to amend these regulations.

20. One comment requested a hearing on the proposal, asserting that "Elimination of the 25 percent maximum use of whey along with reduction in final protein content to 2.7 percent would likely destroy the nutritional profile of ice cream."

The Commissioner has discussed the elimination of the maximum whey solids limit and the establishment of a minimum 2.7 percent protein content elsewhere in this preamble and has concluded that these amendments should be adopted as proposed. The Commissioner advises, however, that any person who is adversely affected by the regulation if placed in effect may, until May 12, 1977 file objections and request a hearing upon such objections.

It has been brought to the Commissioner's attention that there was a typo-

graphical error in the proposal. Therefore, the following correction is made: proposed § 20.1 (§ 135.3 (21 CFR 135.3) of this final regulation) which states "For the * * * a pasteurized mix is one every particle of which has been heated * * * (* * * equivalent thereto in microbial destruction):" is changed to read "For the * * * a pasteurized mix is one in which every particle of the mix has been heated * * * (* * * equivalent thereto in microbial destruction):". In addition, modifying the wordage of the existing standard for water ices in proposed § 20.5 (§ 135.160 of this final regulation) to reference the standard for sherbet in proposed § 20.4 (§ 135.140 of this final regulation) inadvertently caused water ice mix to be considered a pasteurized mix. Since the current standard of identity for water ices did not require pasteurization of the mix and there is no need to require it now, proposed § 20.5(a) (§ 135.160(a) of this final regulation) is modified to read "Water ices are * * * in the same manner prescribed in § 135.140 for sherbets, except that the mix need not be pasteurized, and * * * is used." In § 135.140(a)(1) of the final regulation (proposed § 20.4(a)(1)), the words "and/or milk-derived ingredients alone or in combination" are added to be consistent with the wordage of other frozen dessert standards of Part 135.

Having considered the information submitted by the petitioner, the comments received, and other relevant material, the Commissioner concludes that it will promote honesty and fair dealing in the interest of consumers to adopt the proposal, with modifications, as set forth below.

The Commissioner has considered the environmental effects of the issuance or amendment of food standards and has concluded in paragraph (d)(4) of § 25.1 (21 CFR 25.1, formerly § 6.1, prior to recodification published in the FEDERAL REGISTER of March 22, 1977 (42 FR 15553)) that food standards are not major agency actions significantly affecting the quality of the human environment. Therefore, an environmental impact statement is not required for this 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): *It is ordered*, That §§ 135.10, 135.20, 135.30, 135.40, 135.65, 135.70, and 135.90 be revised and reissued as §§ 135.3, 135.110, 135.120, 135.140, and 135.160, to read as follows:

Subpart A—General Provisions

Sec.

135.3 Definitions.

Subpart B—Requirements for Specific Standardized Frozen Desserts

135.110 Ice cream and frozen custard.
135.120 Ice milk.
135.140 Sherbet.
135.160 Water ices.

AUTHORITY: Secs. 401, 701(e), 52 Stat. 1046 as amended, 70 Stat. 919 as amended (21 U.S.C. 341, 371).

Subpart A—General Provisions

§ 135.3 Definitions.

For the purposes of this part, a pasteurized mix is one in which every particle of the mix has been heated in properly operated equipment to one of the temperatures specified in the table in this section and held continuously at or above that temperature for the specified time (or other time/temperature relationship which has been demonstrated to be equivalent thereto in microbial destruction):

Temperature:	Time
155° F.	30 min.
175° F.	25 sec.

Subpart B—Requirements for Specific Standardized Frozen Desserts

§ 135.110 Ice cream and frozen custard.

(a) *Description.* (1) Ice cream is a food produced by freezing, while stirring, a pasteurized mix consisting of safe and suitable ingredients including, but not limited to, milkfat and nonfat milk solids, and/or other milk-derived ingredients alone or in combination; and excluding other food fats, except such as are natural components of flavoring ingredients used or are added in incidental amounts to accomplish specific functions. Ice cream is sweetened with nutritive carbohydrate sweeteners and may or may not be characterized by the addition of flavoring ingredients.

(2) Ice cream contains not less than 1.6 pounds of total solids to the gallon, and weighs not less than 4.5 pounds to the gallon. Ice cream contains not less than 10 percent milkfat, nor less than 2.7 percent protein having a protein efficiency ratio (PER) not less than that of whole milk protein (108 percent of casein), except that when it contains milkfat at 1 percent increments above the 10 percent minimum, it may contain the following milkfat-to-protein levels:

Percent milkfat:	Minimum percent protein
10	2.70
11	2.55
12	2.40
13	2.25
14	2.10

Except in the case of frozen custard, ice cream contains less than 1.4 percent egg yolk solids by weight of the food, exclusive of the weight of any bulky flavoring ingredients used. In no case shall the milkfat content of the finished food be less than 8 percent or the protein content be less than 2.2 percent, or, in the case of frozen custard, shall the content of egg yolk solids be less than 1.12 percent. The protein to meet the minimum protein requirement shall be provided by milk solids not fat and/or other milk-derived ingredients. A product containing egg yolk solids in excess of 1.4 percent, the maximum set forth in this paragraph for ice cream, may be marketed if labeled as specified by paragraph (c)(1) of this section.

(3) When calculating the minimum amount of milkfat and protein required in the finished food, the solids of chocolate or cocoa used shall be considered a bulky flavoring ingredient. In order to make allowance for additional sweetening ingredients needed when certain bulky ingredients are used, the weight of chocolate or cocoa solids used may be multiplied by 2.5; the weight of fruit or nuts used may be multiplied by 1.4; and the weight of partially or wholly dried fruits or fruit juices may be multiplied by appropriate factors to obtain the original weights before drying and this weight may be multiplied by 1.4.

(b) *Methods of analysis.* Fat and protein content, and the PER shall be determined by the following methods contained in the "Official Methods of Analysis of the Association of Official Analytical Chemists," 12th ed., 1975.[1]

(1) Fat content shall be determined by the method: "Fat; Roese-Gottlieb Method—Official Final Action," section 16.228.

(2) Protein content shall be determined by one of the methods: "Nitrogen—Official Final Action," Kjeldahl Method, section 16.226, or Dye Binding Method, section 16.227.

(3) PER shall be determined by the method: "Biological Evaluation of Protein Quality-Official Final Action," sections 39.166–39.170.

(c) *Nomenclature.* (1) The name of the food is "ice cream"; except that when the egg yolk solids content of the food is in excess of that specified for ice cream by paragraph (a) of this section, the name of the food is "frozen custard" or "french ice cream" or "french custard ice cream".

(2)(i) If the food contains no artificial flavor, the name on the principal display panel or panels of the label shall be accompanied by the common or usual name of the characterizing flavor, e.g., "vanilla", in letters not less than one-half the height of the letters used in the words "ice cream".

(ii) If the food contains both a natural characterizing flavor and an artificial flavor simulating it, and if the natural flavor predominates, the name on the principal display panel or panels of the label shall be accompanied by the common name of the characterizing flavor, in letters not less than one-half the height of the letters used in the words "ice cream", followed by the word "flavored", in letters not less than one-half the height of the letters in the name of the characterizing flavor, e.g., "VANILLA flavored", or "PEACH flavored", or "VANILLA flavored and STRAWBERRY flavored".

(iii) If the food contains both a natural characterizing flavor and an artificial flavor simulating it, and if the artificial flavor predominates, or if artificial flavor is used alone the name on the principal display panel or panels of the label shall be accompanied by the common name of the characterizing flavor in letters not less than one-half the height of the letters used in the words "ice cream", preceded by "artificial" or "artificially flavored", in letters not less than one-half the height of the letters in the

[1] Copies may be obtained from: Association of Official Analytical Chemists, Post Office Box 540, Benjamin Franklin Station, Washington, DC 20044.

name of the characterizing flavor, e.g., "artificial VANILLA", or "artificially flavored STRAWBERRY" or "artificially flavored VANILLA and artificially flavored STRAWBERRY".

(3) (i) If the food is subject to the requirements of paragraph (c) (2) (ii) of this section or if it contains any artificial flavor not simulating the characterizing flavor, the label shall also bear the words "artificial flavor added" or "artificial _____ flavor added", the blank being filled with the common name of the flavor simulated by the artificial flavor in letters of the same size and prominence as the words that precede and follow it.

(ii) Wherever the name of the characterizing flavor appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the words prescribed by this subparagraph shall immediately and conspicuously precede or follow such name, in a size reasonably related to the prominence of the name of the characterizing flavor and in any event the size of the type is not less than 6-point on packages containing less than 1 pint, not less than 8-point on packages containing at least 1 pint but less than one-half gallon, not less than 10-point on packages containing at least one-half gallon but less than 1 gallon, and not less than 12-point on packages containing 1 gallon or over: *Provided, however,* That where the characterizing flavor and a trademark or brand are presented together, other written, printed, or graphic matter that is a part of or is associated with the trademark or brand, may intervene if the required words are in such relationship with the trademark or brand as to be clearly related to the characterizing flavor: *And provided further,* That if the finished product contains more than one flavor of ice cream subject to the requirements of this subparagraph, the statements required by this subparagraph need appear only once in each statement of characterizing flavors present in such ice cream, e.g., "VANILLA flavored, CHOCOLATE and STRAWBERRY flavored, artificial flavors added".

(4) If the food contains both a natural characterizing flavor and an artificial flavor simulating the characterizing flavor, any reference to the natural characterizing flavor shall, except as otherwise authorized by this paragraph, be accompanied by a reference to the artificial flavor, displayed with substantially equal prominence, e.g., "strawberry and artificial strawberry flavor".

(5) An artificial flavor simulating the characterizing flavor shall be deemed to predominate:

(i) In the case of vanilla beans or vanilla extract used in combination with vanillin if the amount of vanillin used is greater than 1 ounce per unit of vanilla constituent, as that term is defined in § 169.3(c) of this chapter.

(ii) In the case of fruit or fruit juice used in combination with artificial fruit flavor, if the quantity of the fruit or fruit juice used is such that, in relation to the weight of the finished ice cream, the weight of the fruit or fruit juice, as the case may be (including water necessary to reconstitute partially or wholly dried fruits or fruit juices to their original moisture content) is less than 2 percent in the case of citrus ice cream, 6 percent in the case of berry or cherry ice cream, and 10 percent in the case of ice cream prepared with other fruits.

(iii) In the case of nut meats used in combination with artificial nut flavor, if the quantity of nut meats used is such that, in relation to the finished ice cream the weight of the nut meats is less than 2 percent.

(iv) In the case of two or more fruits or fruit juices, or nut meats, or both, used in combination with artificial flavors simulating the natural flavors and dispersed throughout the food, if the quantity of any fruit or fruit juice or nut meat is less than one-half the applicable percentage specified in paragraph (c) (5) (ii) or (iii) of this section. For example, if a combination ice cream contains less than 5 percent of bananas and less than 1 percent of almonds it would be "artificially flavored banana-almond ice cream". However, if it contains more than 5 percent of bananas and more than 1 percent of almonds it would be "banana-almond flavored ice cream".

(6) If two or more flavors of ice cream are distinctively combined in one package, e.g., "Neapolitan" ice cream, the applicable provisions of this paragraph shall govern each flavor of ice cream comprising the combination.

(d) *Label declaration.* Each of the optional ingredients used shall be declared on the label as required by the applicable sections of Part 101 of this chapter, except that sources of milkfat or milk solids not fat may be declared in descending order of predominance either by the use of all the terms "milkfat and nonfat milk" when one or any combination of two or more of the ingredients listed in § 101.4(b) (3), (4), (8), and (9) of this chapter are used or alternatively as permitted in § 101.4 of this chapter. Pursuant to section 402(k) of the Federal Food, Drug, and Cosmetic Act artificial color need not be declared in ice cream. Voluntary declaration of such color in ice cream is recommended.

§ 135.120 Ice milk.

(a) *Description.* Ice milk is the food prepared from the same ingredients and in the same manner prescribed in § 135.110 for ice cream and complies with all the provisions of § 135.110 including the requirements for label statement of optional ingredients), except that:

(1) Its content of milkfat is more than 2 percent but not more than 7 percent.

(2) The provision for reduction in milkfat and protein content from the addition of bulky flavors in § 135.110(a) applies, except that in no case will the milkfat content be less than 2 percent, nor the protein content less than 1.75 percent. When the milkfat content increases in increments of 1 percent above the 2 percent minimum, it may contain the following milkfat-to-protein levels:

Percent milkfat:	*Minimum percent protein*
2	2.55
3	2.40
4	2.25
5	2.10
6	1.95
7	1.80

(3) The quantity of food solids per gallon is not less than 1.3 pounds.

(4) When any artificial coloring is used in ice milk, directly or as a component of any other ingredient, the label shall bear the statement "artificially colored", "artificial coloring added", "with added artificial color", or "_____, an artificial color added", the blank being filled in with the common or usual name of the artificial color; or in lieu thereof, in case the artificial color is a component of another ingredient, "_____ artificially colored".

(5) If both artificial color and artificial flavoring are used, the label statements may be combined.

(b) *Nomenclature.* The name of the food is "ice milk".

§ 135.140 Sherbet.

(a) *Description.* (1) Sherbet is a food produced by freezing, while stirring, a pasteurized mix consisting of safe and suitable ingredients including but not limited to milkfat and nonfat milk solids, and/or other milk-derived ingredients alone or in combination, and excluding other food fats, except such as are added in small amounts to accomplish specific functions or are natural components of flavoring ingredients used. Sherbet is sweetened with nutritive carbohydrate sweeteners and is characterized by the addition of one or more of the characterizing fruit ingredients specified in paragraph (b) of this section or one or more of the nonfruit characterizing ingredients specified in paragraph (c) of this section.

(2) Sherbet weighs not less than 6 pounds to the gallon. The milkfat content is not less than 1 percent nor more than 2 percent, the nonfat milk-derived solids content not less than 1 percent and the total milk or milk-derived solids content is not less than 2 percent nor more than 5 percent by weight of the finished food. Sherbet that is characterized by a fruit ingredient shall have a titratable acidity, calculated as lactic acid, of not less than 0.35 percent.

(b) The optional fruit characterizing ingredients referred to in paragraph (a) of this section are any mature fruit or the juice of any mature fruit. The fruit or fruit juice used may be fresh, frozen, canned, concentrated, or partially or wholly dried. The fruit may be thickened with pectin or other optional ingredients. The fruit is prepared by the removal of pits, seeds, skins, and cores, where such removal is usual in preparing that kind of fruit for consumption as fresh fruit. The fruit may be screened, crushed, or otherwise comminuted. It may be acidulated. In the case of concentrated fruit or fruit juices, from which part of the water is removed, substances contribut-

ing flavor volatilized during water removal may be condensed and reincorporated in the concentrated fruit or fruit juice. In the case of citrus fruits, the whole fruit, including the peel but excluding the seeds, may be used, and in the case of citrus juice or concentrated citrus juices, cold-pressed citrus oil may be added thereto in an amount not exceeding that which would have been obtained if the whole fruit had been used. The quantity of fruit ingredients used is such that, in relation to the weight of the finished sherbet, the weight of fruit or fruit juice, as the case may be (including water necessary to reconstitute partially or wholly dried fruits or fruit juices to their original moisture content), is not less than 2 percent in the case of citrus sherbets, 6 percent in the case of berry sherbets, and 10 percent in the case of sherbets prepared with other fruits. For the purpose of this section, tomatoes and rhubarb are considered as kinds of fruit.

(c) The optional nonfruit characterizing ingredients referred to in paragraph (a) of this section include but are not limited to the following:

(1) Ground spice or infusion of coffee or tea.

(2) Chocolate or cocoa, including sirup.

(3) Confectionery.

(4) Distilled alcoholic beverage, including liqueurs or wine, in an amount not to exceed that required for flavoring the sherbet.

(5) Any natural or artificial food flavoring (except any having a characteristic fruit or fruit-like flavor).

(d) *Nomenclature.* (1) The name of each sherbet is as follows:

(i) The name of each fruit sherbet is "_____ sherbet", the blank being filled in with the common name of the fruit or fruits from which the fruit ingredients used are obtained. When the names of two or more fruits are included, such names shall be arranged in order of predominance, if any, by weight of the respective fruit ingredients used.

(ii) The name of each nonfruit sherbet is "_____ sherbet", the blank being filled in with the common or usual name or names of the characterizing flavor or flavors; for example, "peppermint", except that if the characterizing flavor used is vanilla, the name of the food is "_____ sherbet", the blank being filled in as specified by § 135.110(c)(2) and (5)(i).

(2) When the optional ingredients, artificial flavoring, or artificial coloring are used in sherbet, they shall be named on the label as follows:

(i) If the flavoring ingredient or ingredients consists exclusively of artificial flavoring, the label designation shall be "artificially flavored".

(ii) If the flavoring ingredients are a combination of natural and artificial flavors, the label designation shall be "artificial and natural flavoring added".

(iii) The label shall designate artificial coloring by the statement "artificially colored", "artificial coloring added", "with added artificial coloring", or "_____, an artificial color added", the blank being filled in with the name of the artificial coloring used.

(e) Wherever there appears on the label any representation as to the characterizing flavor or flavors of the food and such flavor or flavors consist in whole or in part of artificial flavoring, the statement required by paragraph (d)(2)(i) and (ii) of this section, as appropriate, shall immediately and conspiculously precede or follow such representation, without intervening written, printed, or graphic matter (except that the word "sherbet" may intervene) in a size reasonably related to the prominence of the name of the characterizing flavor and in any event the size of the type is not less than 6-point on packages containing less than 1 pint, not less than 8-point on packages containing at least 1 pint but less than one-half gallon, not less than 10-point on packages containing at least one-half gallon but less than 1 gallon, and not less than 12-point on packages containing 1 gallon or over.

(f) Except as specified in paragraph (e) of this section, the statements required by paragraph (d)(2) of this section shall be set forth on the principal display panel or panels of the label with such prominence and conspicuousness as to render them likely to be read and understood by the ordinary individual under customary conditions of purchase and use.

(g) Label declaration: Each of the optional ingredients used shall be declared on the label as required by the applicable sections of Part 101 of this chapter.

§ 135.160 Water ices.

(a) *Description.* Water ices are the foods each of which is prepared from the same ingredients and in the same manner prescribed in § 135.140 for sherbets, except that the mix need not be pasteurized, and complies with all the provisions of § 135.140 (including the requirements for label statement of optional ingredients) except that no milk or milk-derived ingredient and no egg ingredient, other than egg wihte, is used.

(b) *Nomenclature.* The name of the food is "_____ ice", the blank being filled in, in the same manner as specified in § 135.140(d)(1) (i) and (ii), as appropriate.

Any person who will be adversely affected by the foregoing regulation may at any time on or before May 12, 1977, file with the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the regulation, specify with particularity the provisions of the regulation deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Four copies of all documents shall be filed and 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: Except as to any provisions that may be stayed by the filing of proper objections, compliance with this final regulation, including any required labeling changes, may begin on or before June 13, 1977 and all products initially introduced into interstate commerce on or after July 1, 1979 shall fully comply. Notice of the filing of objections or lack thereof will be published in the FEDERAL REGISTER.

(Secs. 401, 701(e), 52 Stat. 1046 as amended, 70 Stat. 919 as amended (21 U.S.C. 341, 371(e)).)

Dated: April 4, 1977.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

NOTE.—Incorporation by reference provisions have been approved by the Director of the Office of the Federal Register March 11, 1976, and are on file in the library of that office.

[FR Doc.77-10624 Filed 4-11-77;8:45 am]

[Docket No. 75N-0368]

PART 135—FROZEN DESSERTS

Mellorine: Confirmation of Effective Date of Final Regulation Establishing a Standard of Identity

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The effective date for the regulation that established a standard of identity for mellorine is confirmed.

DATES: Compliance with the regulation, including any labeling changes required, may have begun on September 23, 1974, and all products initially introduced into interstate commerce on or after July 1, 1979 shall fully comply.

FOR FURTHER INFORMATION CONTACT:

Eugene T. McGarrahan, Bureau of Foods (HFC-415), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, DC 20204, 202-245-1155.

SUPPLEMENTARY INFORMATION: The Commissioner of Food and Drugs issued a final regulation in the FEDERAL REGISTER of July 25, 1974 (39 FR 27128) that established a standard of identity for mellorine, terminated the rule making procedure to establish a standard of identity for parevine, and revoked 21 CFR 3.39. The final regulation provided that any person who would be adversely affected could, at any time on or before August 26, 1974, file written objections and request a hearing.

The July 1974 standard of identity for mellorine was promulgated under § 20.8

(21 CFR 20.8). Pursuant to recodification published in the FEDERAL REGISTER of March 15, 1977 (42 FR 14302) and to a regulation published elsewhere in this issue of the FEDERAL REGISTER promulgating revised §§ 135.3, 135.110, 135.120, 135.140 and 135.160, this document confirms the effective date for the mellorine standard of identity under § 135.130 (21 CFR 135.130). Therefore, in this confirmation of the effective date of the mellorine standard, all references to "§ 20.8" are changed to read "§ 135.130."

No objections were received to the termination of the proposed rule making procedure to establish a standard of identity for parevine or to the revocation of § 3.39 (21 CFR 3.39). However, 15 timely (and 4 late) responses, some requesting a public hearing, were filed objecting to specific provisions of the final regulation establishing a standard of identity for mellorine. Since the four late responses spoke to the same issues contained within the timely responses, that they were late is moot.

Pursuant to section 701(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 371(e)), the Commissioner has considered the objections and requests for a hearing. His conclusions follow:

OBJECTIONS AND REQUESTS FOR A HEARING

1. *Time limit set for objections.* Nine objections, supported by six additional comments and one request for a hearing concerned the 30-day time limit provided for filing objections and requesting a hearing. A majority asked for a 2-month extension; others asked for extensions of unspecified lengths of time.

Section 701(e)(2) of the act specifically provides for a 30-day objection period, and the Commissioner has no authority under the act to provide otherwise. Therefore, the Commissioner finds that these objections do not raise an issue of fact that warrants a hearing.

2. *The requirement that ingredients be declared on the label in descending order of predominance.* Two objections, with no requests for a hearing, concerned the requirement that all ingredients be declared on the label in descending order of their predominance in accordance with § 101.4 (21 CFR 101.4, formerly § 1.10 prior to recodification published in the FEDERAL REGISTER of March 15, 1977 (42 FR 14302)). This requirement was considered as being unduly restrictive, particularly in reference to those ingredients used in small amounts, such as stabilizers, emulsifiers, and mineral salts. It was suggested that this manner of listing ingredients will result in the divulgence of trade secrets, and that the listing of specific stabilizers, emulsifiers, and mineral salts on the carton will result in an economic loss to both the manufacturer and the consumer if the particular ingredient declared is not always available and a substitution must be made or if a change in formulation is needed to solve individual production problems. The change in ingredient would cause a change in the label of the carton, the increased cost of which would ultimately be borne by the consumer. One of the objectors contended that the listing of specific ingredients would be unenforceable and would lead to the industry's reluctance to take advantage of technological advances which may involve formulation changes even though the product of these changes may be higher in quality, and that specific names of ingredients might serve only to frighten, rather than educate or inform the consumer. Three alternatives to the Commissioner's requirement were offered: (a) ingredients that are used in concentrations below a certain percentage (1 or 2 percent was proposed) would be exempt; (b) the ingredients could be listed generically, e.g., "stabilizer," with a parenthetical listing of the specific ingredients used, not necessarily in order of descending predominance; (c) the regulations should include extensive lists of possible safe and suitable ingredients that may be used, and the label designation would be limited to "safe and suitable ____" with the word(s) stabilizer, emulsifier, salt, or any combination of the three filling the blank.

The Commissioner continues to adhere to the policy, set forth in § 101.6 (21 CFR 101.6, formerly § 3.88 prior to recodification published in the FEDERAL REGISTER of March 15, 1977 (42 FR 14302)), that the labels of standardized foods bear "complete information" about the ingredients contained in the food. The Commissioner rejects the suggestion that stabilizers, emulsifiers, and other ingredients be exempt from ingredient labeling or that he provide for generic labeling of these ingredients since if he did so consumers would not know the specific ingredients the food contains. The Commissioner has not adopted the suggestion that he permit these ingredients to be declared in an order other than that of order-of-predominance. The label designation of ingredients should be made in accordance with the requirements, set forth in § 101.4, that are generally applicable to all food, since this averts consumer confusion from variations and assures equal treatment of similar situations. Stabilizers, emulsifiers, and other ingredients are used in small amounts in many foods. If there are special difficulties in labeling these ingredients that warrant any exception from the order-of-predominance requirements, these difficulties are not unique to mellorine. If the objectors believe that a change should be made in the general requirements for labeling these ingredients, they should submit a petition, supported by an adequate showing for such change, to amend § 101.4. Lastly, the objections provided no specific information to support the conclusional assertion that the label declaration of these ingredients would reveal a trade secret. The existence of a trade secret in the use of these ingredients is unlikely, but if the objectors submit a petition supported by an adequate showing that a trade secret exists, the Commissioner will take any action necessary to protect the identity of bona fide trade secrets. The Commissioner points out that he has identified in § 20.61 of the public information regulations (21 CFR 20.61, formerly § 4.61 prior to recodification published in the FEDERAL REGISTER of March 22, 1977 (42 FR 15553)) and the preamble thereto, published in the FEDERAL REGISTER of December 24, 1974 (39 FR 44602), the elements that are essential to establish that a trade secret exists.

3. *Nutritive value.* One objection and request for a hearing concerned the alleged failure of certain nutritional aspects of the standard for mellorine to compare favorably with those of the standard for ice cream (e.g., fat and nonfat milk solids content, vitamin and mineral content). The objector claimed that the inclusion of other milk-derived ingredients as optional protein sources and the use of vegetable fat may result in a reduction of the nutritive value generally associated with frozen desserts made solely from milk solids not fat and milkfat. The nutrients referred to in the objection were calcium, phosphorus, vitamins B_6 and B_{12}, riboflavin, and niacin.

The Commissioner disagrees with the objection. No information was supplied in the objection to explain how the use of vegetable fat rather than milkfat in mellorine would result in a lower amount of the particular nutrients referred to in the objection. The only essential nutrient, apart from fat, for which milkfat is a source is vitamin A. The Commissioner notes that the standard of identity for mellorine already requires mellorine to contain vitamin A in proportion to its fat content. The objection also failed to provide a reasonable basis for believing that the use of milk-derived ingredients in mellorine would lower its nutritive value with respect to these nutrients in comparison with a product made from nonfat dry milk.

The Commissioner points out that the same milk-derived ingredients are permitted in skim milk and lowfat milk provided that the ratio of protein to total nonfat milk solids of the food, and the protein efficiency ratio of all protein present, is not decreased as a result of their addition. On a similar basis, the inclusion of milk-derived ingredients in mellorine would assure consumers of a food of a minimum nutritional quality regardless of the individual dairy ingredients used to make up the required milk protein level. Water soluble vitamins, including those in the B-complex series, would be present in mellorine (meeting the 2.7 percent protein minimum) to the same relative degree, whether the food was made from nonfat dry milk or a combination of other milk-derived ingredients. The following table compares the relative amounts of calcium and phosphorus present when all of the nonfat milk derived solids are obtained from nonfat dry milk and when various levels of whey solids are substituted:

Calcium and phosphorus level—Percent US RDA supplied by 58 gram (2 oz avdp or ¼ fl oz) serving

Percent nonfat milk-derived solids in frozen dessert mix			Percent of US RDA [1]	
Nonfat dry milk solids	Sweet whey solids	Acid whey solids	Calcium	Phosphorus
10.0	----------	----------	7.9	6.1
7.5	2.5	----------	6.9	5.7
7.5	----------	2.5	8.0	5.8
6.0	4.0	----------	6.3	6.0
6.0	----------	4.0	8.1	6.0

[1] Based on US RDA of 1,000 mg each of calcium and phosphorus for adults.

The present standard of identity for ice cream permits up to 25 percent of the required 10 percent nonfat milk solids to be substituted with whey solids. The final regulation for ice cream published elsewhere in this issue of the FEDERAL REGISTER, removes any maximum limitation for whey. Comparing the 25 percent whey substitution figures, above with the technologically feasible 40 percent whey substitution figures, it is apparent there is no significant nutritional difference in the US RDA availability of calcium and phosphorus. Even if complete substitution of the required nonfat milk solids with whey solids becomes technologically feasible, no significant nutrition difference in the US RDA availability of calcium and phosphorus would result.

The Commissioner finds that this objection does not raise a substantial issue of fact which warrants a hearing. The standard for mellorine already sets forth minimum nutritional equivalency requirements, and the same minimum requirements are included in the ice cream and ice milk standards published elsewhere in this issue of the FEDERAL REGISTER.

4. *Protein level.* Two objections, supported by six additional comments, and one request for a hearing concerned the changes in protein level from 3 percent in the proposal to 2.7 percent in the final regulation. The objection requesting a hearing stated that the Commissioner's calculations used to reach this protein level, which were predicated on similar considerations for ice cream, may be incorrect. No data were submitted substantiating this assertion.

The Commissioner finds that these objections do not raise a substantial issue of fact that warrants a hearing. He has reviewed the calculations used to determine the protein level in ice cream under the present standard and finds no reasonable basis for believing there is an error in the manner of making the calculations. In addition, he points out that the present standard of identity for ice cream requires a minimum of 20 percent total milk solids and a minimum of 10 percent milk fat content, with a resultant minimum requirement of 10 percent nonfat milk solids. The standard also permits a substitution of whey solids for up to 25 percent of the required nonfat milk solids. Data from the scientific literature and certain trade associations on file with the Hearing Clerk, Food and Drug Administration, show that dried whey contains a maximum of 13 percent protein, and nonfat dry milk contains a maximum of 36 percent protein. Theoretically, based on these figures, a frozen dessert meeting the minimum existing requirements of 7.5 percent nonfat milk solids and 2.5 percent whey solids would contain a maximum protein level of approximately 3 percent. The Commissioner does not believe, however, that it is appropriate to establish the protein requirement for mellorine at the maximum protein level that might be found in some forms of ice cream. Instead, he has examined the protein level of ice cream that would meet the minimum existing legal requirements and has set the protein level for mellorine at the average amount of that protein level. Analytical figures on file with the Hearing Clerk show that the average minimum protein level in nonfat dry milk is approximately 32 percent and the average minimum protein level in dried whey is approximately 12 percent. Calculations based upon these average minimums project a protein level of approximately 2.7 percent for a frozen dessert complying with the existing standard and containing 7.5 percent nonfat milk solids and 2.5 percent whey solids.

The protein content of dairy ingredients varies with the breed, season, geographical location, and type of feed. Because of these fluctuations, it is more equitable to use the average minimum protein level rather than the maximum level. If the protein level were set at the higher level, manufacturers would have to add protein-ingredients whenever the protein content of the particular dairy ingredients in the product fluctuated below the maximum. Under the existing standard for ice cream, there is no minimum requirement for the amount of protein in the food. The difference between a 3 percent protein level and a 2.7 percent protein level in these foods does not amount to a significant difference in the recommended daily allowance for protein. Accordingly, there is no reasonable basis for believing that a 3 percent protein level rather than a 2.7 percent protein level is needed to ensure that mellorine does not contain significantly less protein than that found in ice cream that meets the existing standard.

The Commissioner, therefore, concludes that 2.7 percent protein is a reasonable minimum level of milk protein in mellorine. Therefore, the present final regulation for mellorine will continue to contain this minimum requirement of 2.7 percent protein (except 2.2 percent when bulky flavors are used).

5. *Declaration of dairy ingredients.* One objection, supported by six additional comments, and one request for a hearing concerned the proposed manner of declaring dairy ingredients. The contention was that the alternative requirement to list water first on the label might mislead the consumer into believing that water alone, rather than as a constituent of milk, is the principal ingredient of mellorine. It was suggested that a term such as "reconstituted skim milk" or "dairy products used may have been reconstituted" might be more appropriate.

The Commissioner provided an option as to the manner in which dairy ingredients could appear on the label. One method is to follow the requirements of § 101.4; the other is that sources of fat or nonfat milk solids may be declared in descending order of predominance by the use of all the terms "water, milkfat, and nonfat milk solids." The Commissioner has further reviewed this issue and concludes that since milk fat and nonfat milk solids are commonly understood to be the basic division of whole milk solids, it seems reasonable that when various forms of skim milk, milk, cream, or butter fat (as described in § 101.4(b) (3), (4), (8), and (9)) are used as the partial source of fat and the sole source of nonfat milk solids, the phrase "milkfat" and "nonfat milk" would be sufficient as the label declaration of such ingredients. Therefore, paragraph (e) of the mellorine standard under § 135.130 is revised accordingly. When other dairy ingredients, in various forms (e.g., liquid, condensed, or dried) such as buttermilk, whey, casein, caseinates, or modified whey products are used, they too must be declared in the ingredient statement. Such ingredients will be declared in accordance with 21 CFR Part 101.

6. *Fat content of mellorine.* Two objections, supported by six additional comments, and one request for a hearing pertained to the minimum fat levels of 6 percent of plain mellorine and 4.8 percent when bulky flavoring ingredients are used, in comparison to the minimum levels of 10 percent and 8 percent, respectively, in ice cream. It was stated that the lower fat levels allow mellorine a distinct competitive advantage over ice cream.

The Commissioner finds that these objections do not raise an issue of fact which warrants a hearing. He therefore maintains his previous position as expressed in the preamble to the July 25, 1974 mellorine final regulation that the minimum level of 6 percent fat (or, as appropriate, 4.8 percent) was established because most of the mellorine sold in this country contains about 6 percent fat. The Commissioner stated that he would not alter the 6 percent fat content minimum requirement in the absence of "technological, production, or consumer data" to support an increase. No such data were submitted with the objection. The grounds asserted for the objection, that the standard for mellorine would place ice cream at a competitive disadvantage, is not a relevant statutory criterion. Under section 401 of the act (21 U.S.C. 341), the Commissioner is to be guided by a concern for "honesty and fair dealing in the interest of the consumer."

The objection also asserted that it would be consistent with the Commissioner's policy in the imitation regulations under § 101.3(e) (21 CFR 101.3(e), formerly § 1.8(e), prior to recodification published in the FEDERAL REGISTER of March 15, 1977 (42 FR 14302)) to require

mellorine to have the same fat content as ice cream.

The Commissioner disagrees. Under the imitation regulations, the Commissioner will not regard a product as nutritionally inferior solely because of a reduction in the fat content of a food. In addition, for technological reasons, the maximum level of vegetable fat that can be used in mellorine before there is an adverse effect on the physical attributes of the food is about 8 percent. In contrast to additional levels of milk fat, vegetable fat does not add to the flavor of the food. Mellorine will be named and labeled as a product distinctive from both ice cream (at a minimum of 10 percent milk fat) and ice milk (which ranges from 2 to 7 percent milk fat).

7. *Polysorbate 65 and polysorbate 80.* A manufacturer of polysorbate 65 and polysorbate 80 filed an objection and requested a hearing: The regulations governing the use of polysorbate 65 and polysorbate 80 under §§ 172.838 and 172.840 (21 CFR 172.838 and 172.840, formerly §§ 121.1008 and 121.1009, prior to recodification published in the FEDERAL REGISTER of March 15, 1977 (42 FR 14302)) now provide that they may be used alone or in combination for the manufacture of ice cream, frozen custard, ice milk, fruit sherbet, and nonstandardized frozen desserts. The establishment of a standard of identity for mellorine without revising §§ 172.838 and 172.840 would preclude the use of either of these ingredients in mellorine.

The Commissioner advises that §§ 172.838 and 172.840 are currently being revised to provide for the specific use of polysorbate 65 and polysorbate 80, respectively, in mellorine.

It has been brought to the Commissioner's attention that there was a typographical error in the July 25, 1974 final regulation for mellorine: In § 135.130(a)(2) the protein efficiency ratio for whole milk protein incorrectly listed as 120 percent of casein is changed to 108 percent of casein. In addition, a comment on the standard of identity for frozen desserts indicated confusion about the requirement, found both in that standard and this one, that the food have a specified PER as determined by a certain method of analysis.

The Commissioner advises that the regulation requires food to meet the specified PER value, but it does not independently require use of the official method of analysis. The regulations specified an official method of analysis solely to provide an authoritative means of resolving uncertainties and disputes in questionable cases. The manufacturer need not incur the expense of using the official method of determining the PER value so long as he correctly determines that the food satisfies the PER value specified in the regulation as determined by the official method.

The final regulation for other frozen desserts published elsewhere in this issue of the FEDERAL REGISTER contains, under § 135.3, a definition for pasteurized mix applicable to the subject standard for mellorine. Therefore, paragraph (c) of § 135.130 is deleted and paragraphs (d), (e), and (f) are redesignated paragraphs (c), (d), and (e).

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 no objections raising substantial issues of fact requiring a hearing under section 701(e) of the act were received. Accordingly, the requests for a hearing on the objections are denied. Further, in accordance with the foregoing: *It is ordered*, That § 135.130 as promulgated in the FEDERAL REGISTER of July 25, 1974 (39 FR 27128) be revised to read as follows:

§ 135.130 Mellorine; identity; label statement of optional ingredients.

(a) *Description.* (1) Mellorine is a food produced by freezing, while stirring, a pasteurized mix consisting of safe and suitable ingredients including, but not limited to, milk-derived nonfat solids and animal or vegetable fat, or both, only part of which may be milkfat. Mellorine is sweetened with nutritive carbohydrate sweetener and is characterized by the addition of flavoring ingredients.

(2) Mellorine contains not less than 1.6 pounds of total solids to the gallon, and weighs not less than 4.5 pounds to the gallon. Mellorine contains not less than 6 percent fat and 2.7 percent protein having a protein efficiency ratio (PER) not less than that of whole milk protein (108 percent of casein) by weight of the food, exclusive of the weight of any bulky flavoring ingredients used. In no case shall the fat content of the finished food be less than 4.8 percent or the protein content be less than 2.2 percent. The protein to meet the minimum protein requirements shall be provided by milk solids, not fat and/or other milk-derived ingredients.

(3) When calculating the minimum amount of milkfat and protein required in the finished food, the solids of chocolate or cocoa used shall be considered a bulky flavoring ingredient. In order to make allowance for additional sweetening ingredients needed when certain bulky ingredients are used, the weight of chocolate or cocoa solids used may be multiplied by 2.5; the weight of fruit or nuts used may be multiplied by 1.4; and the weight of partially or wholly dried fruits or fruit juices may be multiplied by appropriate factors to obtain the original weights before drying and this weight may be multiplied by 1.4.

(b) *Fortification.* Vitamin A is present in a quantity which will ensure that 40 international units (IU) are available for each gram of fat in mellorine, within limits of good manufacturing practice.

(c) *Methods of analysis.* Fat and protein content, and the PER shall be determined by the following methods contained in the "Official Methods of Analysis of the Association of Official Analytical Chemists," 12th ed., 1975.[1]

(1) Fat content shall be determined by the method: "Fat, Roese-Gottlieb Method—Official Final Action," section 16.228.

(2) Protein content shall be determined by one of the following methods: "Nitrogen—Official Final Action," Kjeldahl Method, section 16.226, or Dye Binding Method, section 16.227.

(3) PER shall be determined by the method: "Biological Evaluation of Protein Quality-Official Final Action" sections 39.166-39.170.

(d) *Nomenclature.* The name of the food is "mellorine." The name of the food on the label shall be accompanied by a declaration indicating the presence of characterizing flavoring in the same manner as is specified in § 135.110(c).

(e) *Label declaration.* The common or usual name of each of the ingredients used shall be declared on the label as required by the applicable sections of Part 101 of this chapter, except that sources of milkfat or milk solids not fat may be declared, in descending order of predominance, either by the use of the terms "milkfat, and nonfat milk when one or any combination of two or more ingredients listed in § 101.4(b) (3), (4), (8), and (9) of this chapter are used, or alternatively as permitted in §101.4 of this chapter.

Effective date: Compliance with the regulation, including any labeling changes required, may have begun on September 23, 1974, and all products initially introduced into interstate commerce on or after July 1, 1979 shall fully comply.

(Secs. 401, 701(e), 52 Stat. 1046 as amended, 70 Stat. 919 as amended (21 U.S.C. 341, 371(e)).)

Dated: April 4, 1977.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.77-10625 Filed 4-11-77;8:45 am]

SUBCHAPTER D—DRUGS FOR HUMAN USE

[Docket No. 75N-0039]

PART 330—OVER-THE-COUNTER (OTC) HUMAN DRUGS WHICH ARE GENERALLY RECOGNIZED AS SAFE AND EFFECTIVE AND NOT MISBRANDED

Subpart B—Administrative Procedures

TESTING OF CATEGORY III ACTIVE INGREDIENTS

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: This regulation establishes the conditions under which an over-the-counter (OTC) drug classified in Cate-

[1] Copies may be obtained from: Association of Official Analytical Chemists, P.O. Box 540, Ben Franklin Station, Washington, D.C. 20044.

gory III (insufficient data to permit final classification at this time) may continue to be marketed pending development of data to support approval of the ingredient, labeling, or other condition as safe, effective, and not misbranded, through amendment of the applicable OTC drug monograph or approval of a new drug application (NDA). This order is based on a proposal issued in response to numerous requests for clarification of such conditions.

EFFECTIVE DATE: June 13, 1977.

FOR FURTHER INFORMATION CONTACT:

William D. Gilbertson, Bureau of Drugs (HFD–510), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301–443–4960.

SUPPLEMENTARY INFORMATION: The Commissioner of Food and Drugs proposed, in a notice published in the FEDERAL REGISTER of October 21, 1975 (40 FR 49097), to amend § 330.10 (21 CFR 330.10), the procedural regulations governing the OTC drug review project. Interested persons were invited to comment on the proposal by December 22, 1975.

In response to the proposal, comments were received from one trade association, six drug manufacturers, one consumer group, one citizen, and one pharmacy school. The comments on this proposal and the Commissioner's conclusions concerning them are as follows:

1. Several comments argued that permitting products with Category III conditions to remain on the market pending further testing is beyond the authority of the Food and Drug Administration (FDA). The comments contended that products that require further testing cannot be regarded as generally recognized as safe and effective, and so must be new drugs whose marketing cannot be allowed unless approval of an NDA has been obtained.

The establishment of Category III and the issues related to the status and treatment of products with conditions in that category have been discussed before. The Commissioner responded fully to comments suggesting deletion of Category III in connection with the proposed and final orders regarding procedures for classification of OTC drugs published in the FEDERAL REGISTER of January 5, 1972 (37 FR 85) and May 11, 1972 (37 FR 9464).

As stated in paragraph 72 at page 9470 of the May 11, 1972 regulation, the OTC drug review is intended to identify not only those drugs that are generally recognized as safe and effective, but also those that are not generally recognized as safe and effective, and those that require further testing before a determination of general recognition of safety and effectiveness may be made.

One of the comments cited the Supreme Court's holding in *Weinberger* v. *Hynson, Westcott & Dunning, Inc.*, 412 U.S. 609 (1973), as supporting the proposition that permitting the marketing of drugs in Category III is contrary to the Federal Food, Drug, and Cosmetic Act (hereafter "the act"). However, the comment failed to cite *Weinberger* v. *Bentex Pharmaceuticals, Inc.*, 412 U.S. 645 (1973), a companion case handed down the same day. That case recognized the agency's primary jurisdiction "for determining whether particular OTC products, not covered by NDA's are safe products, not ineffective, and not misbranded," and specifically endorsed the OTC drug review as an appropriate administrative process (412 U.S. at 650). The Court then noted that the types of complex chemical and pharmacological determinations required for an extensive review of the safety and effectiveness of ingredients and combinations of ingredients should be left to the agency that has the requisite expertise (412 U.S. 653–654). Although the Court did not expressly address the status of drugs not found to be generally recognized as safe and effective on the basis of existing data, it is implicit in its decision that the primary jurisdiction of FDA includes the discretion to distinguish between drugs that are not generally recognized as safe and effective (Category II) and those that may be generally recognized as safe and effective if additional testing is conducted (Category III), and to permit continued marketing of products in the latter category pending the results of necessary investigations.

The Commissioner also notes that, contrary to the assertion of the same comment, Judge Bryant's order filed on October 11, 1972 pursuant to his decision in *American Public Health Association* v. *Veneman*, 349 F. Supp. 1311, 1315 (D.D.C. 1972), explicitly recognized that OTC drugs could be reviewed and handled pursuant to the procedure established in the May 11, 1972 regulation. The court acknowledged the OTC drug review process and specifically exempted drugs in the OTC drug review from its order requiring the agency to take action on National Academy of Sciences/National Research Council (NAS/NRC) drug reports. Category III has been an integral part of the OTC drug review from the outset, and it is unrealistic to assume that the court was not aware of the purpose and effect of Category III when it issued its order.

The Commissioner concludes that Category III classification of ingredients, claims, or combinations does not automatically confer "new drug" status, as suggested in these comments. This review is a massive consolidation and upgrading of knowledge concerning hundreds of thousands of OTC products, some of which have been sold in the United States for more than 100 years. The statute cannot reasonably be interpreted as mandating the impractical result of classifying every ingredient, claim, or combination associated with these products as "new" or "old" with no time permitted to refine the data base on which such a decision must be made. It is well within the agency's rule making authority to establish an orderly administrative process by which older products that may have been marketed for years without evaluation can continue to be marketed while they are evaluated in terms of modern scientific and technical methodology to determine whether or not they are in fact generally recognized by experts as safe and effective under their intended conditions of use.

The Commissioner emphasizes that if a serious safety question respecting an ingredient is identified, the agency will take action to remove the ingredient from the marketplace. This may occur following the orderly OTC drug review process or, if serious safety questions arise, on a much more expedited basis such as occurred with the recommendation of the OTC antimicrobial panel to remove both hexachlorophene and tribromsalan from the OTC marketplace before publication of a final monograph.

2. One comment urged that testing should begin immediately after an ingredient, claim, or combination is classified in Category III.

It is unclear whether the comment would have testing begin as soon as an advisory panel report and proposed monograph are issued or at a later date, e.g., when a final OTC drug monograph is promulgated.

A requirement that Category III testing begin on the date of publication of the panel report and proposed monograph would bypass agency review of an advisory panel's recommendations, thus compromising the due process principles upon which the OTC drug review is founded.

The Commissioner concludes that Category III testing should not be required until after completion of the established OTC administrative procedures, i.e., agency review of the advisory panel report, recommendation, and proposed monograph; the tentative final monograph; and the final monograph. Opportunity for public review and comment is provided at each stage, and the content of Category III is thus not fixed until publication of the final monograph.

Requiring that testing begin for Category III conditions immediately upon publication of a final monograph could in many cases be wasteful and disruptive. A reasonable time should be provided in which firms can elect between testing an ingredient or claim in Category III or removing the Category III condition by reformulation and/or relabeling in compliance with the final monograph.

The Commissioner concludes that, although testing should commence expeditiously after publication of the final monograph, a requirement that testing begin immediately is unnecessary and unsound.

The Commissioner notes that testing of Category III claims by manufacturers has often voluntarily preceded issuance of final OTC drug monographs and has frequently been undertaken during the period of panel deliberations. The Commissioner is encouraged by such voluntary actions on the part of drug manufacturers.

3. One comment asked if the Commissioner should not merely invoke the provisions of section 503(b) of the act (21 U.S.C. 353(b)) when a drug has been found, at the conclusion of Category III testing, to be generally recognized as safe and effective for prescription use but not for OTC use. The comment also stated that the proposed regulation did not distinguish between drugs placed in Category III because of insufficient evidence of safety for OTC use and those placed in Category III because of insufficient evidence to establish that they are generally recognized as safe and effective.

The Commissioner advises that classification of an ingredient in Category III represents a determination that an ingredient is capable of being shown to be generally recognized as safe and effective under the specific condition of OTC use. The data yielded by Category III testing may demonstrate that the ingredient is generally so recognized, and, if it does, the ingredient will be classified in Category I upon submission and approval of a proposed amendment to the monograph.

The data may indicate, however, that the ingredient does not meet the criteria for general recognition of safety and effectiveness, but that products containing the ingredient may appropriately be marketed as new drugs for OTC use. Such would be the case when the data, while demonstrating the safety and effectiveness of an ingredient do not establish that such safety and effectiveness have achieved general recognition, but also do not establish that the ingredient poses the kind or degree of risk that requires limitation to prescription sale.

If the data from Category III testing, or from reports of actual experience with drugs, reveal the kind or degree of risk that requires products containing the ingredient to be limited to prescription sale, then the ingredient cannot be regarded as generally recognized as safe and effective for OTC use. In such a case, the Commissioner may invoke the provisions of section 503(b) of the act to limit the drug to prescription use. If the data also establish that the ingredient cannot be regarded as generally recognized as safe and effective for prescription use, the Commissioner may require that drugs containing the ingredient be subject to regulation as new drugs as well.

The Commissioner emphasizes that, although panels may appropriately consider questions of safety of ingredients for OTC as opposed to prescription availability, and comment may be requested on those questions in OTC rule making proceedings, the primary purpose of the OTC drug review is to determine which ingredients are generally recognized as safe and effective for OTC use. An ingredient that cannot be so classified must be dealt with pursuant to other regulatory mechanisms as the Commissioner deems appropriate in any particular case. Although the results of Category III testing of an ingredient that cannot be classified in Category I would be relevant to the manner in which the Commissioner exercises his authority, it does not follow that these results would permit the status of every such ingredient to be readily resolved as a byproduct of the OTC drug review.

4. One comment requested clarification of what is meant by "old drug monograph."

A more precise term is "OTC drug monograph," which will be used hereafter in the context of the OTC drug review. An OTC drug monograph is a drug class standard under which products can be marketed without preclearance by the agency and still meet the requirements for safety, effectiveness, and adequate directions for use as required by the act. Thus, an OTC drug monograph provides for assuring the safety and effectiveness of OTC drugs by means other than the extensive and exhaustive product-by-product review, as in the preclearance procedures of the NDA process.

5. Several comments evidenced confusion about the procedure for obtaining Category I classification of a Category III condition.

The Commissioner advises that the procedure involves submission of a petition to the agency for a proposal to amend the applicable OTC drug monograph to include the condition in question. The petition should be in the form of a citizen petition, as described in § 10.30 (21 CFR 10.30) (formerly § 2.7, prior to recodification published in the FEDERAL REGISTER of March 22, 1977 (42 FR 15553)) of the FDA Administrative Practices and Procedures published in the FEDERAL REGISTER of January 25, 1977 (42 FR 4680). The statement of grounds should include, or refer to, all Category III testing data, including negative findings. The Commissioner will evaluate the petition and determine whether to grant or deny it. If he denies it, the petitioner may seek review of the denial in a proper court. If he grants the petition, the Commissioner will publish in the FEDERAL REGISTER a proposal to amend the applicable OTC drug monograph. Thereafter, he will allow an opportunity for public comment on the proposed amendment for 60 days, followed by publication of a final amendment. In lieu of, or in addition to, submitting a petition to amend an OTC drug monograph to include the Category III condition, a manufacturer may submit an NDA.

The Commissioner notes that the procedures in § 330.10(a)(12) for a petition to amend an OTC drug monograph were first proposed to be modified in the FDA proposed Administrative Practices and Procedures published in the FEDERAL REGISTER of September 3, 1975 (40 FR 40682). No comments were received on either proposal, and this final regulation incorporates both the September 1975 and the October 1975 proposals. This change, applicable only to monograph amendments, provided for deletion of the tentative final monograph and oral hearing stages of the present OTC procedures which were thought to be unnecessarily burdensome to effect a change in an already established monograph. Thus, OTC monographs would be amended in the same manner as other regulations, i.e., through publication of a proposal, time for comment, followed by publication of the final order. The Commissioner has further revised § 330.10(a)(12) to clarify this administrative process.

6. Several comments regarding proposed § 330.10(a)(12)(ii) stated that it would be duplicative, wasteful, and burdensome to small manufacturers to require that each manufacturer undertake testing or have it undertaken on his behalf as a condition for the continued marketing of his products with Category III conditions during the testing period specified in the monograph.

The Commissioner agrees with these comments and is modifying the testing requirements, which have now been moved to new § 330.10(a)(13), to provide that all manufacturers' products with Category III conditions may continue to be marketed during the period specified in the final report for Category III testing provided the number of studies specified in the applicable testing guidelines are undertaken to demonstrate that such conditions are generally recognized as safe and effective and not misbranded, as the case may be, even though such studies are not conducted by every manufacturer.

The Commissioner concludes that to require each firm to undertake testing would not be in the public interest because it would result in repetitive and unnecessary human experimentation and because it would be wasteful, not only of the money spent for the tests, but also of the time spent by the limited number of clinical investigators available to perform such tests. He further concludes that the testing required in the proposal would be duplicative, wasteful, and burdensome not only to small manufacturers but also to large ones, especially those firms that have numerous products with a Category III ingredient or claim.

Classification of an ingredient or claim in Category III represents a preliminary determination that general recognition of safety and effectiveness can be shown with further testing. Whether such general recognition exists depends on the demonstration of scientific facts by reliable studies. What is important, therefore, is that the required number of studies be performed, not that they be duplicated by each manufacturer that markets a product with a Category III condition. This has been the approach consistently taken with respect to classification of products in Category I; i.e., if sufficient data exist to justify a finding that an ingredient or claim is generally recognized as safe and effective and not misbranded (Category I), all products containing that ingredient or making that claim are regarded as generally so recognized even though the data were not developed specifically in relation to, or by manufacturers of, those products. Accordingly, if data from reliable studies, or from one study if only one study is required in the testing guidelines, demonstrate that an ingredient or claim is generally recognized as safe

and effective and not misbranded, the agency may properly grant a petition to amend the applicable OTC drug monograph regardless of whether such data were generated by one manufacturer, by more than one, or by all. The extent of additional testing required to reclassify an ingredient from Category III to Category I (i.e., one study or more than one study) will be specified in the applicable testing guidelines.

Since each firm is not required to undertake a study, the Commissioner encourages firms to cooperate and work with each other in arranging for the necessary study or studies. If more than one study is required, it is not necessary that they be sponsored by the same person, firm, or other organization.

In addition, the Commissioner urges that trade associations work with firms to see that the necessary study or studies are conducted. In fact, a study may be sponsored by a trade association. It is only as a result of such cooperation that unnecessary and repetitive human testing will be avoided.

7. Several comments suggested that a mechanism be provided for ensuring that each manufacturer of a product with a Category III condition does in fact undertake meaningful testing. The proposed regulation required that manufacturers furnish proof of such testing to FDA upon request. The comments contended that this approach is not adequate and suggested that the agency require submission of protocols and periodic progress reports.

The Commissioner agrees that a suitable mechanism must exist for the agency to determine that Category III testing is being performed. However, for the agency, which has limited resources and tight budget constraints, to require the submission of protocols and periodic progress reports for each ingredient and claim to be tested would seriously hinder its ability to discharge other commitments important to the public health. The Commissioner has concluded that a more practical approach is to require notification that the appropriate testing for each Category III ingredient or claim is planned, and subsequent notification that it has, in fact, been initiated.

Each person, group of persons, or trade association that plans to sponsor a study shall submit a Category III notification statement in quintuplicate to the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, Md. 20857. This notification shall be submitted within 60 days after the date of publication of the final monograph. Each statement shall contain: (a) name and address of sponsoring agent (manufacturer, distributor, supplier, trade association, etc.) responsible for assuring that testing is undertaken, (b) name and address of each person directly responsible for monitoring the studies, (c) each Category III condition being tested in the manner suggested in the applicable final regulation for that class of drugs, and (d) the anticipated date that testing will be initiated, which shall be prior to the date after which a product with a Category II condition may no longer be shipped in interstate commerce. Upon written request or notice in the FEDERAL REGISTER, the sponsoring agent shall furnish to the Food and Drug Administration evidence of the type of testing being performed, e.g., in vitro, animal, human, survey or other, and/or other information and data appropriate to the testing being conducted.

As soon as possible after the date that the Category III notification statements are due, a notice will be published in the FEDERAL REGISTER indicating (1) each Category III ingredient or claim for which notification has been received that the number of studies specified in the applicable testing guidelines are being conducted, and (2) each Category III ingredient or claim for which no notification has been received that the required number of studies are being conducted. The notice will place in Category II those claims or ingredients for which no notification that the required number of studies are being conducted has been received, and indicate the date when products containing such ingredients or claims may no longer be shipped in interstate commerce. Products containing ingredients or claims for which studies are being performed may be marketed by anyone, including a new manufacturer during the testing period.

In addition to submitting the Category III notification statement, each sponsor of a study will be required to submit a supplement to the notice indicating the date testing was begun. This supplement must be submitted within 10 days of the initiation of the testing and must also be submitted prior to the date after which a product with a Category II condition may no longer be shipped in interstate commerce. If within that time period the agency does not receive notification that studies have been initiated, the result will be reclassification of the ingredient or claim from Category III to Category II.

Instead of placing the requirements for testing Category III conditions under the hearing "Amendment of monographs," as in the proposal, the Commissioner has placed these requirements in new § 330.10(a)(13), with the heading "Testing of Category III conditions." This new paragraph embraces the requirements discussed in the replies to comments 6 and 7. The Commissioner is also reversing the order of the provisions in proposed paragraph (a)(12) relating to submission of petitions to amend an OTC drug monograph and submission of a new drug application.

8. A comment suggested that additional manufacturers, other than those with affected products already on the market, may desire to initiate marketing of products with Category III ingredients, claims, or combinations while the required testing is conducted.

The Commissioner finds that it would be unreasonable and unenforceable to bar initial marketing of such products where other products with the same Category III ingredients, claims, or combinations are presently on the market. Therefore, as indicated previously, new manufacturers may introduce products containing a Category III ingredient or claim as long as the agency has been notified that studies are being conducted to reclassify such ingredient or claim in Category I. The new manufacturer would not have to conduct any testing to upgrade the Category III claim or ingredient in order to market the product.

9. One comment noted that the proposed regulation specifies that Category III testing must be initiated, either by the marketer or on his behalf, prior to the date after which a product with an ingredient, claim, or combination subject to Category II may no longer be shipped in interstate commerce. It was urged that the agency be flexible in applying the cutoff date for initiation of Category III testing.

The Commissioner has concluded that because of the need for uniform labeling in the marketplace, the desirability of expediting the transition of relabeled and reformulated products, and because adequate time has been provided for the transition, the effective dates specified in OTC drug monographs will be rigidly enforced.

10. In another comment, it was noted that provision has been made for FDA to handle an NDA as a petition for amendment of a monograph under certain conditions, but that there is no provision for a firm to convert a petition to amend a monograph to an NDA. Implicit in this comment is the understanding that documents submitted either as petitions to amend a monograph or as NDA's may be recharacterized by the agency and that such a recharacterization yields entirely different administrative results: the petition process is completely open and public and is intended to produce a monograph amendment under which an ingredient, claim, or combination is considered generally recognized as safe and effective, and therefore may be marketed by anyone; the NDA process, however, is largely confidential and results in private licensure for manufacture of products subject to approved NDA's.

The Commissioner concludes that, if a manufacturer wishes his petition for amendment of a monograph to be reconsidered as an NDA, he may convert his petition to an NDA as if it had never been filed as a petition. However, during the Category III testing period, the manufacturer may not market his product with any ingredient, claim, or combination that is the subject of the NDA until after approval of the NDA is obtained.

The Commissioner wishes to make clear that he will view with some reservation attempts to submit an NDA for a product with a Category III ingredient, claim, or combination. Classification of an ingredient, claim, or combination in Category III represents a preliminary determination that it is capable, with further testing, of being regarded as generally recognized as safe and effective and may then be marketed by any person, subject to the terms of the applicable monograph (as amended). An NDA is a private license. It may properly be sought

only for an ingredient, claim, or combination that is not, and, even with additional testing, is unlikely to be, generally recognized as safe and effective. It will therefore be inappropriate in most cases for a product with a Category III condition to be the subject of an NDA for the condition so classified. If the Commissioner concludes that the ingredient, claim, or combination in question is not generally recognized as safe and effective, and is unlikely to achieve such status on the basis of further testing, he will not classify it in Category III, but in Category II.

Consistent with the basis for Category III classification (that general recognition of safety and effectiveness can be shown) and with the purpose of Category III testing (to establish the existence of such general recognition with a view to petitioning the Commissioner to amend the applicable OTC drug monograph), the Commissioner concludes that all data and information accompanying a petition to amend a monograph to include a Category III condition will be publicly available upon receipt of the petition. Unlike safety and effectiveness for a product for which an NDA is sought, general recognition of safety and effectiveness for a Category III product subject to a petition to amend must be based on data and information that are in the public domain and therefore available to the community of experts, without restriction. Confidentiality of data relating to safety and effectiveness is incompatible with Category III status, which looks toward establishment of general recognition of such safety and effectiveness. The Commissioner believes that, as a practical matter, little, if any, "proprietary" information will be generated in the course of carrying out Category III testing guidelines, which will usually be quite specific. Whether such information is generated or not, however, the Commissioner concludes that general recognition of safety and effectiveness cannot, as a definitional matter, be shown by reference to confidential material (see *Weinberger* v. *Hynson, Westcott and Dunning, Inc.*, 412 U.S. 609, 632 (1973); *Weinberger* v. *Bentex Pharmaceuticals, Inc.*, 412 U.S. 645, 652 (1973)) and, therefore, that all data and information submitted with a petition to amend a monograph to include a condition previously classified in Category III will become publicly available when the petition is received.

11. A comment suggested that the criteria governing the choice between submission of an NDA or a petition would appear to be improper. Under the proposal, a manufacturer may submit an NDA in lieu of a petition if he has not marketed the ingredient, claim, or combination during the interim marketing period for products with Category III conditions; if he has conducted all clinical testing pursuant to an NDA plan; and if he has undertaken no marketing prior to approval of the NDA. The comment stated that the correct standard for determining when data should be submitted as part of an NDA rather than in a petition to amend a monograph is, instead, whether the data establish only actual safety and effectiveness rather than general recognition of safety and effectiveness.

The Commissioner concludes that the submitting firm may appropriately make the initial decision whether to petition to amend the monograph or, instead, submit an NDA. The firm's decision is not binding on the Commissioner, who will determine whether the submission establishes general recognition and, therefore, should be in the form a petition to amend the monograph, or whether general recognition is not established by the submission, in which case the submission should be in the form of an NDA. Should testing indicate that general recognition cannot be established as originally thought, the Commissioner believes it fair and reasonable to allow a submitting firm to change its submission from a petition to an NDA. Therefore, no change has been made in the criteria governing the choice between submission of an NDA or a petition.

12. There was comment that the requirement for submitting petitions to amend a monograph prior to 60 days before the end of the period for Category III testing would unduly shorten the time period allowed for testing.

The Commissioner believes that the OTC drug review procedures provide ample time for Category III testing. Also, it is not necessary to wait for issuance of the final monograph to start such testing. The intent and design of the review process is to encourage changes in formulations and labeling, and initiation of testing, on a current and continuing basis. The Commissioner has determined that agency testing guidelines will most likely be finalized at the tentative final monograph stage to assist manufacturers who wish to voluntarily begin testing to do so as soon as possible.

The Commissioner concludes that requiring submission of amendment petitions and supporting data prior to 60 days before the expiration date of the period permitted for testing of Category III conditions is reasonable. The time is needed to permit the agency preliminarily to review the information submitted and reject patently deficient data If it appears that more time should be allowed than is provided for Category III testing in a particular advisory panel report, this should be suggested in comments to the proposed and tentative final monograph. In addition, the agency will consider requests for extensions of time. Such a request should generally not be submitted until approximately 6 months prior to the expiration date of the testing period provided; earlier requests would necessarily be based on speculation about how expeditiously the testing can be accomplished.

The Commissioner notes that the terms Category I, Category II, and Category III are used throughout this document. To fully clarify the meaning of these terms, the Commissioner has decided to amend the appropriate paragraphs of § 330.10 to refer to these terms expressly.

Therefore, under the Federal Food, Drug, and Cosmetic Act (Secs. 201, 502, 505, 701(a), 52 Stat. 1040–1042 as amended, 1050–1053 as amended, 1055 (21 U.S.C. 321, 352, 355, 371(a))) and under the authority delegated to the Commissioner (21 CFR 5.1) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)), § 330.10 is amended by revising paragraphs (a)(5)(i), (ii), and (iii) and (6)(i), (ii), and (iii), and (12); and by adding new paragraph (a)(13) to read as follows:

§ 330.10 Procedures for classifying OTC drugs as generally recognized as safe and effective and as not misbranded, and for establishing monographs.

* * * * *

(a) * * *

(5) * * *

(i) A recommended monograph or monographs covering the category of OTC drugs and establishing conditions under which the drugs involved are generally recognized as safe and effective and not misbranded (Category I). This monograph may include any conditions relating to active ingredients, labeling indications, warnings and adequate directions for use, prescription or OTC status, and any other conditions necessary and appropriate for the safety and effectiveness of drugs covered by the monograph.

(ii) A statement of all active ingredients, labeling claims or other statements, or other conditions reviewed and excluded from the monograph on the basis of the panel's determination that they would result in the drug's not being generally recognized as safe and effective or would result in misbranding (Category II).

(iii) A statement of all active ingredients, labeling claims or other statements, or other conditions reviewed and excluded from the monograph on the basis of the panel's determination that the available data are insufficient to classify such condition under either paragraph (a)(5)(i) or (ii) of this section and for which further testing is therefore required (Category III). The report may recommend the type of further testing required and the time period within which it might reasonably be concluded.

(6) * * *

(i) A monograph or monographs establishing conditions under which a category of OTC drugs is generally recognized as safe and effective and not misbranded (Category I).

(ii) A statement of the conditions excluded from the monograph on the basis of the Commissioner's determination that they would result in the drug's not being generally recognized as safe and effective or would result in misbranding (Category II).

(iii) A statement of the conditions excluded from the monograph on the basis of the Commissioner's determination that the available data are insufficient to classify such conditions under either paragraph (a)(6)(i) or (ii) of this section (Category III).

* * * * *

(12) *Amendment of monographs.* The Commissioner may propose on his own initiative to amend or repeal any monograph established pursuant to this section. Any interested person may petition the Commissioner for such proposal pursuant to § 10.30 of this chapter. The Commissioner may deny the petition if he finds a lack of safety or effectiveness employing the standards in paragraph (a)(4) of this section (in which case the appeal provisions of paragraph (a)(11) of this section shall apply), or he may publish a proposed amendment or repeal in the FEDERAL REGISTER if he finds general recognition of safety and effectiveness employing the standards in paragraph (a)(4) of this section. Any interested person may, within 60 days after publication of the proposed order in the FEDERAL REGISTER, file with the Hearing Clerk, Food and Drug Administration, written comments in quintuplicate. Comments may be accompanied by a memorandum or brief in support thereof. All comments may be reviewed in the office of the Hearing Clerk between the hours of 9 a.m. and 4 p.m., Monday through Friday. After reviewing the comments, the Commissioner shall publish a final order amending the monograph established under the provisions of paragraph (a)(9) of this section or withdraw the proposal if comments opposing the amendment are persuasive. A new drug application may be submitted in lieu of, or in addition to, a petition under this paragraph.

(i) A petition to amend the applicable OTC drug monograph to include a condition subject to paragraph (a)(6)(iii) (Category III) of this section shall be submitted prior to 60 days before the expiration date for such condition. The petition shall include all Category III testing data, including negative findings, relating to the condition that is the subject of the amendment. If a petition is received that includes data from studies undertaken pursuant to paragraph (a)(13) of this section, marketing of all drug products with that condition may thereafter continue unless and until the petition is disapproved or until the Commissioner, as a result of the procedures in this paragraph, determines that the condition should be classified in Category II. The Food and Drug Administration shall handle a petition for amendment of an OTC drug monograph as a new drug application, and shall review it on that basis, if the provisions of this paragraph preclude granting such a petition but permit approval of a new drug application. However, until the agency determines whether or not an approved new drug application can issue, the data submitted will be considered as a petition for amendment of an OTC drug monograph, and marketing may be continued.

(ii) A new drug application may be submitted in lieu of a petition to amend the OTC drug monograph only if the drug product with the condition that is the subject of the new drug application has not been marketed on an interim basis (such as under the provisions of paragraph (a)(6)(iii) (Category III) of this section), all clinical testing has been conducted pursuant to a new drug application plan, and no marketing of the product with the condition for which approval is sought is undertaken prior to approval of the new drug application. The Food and Drug Administration shall handle a new drug application as a petition for amendment of a monograph, and shall review it on that basis, if the provisions of this paragraph preclude approval of a new drug application but permit the granting of such a petition.

(13) *Testing of Category III conditions.* (i) After publication of the final monograph, any product with a condition (e.g., ingredient, labeling claim, combination of ingredients) subject to paragraph (a)(6)(iii) (Category III) of this section may remain on the market, or may be introduced into the market, provided that the Food and Drug Administration receives notification that the number of studies specified in the applicable testing guidelines will be undertaken to obtain the data necessary to resolve the issues that resulted in such classification.

(ii) Such notification shall be submitted to the Food and Drug Administration by each sponsor of a study within 60 days after the date of publication of the final monograph. A sponsor may be a person, a firm, a group of firms, or a trade association.

(iii) Such notification shall be in the form of a Category III Notification Statement and shall be submitted in quintuplicate to the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, Md. 20857. A Category III Notification Statement shall contain: (*a*) name and address of the sponsor of the study, (*b*) name and address of each person directly responsible for monitoring the study, (*c*) each Category III condition being tested in the manner suggested in the applicable final regulation for that class of drugs, and (*d*) the anticipated date that testing will be initiated, which shall be prior to the date after which a product with a condition subject to paragraph (a)(6)(ii) (Category II) of this section may no longer be shipped in interstate commerce.

(iv) A copy of each Category III Notification Statement shall be maintained in a permanent file for public review in the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, Md. 20857. Upon written request or notice in the FEDERAL REGISTER, the manufacturer or distributor shall furnish to the Food and Drug Administration evidence of the type of test being performed (e.g., in vitro, animal, human, survey, or other), and/or other information and data appropriate to the testing being conducted.

(v) As soon as possible after the date for submitting a Category III Notification Statement, the Food and Drug Administration will issue in the FEDERAL REGISTER a notice listing each Category III condition for which notification statements have been filed stating that the required studies will be undertaken. Such notice shall also list each Category III condition for which the required number of notification statements have not been received and shall place these conditions in Category II, indicating the date when products containing such conditions may no longer be shipped in interstate commerce.

(vi) Within 10 days of initiating the study, which shall be prior to the date after which a product with a condition subject to paragraph (a)(6)(ii) (Category II) of this section may no longer be shipped in interstate commerce, each sponsor shall submit a supplement to his notification statement indicating the exact date testing was initiated. Such supplement shall be submitted in quintuplicate to the same address as the notification statement. The failure of the agency to receive within such time period notification that the required studies have been initiated shall result forthwith in publication of a notice in the FEDERAL REGISTER reclassifying the condition from Category III to Category II.

(vii) A sponsor of a study is responsible for advising the Food and Drug Administration of the termination of such study. If the Commissioner determines, on the basis of his own inquiries or from advice received from sponsors of studies, that the required studies are no longer being carried out, he shall forthwith issue in the FEDERAL REGISTER a notice reclassifying the condition from Category III to Category II.

Effective date. This regulation shall be effective on June 13, 1977.

(Secs. 201, 502, 505, 701(a), 52 Stat. 1040-1042 as amended, 1055 (21 U.S.C. 351, 352, 355, 371(a)).)

Dated: April 2, 1977.

SHERWIN GARDNER,
Acting Commissioner of Food and Drugs.

[FR Doc.77-10601 Filed 4-11-77;8:45 am]

[Docket No. 77N-0032]

PART 430—ANTIBIOTIC DRUGS—GENERAL

PART 601—LICENSING

Recodification Editorial Amendments; Correction

AGENCY: Food and Drug Administration, HEW.

ACTION: Correction.

SUMMARY: This document corrects a final rule that appeared at page 15673 in the FEDERAL REGISTER of Tuesday, March 22, 1977 (FR Doc. 77-7952).

EFFECTIVE DATE: April 12, 1977.

FOR FURTHER INFORMATION CONTACT:

John Richards, 202-443-2994.

The following corrections are made:

1. On page 15675, left column, § 430.20 is corrected in paragraph (b)(2) by changing "12.5(c)" to read "12.20(c)."

2. On page 15676, left column, § 601.4 (b) is corrected by changing "§ 12.20(b)" to read "§ 12.21(b)."

3. On page 15676, left column, § 601.5 (b) is corrected by changing "§ 12.20(b)" to read "§ 12.21(b)."

4. On page 15676, left column, § 601.7 is corrected in paragraph (a) by changing "§ 12.20(b)" to read "§ 12.21(b)."

Dated: April 4, 1977.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.77-10607 Filed 4-11-77;8:45 am]

SUBCHAPTER E—ANIMAL DRUGS, FEEDS, AND RELATED PRODUCTS

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

Nitrofurantoin Oral Suspension

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) approves a supplemental new animal drug application (NADA 12-291V) filed by Eaton Veterinary Laboratories, Division of Morton-Norwich Products, Inc., Norwich, NY 13815, providing additional safety information and proposing revised labeling for the safe and effective use of nitrofurantoin oral suspension for treating dogs, cats, and horses.

EFFECTIVE DATE: April 12, 1977.

FOR FURTHER INFORMATION CONTACT:

Robert A. Baldwin, Bureau of Veterinary Medicine (HFV-114), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3420.

SUPPLEMENTARY INFORMATION: The Commissioner of Food and Drugs is amending Part 520 (21 CFR Part 520) to reflect this approval. The original application, approved before the new animal drug amendments of 1968, was the subject of a National Academy of Science-National Research Council Drug Efficacy Study Review (NAS/NRC DESI 12-291V), published in the FEDERAL REGISTER of August 12, 1970 (35 FR 12792). The Academy evaluated this product as probably effective in the treatment of equine tracheopharyngitis, canine tracheobronchitis, and bacterial infections of the urinary tract in dogs, cats, and horses. The review stated:

1. Additional information on safety is needed as the recommended dosage of 2 milligrams of drug per pound of body weight every 8 hours, has been known to produce vomiting and central nervous system depression in small animals—the warning statements on the labeling should include the possibility of vomiting; and

2. Each disease claim should be properly qualified as appropriate for use in (name of disease) caused by pathogens sensitive to (name of drug), and if the disease claim cannot be so qualified, the claim must be dropped.

The firm responded by presenting additional safety data and revised labeling to support the conditions of use that are deemed as effective based upon review by the Academy and FDA. Those conditions of use are identified by a footnote in this regulation. In addition, issues pertinent to the withdrawal of other nitrofuran products for use in food-producing animals have been duly considered regarding any potential bearing that those actions might have upon evaluation and approval of this application. A review of relevant files and information submitted with this application reveals nothing to indicate that actions concerning similar applications should deter approval of this product. Submission of similar applications, including the same conditions of use that are identified by the footnote in the regulation below, need not include data required by § 514.111 (21 CFR 514.111) to establish efficacy of the drug for those usages, but such a submission requires bioequivalency and safety data.

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

Therefore, under the Federal Food, Drug, and Cosmetic Act (Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner (21 CFR 5.1), Part 520 is amended by adding new §§ 520.1560 and 520.1560a to read as follows:

§ 520.1560 Nitrofurantoin ora dosage forms.

§ 520.1560a Nitrofurantoin oral suspension.

(a) *Specifications.* Each milliliter contains 15 milligrams of nitrofurantoin in a 10 percent alcoholic suspending medium.

(b) *Sponsor.* See No. 000035 in § 510.600(c) of this chapter.

(c) *Conditions of use*—(1) *Dogs and cats.* 1 milliliter (15 milligrams nitrofurantoin) for each 7½ pounds of body weight every 8 hours.

(i) *Indications for use.* For the treatment of canine tracheobronchitis (kennel cough) complicated by secondary bacterial infection and bacterial urinary infections due to nitrofurantoin-susceptible organisms.[1]

(ii) *Limitations.* For tracheobronchitis, administer for 4 to 7 days. For acute urinary tract infections, administer for 7 to 10 days. For chronic urinary tract infections, administer for 10 to 14 days. When laboratory tests are available, administer for 3 days after sterility of urine is attained. In treating dogs and cats, emesis has been reported. To minimize the effect, administer the drug with food or reduce dosage. In the presence of marked impairment of renal function, administer with care. Safe dosage may be less than that usually recommended. When used for extended periods of time, the drug may cause temporary arrest of spermatogenesis, testicular atrophy, and a corresponding weight loss. This is reversible with withdrawal of the drug. In cases where therapy in excess of 5 days is indicated, appropriate laboratory procedures (clinical chemistry, urinalyses hematology) should be undertaken to monitor the progress of the patient. Federal law restricts this drug to use by or on the order of a licensed veterinarian.

(2) *Horses.* 30 milliliters (450 milligrams nitrofurantoin) for each 225 pounds of body weight initially, then 15 milliliters (225 milligrams) every 8 hours.

(i) *Indications for use.* For the treatment of equine tracheopharyngitis (race track cough) caused by secondary bacterial infection, such as streptococci and *Pseudomonas spp.*, urinary tract infections caused by hemolytic streptococci and staphylococci, and *Pseudomonas spp.*, sensitive to nitrofurantoin.[1]

(ii) *Limitations.* For tracheopharyngitis, administer for 5 days. For bacterial urinary infections, administer for 7 days. When laboratory tests are available, administer for 3 days after sterility of urine is attained. In the presence of marked impairment of renal function, administer with care. Safe dosage may be less than that usually recommended. When used for extended periods of time, the drug may cause temporary arrest of spermatogenesis, testicular atrophy, and a corresponding weight loss. This is reversible with withdrawal of drug. In cases where therapy in excess of 5 days is indicated, appropriate laboratory procedures (clinical chemistry, urine analysis, hematology) should be undertaken to monitor the progress of the patient. Not for use in horses intended for food. Federal law restricts this drug to use by or on the order of a licensed veterinarian.

Effective date: This regulation shall be effective on April 12, 1977.

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

Dated: April 4, 1977.

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

[FR Doc.77-10596 Filed 4-11-77;8:45 am]

[1] These conditions are NAS/NRC reviewed and deemed effective. Applications for these uses need not include effectiveness data as specified by § 514.111 of this chapter.

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Monensin

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: Supplemental new animal drug application (NADA 95-735V) for a new premix containing 60 grams of monensin per pound of premix, filed by Elanco Products Co., Division of Eli

Lilly and Co., P.O. Box 1750, Indianapolis, IN 46206, is approved by FDA. The premix is intended for the subsequent manufacture of finished cattle feeds containing 5 to 30 grams of monensin per ton of finished feed. The finished feed has previously been shown to be safe and effective.

EFFECTIVE DATES: The approval is effective April 12, 1977.

FOR FURTHER INFORMATION CONTACT:

William Price, Bureau of Veterinary Medicine (HFV-123), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3442.

SUPPLEMENTARY INFORMATION: The Commissioner of Food and Drugs is amending § 558.355 (21 CFR 558.355) to reflect this approval.

Approval of this application has not required a reevaluation of the parent NADA and does not constitute a reaffirmation of the drug's safety and effectiveness.

Therefore, under the Federal Food, Drug, and Cosmetic Act (Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner (21 CFR 5.1), § 558.355 is amended by revising paragraph (b)(7) to read as follows:

§ 558.355 Monensin.

* * * * *

(b) * * *

(7) To 000986: 20, 30, 45, or 60 grams per pound, as monensin sodium, paragraph (f)(3) of this section.

* * * * *

Effective date: This amendment becomes effective April 12, 1977.

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

Dated: April 4, 1977.

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

[FR Doc.77-10599 Filed 4-11-77;8:45 am]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER F—PROCEDURE AND ADMINISTRATION

[T.D. 7479]

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

Disclosures of Returns and Return Information to Designee of Taxpayer Named in Written Request or Consent

AGENCY: Internal Revenue Service, Treasury.

ACTION: Temporary regulations.

SUMMARY: This document provides temporary regulations relating to disclosures of tax returns and tax return information to a person designated by the taxpayer in a written request for or consent to the disclosure. Changes to the applicable law were made by the Tax Reform Act of 1976. The regulations provide taxpayers and Internal Revenue Service personnel with guidance needed to comply with the Act.

EFFECTIVE DATE: January 1, 1977.

FOR FURTHER INFORMATION CONTACT:

David E. Dickinson of the Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224 (Attention: CC:LR:T) (202-566-3363).

SUPPLEMENTARY INFORMATION:

BACKGROUND

This document prescribes temporary regulations on procedure and administration (26 CFR Part 404) under section 6103(c) of the Internal Revenue Code of 1954. These temporary regulations provide rules under section 1202 of the Tax Reform Act of 1976 and are issued under the authority contained in sections 6103(c) and 7805 of the Internal Revenue Code of 1954 (90 Stat. 1669, 68A Stat. 917; 26 U.S.C. 6103(c), 7805).

These regulations prescribe rules governing the necessary form and content of written requests or consents by taxpayers to disclosure of their tax returns and tax return information to a person or persons named by the taxpayer in the request or consent.

DRAFTING INFORMATION

The principal author of this regulation was David E. Dickinson of the Office of the Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulation, both on matters of substance and style.

ADOPTION OF TEMPORARY REGULATIONS

Accordingly, 26 CFR Part 404 is amended by adopting the following temporary regulation:

§ 404.6103(c)-1 Disclosure of returns and return information (including taxpayer return information) to designee of taxpayer.

(a) *Disclosure of returns and return information (including taxpayer return information) to person or persons designated in written request or consent.*—(1) *In general.* Section 6103(c) of the Internal Revenue Code provides in part that the Secretary may, subject to such requirements and conditions as he may prescribe by regulations, disclose a return or return information (including taxpayer return information), as defined in section 6103(b)(1), (2) and (3), to such person or persons as are designated in a written request for or consent to such disclosure made by the taxpayer by whom such return was made or to whom such return information relates. To meet the requirements of this provision and this section, a request for or consent to disclosure must be in the form of a written document pertaining solely to the authorized disclosure and signed and dated by the taxpayer by whom the return was made or to whom the return information relates. The taxpayer must also indicate in such written document—

(i) Items of taxpayer identity information described in section 6103(b)(6) with respect to such taxpayer;

(ii) The name and address of each person to whom disclosure is to be made;

(iii) The kind or type of return (or specified portion thereof) or return information (and, in the case of return information, the particular data) which is to be disclosed; and

(iv) The taxable period or periods covered by such return or return information.

Thus, for example, a provision included in a taxpayer's application for a loan or other benefit authorizing the Internal Revenue Service to disclose to the grantor of the loan or other benefit such returns or return information as the grantor may request for purposes of verifying information supplied on the application does not meet the requirements of this section. A reasonable fee for furnishing a reproduction of a return or return information pursuant to this section may be charged to the person or persons to whom such reproduction of a return or return information is so furnished. See section 6103(p)(2). No disclosure of a return or return information authorized by a request for or consent to such disclosure shall be made unless such request or consent is received by the Service within 60 days following the date upon which the request or consent was signed and dated by the taxpayer.

(b) *Exception.* Notwithstanding the provisions of paragraph (a) of this section, no disclosure of return information shall be made thereunder if the Internal Revenue Service determines that such disclosure would seriously impair Federal tax administration (as defined in section 6103(b)(4)).

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

(Secs. 6103(c) and 7805 of the Internal Revenue Code of 1954 (90 Stat. 1669, 68A Stat. 917; 26 U.S.C. 6103(c), 7805).)

WILLIAM E. WILLIAMS,
Acting Commissioner of Internal Revenue.

Approved: April 6, 1977.

LAURENCE N. WOODWORTH,
Assistance Secretary of the Treasury.

[FR Doc.77-10745 Filed 4-8-77;9:36 am]

Title 28—Judicial Administration

CHAPTER I—DEPARTMENT OF JUSTICE

PART 16—PRODUCTION OR DISCLOSURE OF MATERIAL OR INFORMATION

Appendix to Subpart B—Redelegation of Authority to Deputy Assistant Attorneys General to Authorize Production or Disclosure of Material or Information

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: This directive redelegates to the Deputy Assistant Attorneys General the Assistant Attorney General's authority to authorize disclosure of information or production of material of the Department in response to a subpoena or other demand of a court or other authority.

EFFECTIVE DATE: March 31, 1977.

FOR FURTHER INFORMATION CONTACT:

Philip T. White, Chief, Legislation and Special Projects Section, Department of Justice, Washington, D.C. 20530, 202-739-2613.

Part 16 is amended by adding the following Appendix to Subpart B:

CRIMINAL DIVISION

[Directive No. 52-77]

1. By virtue of the authority vested in me by § 16.23(b)(1) of Title 28 of the Code of Federal Regulations, the authority delegated to me by that section to approve production of material and disclosure of information, described in § 16.21(a) of that title, is hereby redelegated to each of the Deputy Assistant Attorneys General of the Criminal Division.

2. This directive is effective March 31, 1977.

Dated: March 31, 1977.

BENJAMIN R. CIVILETTI,
Assistant Attorney General.

[FR Doc.77-10733 Filed 4-11-77;8:45 am]

Title 41—Public Contracts and Property Management

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

PART 60-250—AFFIRMATIVE ACTION OBLIGATIONS OF CONTRACTORS AND SUBCONTRACTORS FOR DISABLED VETERANS AND VETERANS OF THE VIETNAM ERA

Formal Hearings

AGENCY: Office of Federal Contract Compliance Programs, Labor.

ACTION: Final Rule.

SUMMARY: The Office of Federal Contract Compliance Programs is amending procedural regulations for hearing conducted under the Vietnam Era Veterans Readjustment Assistance Act of 1974. The amendments are intended to conform the hearing procedures under this Act to changes that have been made in the procedural rules for hearings under Executive Order No. 11246, which prohibits discrimination in employment by government contractors on the basis of race, color, religion, sex or national origin.

EFFECTIVE DATE: April 12, 1977.

FOR FURTHER INFORMATION CONTACT:

David A. Drachsler, Counsel for Equal Opportunity Programs, U.S. Department of Labor, Room N-2414, Washington, D.C. 20210. (202 523-8222).

SUPPLEMENTARY INFORMATION: On June 25, 1976, the Department of Labor published regulations (41 FR 26386) implementing section 402 of the Vietnam Era Veterans' Readjustment Assistance Act of 1974 (38 U.S.C. § 2012). Those regulations included a provision that hearings conducted by the Office of Federal Contract Compliance Programs to enforce the provisions of section 402 of the Vietnam Era Veterans' Readjustment Assistance Act shall be governed by the rules of practice and procedure contained in 41 CFR Part 60-30. The procedures for hearings to be conducted by agencies were required to meet certain standards set forth in the regulations at 41 CFR § 60-250.29.

Part 60-30 contains the rules of practice and procedure governing hearings to enforce Executive Order 11246, as amended. On January 18, 1977, the Department of Labor published regulations which, among other things, amended the rules of practice and procedure contained in 41 CFR Part 60-30. The purpose of the regulations published today is to amend the hearing practice and procedure provisions of the regulations implementing section 402 of the Vietnam Era Veterans' Readjustment Assistance Act to conform them to the changes made in 41 CFR Part 60-30 by the amendments published on January 18, 1977, and adopt the rules of practice and procedure in 41 CFR Part 60-30 for hearings conducted under section 402 of the Vietnam Era Veterans' Readjustment Assistance Act. Reference to hearings conducted by agencies under this Part has been deleted because it is not contemplated that agencies will have enforcement responsibilities under the Vietnam Era Veterans' Readjustment Assistance Act.

Because the amendments published today deal with matters of agency practice and procedure and do not enlarge or diminish any rights or obligations of contractors and subcontractors they are effective on April 12, 1977, without publication or notice and comment, under 5 U.S.C. 553(b)(3)(A).

This document was prepared under the direction and control of James D. Henry, Associate Solicitor, Division of Labor Relations and Civil Rights, 202-523-8238.

RAY MARSHALL,
Secretary of Labor.

DONALD ELISBURG,
Assistant Secretary, Employment Standards Administration.

A. DIANE GRAHAM,
Acting Director, OFCCP.

In consideration of the foregoing, 41 CFR § 60-250.29(b) is revised in its entirety to read as set forth below.

§ 60-250.29 Formal hearings.

* * * * *

(b) *Hearing practice and procedure.* (1) All hearings conducted under section 402 of the Vietnam Era Veterans' Readjustment Assistance Act of 1974 and the regulations in this Part shall be governed by the Rules of Practice for Administrative Proceedings to Enforce Equal Opportunity Under Executive Order 11246 contained in 41 CFR Part 60-30 except that complaints shall be issued by the Associate Solicitor, Division of Labor Relations and Civil Rights, Office of the Solicitor, rather than by the Solicitor of Labor.

(2) For the purposes of hearings pursuant to this Part 60-250, references in 41 CFR Part 60-30 to "Executive Order 11246" shall mean section 402 of the Vietnam Era Veterans' Readjustment Assistance Act of 1974; to "equal opportunity clause" shall mean the affirmative action clause published at 41 CFR § 60-250.4; and to "regulations" shall mean the regulations contained in this Part 60-250.

(3) The Administrative Law Judge's recommended findings, conclusions and decision shall be certified to the Assistant Secretary, Employment Standards Administration rather than to the head of the compliance agency or to the Secretary (see 41 CFR § 60-30.27). Accordingly, exceptions to the recommended decision (41 CFR § 60-30.28) shall be filed with the Assistant Secretary, Employment Standards Administration, and the final Administrative Order contemplated by 41 CFR § 60-30.30 shall be issued by the Assistant Secretary Employment Standards Administration. Except for these changes in procedure, all the other provisions of the rules of practice cited in this 41 CFR § 60-741.29 (b) shall remain in full force and effect.

[FR Doc.77-10752 Filed 4-11-77;8:45 am]

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

Formal Hearings

AGENCY: Office of Federal Contract Compliance Programs Labor.

ACTION: Final rule.

SUMMARY: The Office of Federal Contract Compliance Programs is amending the procedural regulations for hearings conducted to enforce section 503 of the Rehabilitation Act of 1973, as amended. The amendments are intended to conform the hearing procedures under this Act to changes that have been made in the procedural rules for hearings under Executive Order No. 11246, which prohibits discrimination in employment by government contractors on the basis of race, color, religion, sex or national origin.

EFFECTIVE DATE: April 12, 1977.

FOR FURTHER INFORMATION CONTACT:

David A. Drachsler, Counsel for Equal Opportunity Programs, U.S. Department of Labor, Room N-2414, Washington, D.C. 20210, 202-523-8222.

SUPPLEMENTARY INFORMATION: On April 16, 1976, the Department of Labor published amendments to the regulations (41 FR 16147) implementing section 503 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 793). Those amendments included a provision that hearings conducted by the Office of Federal Contract Compliance Programs to enforce the provisions of section 503 of the Rehabilitation Act shall be governed by the rules of practice and procedure contained in 41 CFR Part 60-30. The procedures for hearings to be conducted by compliance agencies were required to meet certain standards set forth in the amended regulations at 41 CFR 60-741.29.

Part 60-30 contains the rules of practice and procedure governing hearings to enforce Executive Order 11246, as amended. On January 18, 1977, the Department of Labor published regulations in the FEDERAL REGISTER (42 FR 3454) which, among other things, amended the rules of practice and procedure contained in 41 CFR Part 60-30. The purpose of the regulations published today is to amend the hearing practice and procedure provisions of the regulations implementing section 503 of the Rehabilitation Act to comform them to the changes made in 41 CFR Part 60-30 by the amendments published on January 18, 1977, and adopt the rules of practice and procedure in 41 CFR Part 60-30 for hearings conducted under section 503 of the Rehabilitation Act.

In addition, reference to hearings conducted by agencies under this Part has been deleted because it is not contemplated that agencies will have enforcement responsibilities under the Rehabilitation Act.

Because the amendments published today deal with matters of agency practice and procedure and do not enlarge or diminish any rights or obligations of contractors and subcontractors they are effective on April 12, 1977, without publication or notice and comment, under 5 U.S.C. 553(b)(3)(A).

This document was prepared under the direction and control of James D. Henry, Associate Solicitor, Division of Labor Relations and Civil Rights, 202-523-8238.

RAY MARSHALL,
Secretary of Labor.

DONALD ELISBURG,
Assistant Secretary, Employment Standards Administration.

A. DIANE GRAHAM,
Acting Director, OFCCP.

In consideration of the foregoing, 41 CFR § 60-741.29(b) is revised in its entirety to read as set forth below.

§ 60-741.29 Formal hearings.

* * * * *

(b) *Hearing practice and procedure.* (1) All hearings conducted under section 503 of the Rehabilitation Act of 1973, as amended, and the regulations in this Part shall be governed by the Rules of Practice for Administrative Proceedings to Enforce Equal Opportunity Under Executive Order 11246 contained in 41 CFR Part 60-30 except that complaints shall be issued by the Associate Solicitor, Division of Labor Relations and Civil Rights, Office of the Solicitor, rather than by the Solicitor of Labor.

(2) For the purposes of hearings pursuant to this Part 60-741, references in 41 CFR Part 60-30 to "Executive Order 11246" shall mean section 503 of the Rehabilitation Act of 1973, as amended; to "equal opportunity clause" shall mean the affirmative action clause published at 41 CFR 60-741.4; and to "regulations" shall mean the regulations contained in this Part 60-741.

(3) The Administrative Law Judge's recommended findings, conclusions and decision shall be certified to the Assistant Secretary, Employment Standards Administration rather than to the head of the compliance agency or to the Secretary (see 41 CFR § 60-30.27). Accordingly, exceptions to the recommended decision (41 CFR § 60-30.28) shall be filed with the Assistant Secretary, Employment Standards Administration, and the final Administrative Order contemplated by 41 CFR § 60-30.30 shall be issued by the Assistant Secretary, Employment Standards Administration. Except for these changes in procedure, all the other provisions of the rules of practice cited in this 41 CFR § 60-741.29(b) shall remain in full force and effect.

[FR Doc.77-10753 Filed 4-11-77;8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER C—ACCOUNTS, RECORDS, AND REPORTS

[Ex Parte No. 289]

PART 1254—MAINTENANCE OF RECORDS PERTAINING TO DEMURRAGE, DETENTION, AND OTHER RELATED ACCESSORIAL CHARGES BY RAIL COMMON CARRIERS OF PROPERTY

Remittance of Demurrage Charges by Common Carriers of Property by Rail

AGENCY: Interstate Commerce Commission.

ACTION: Final rule.

SUMMARY: On further hearing the Interstate Commerce Commission, after considering the costs of administering the proposed rule, adopted modified regulations that require the remittance to the freight car owner by nonowning railroad, on whose lines a car is being detained under demurrage, all demurrage charges collected in excess of $10 per car per day. The rule is intended to encourage investment in freight cars and thereby insure the maintenance of an adequate freight car supply. The modifications to the proposed rule, which provide that generally the car owner in the lease of a freight car will be considered the lessor and that demurrage charges shall not be remitted to a car owner who causes the accrual of the excess amount, are intended to simplify the implementation of the rule and promote freight car utilization.

EFFECTIVE DATE: July 6, 1977.

FOR FURTHER INFORMATION CONTACT:

Mrs. Janice M. Rosenak, Deputy Director, Section of Rates, Interstate Commerce Commission, Washington, D.C. 20423, telephone 202-275-7693.

SUPPLEMENTARY INFORMATION: On April 30, 1975, there was published in the FEDERAL REGISTER (40 FR 18797) a notice of further and amended rulemaking to Chapter X. The proposed rule (as initially published in the FEDERAL REGISTER at 37 FR 22884), would have required remittance to the freight car owner by nonowning railroad, on whose lines a car is being detained under demurrage, all demurrage charges collected in excess of $10 per car per day. Such a rule was found to be warranted in principle by the Commission in its Interim Report (349 I.C.C. 411). However, the proceeding was reopened for further evidence concerning the rule's costs, benefits, and feasibility of implementation. Comments on the effect of the amendment to section 1(6) of the Interstate Commerce Act by the Railroad Revitalization and Regulatory Reform Act of 1976, were also requested by order dated February 27, 1976. All comments submitted with respect to the proposed rule were given due consideration.

As a result of the comments received, it was determined that the administrative costs of the rule were reasonable and justified, and that implementation of the rule was feasible. The report provides, however, that in those instances where a terminating road does not believe that its cost can be covered without receiving penalty demurrage, it can seek increases in basic demurrage on other appropriate charges. In addition, it was also determined that the following modifications to the rule should be made:

1. A new provision is added, providing that in leasing situations, the lessor shall be considered the car owner; except that in cases where there is no notice of the identity of the lessor, the lessee shall be considered as the car owner; and

2. An additional provision provides that if the private car owner causes the accrual of the excess charge, the delivering carrier shall retain the amount that would otherwise be remitted under the rule.

These modifications are to simplify the administration of the rule and to insure that freight car utilization is encouraged.

This order shall become effective 90 days after date of service and shall remain in effect until modified or revoked in whole or in part by further order of the Commission.

Notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C.,

and by forwarding appropriate notice to the Director, Office of the Federal Register.

(Part I of the Interstate Commerce Act (49 U.S.C. et seq.), including 1(4), 1(5), 1(6), 1(10), 1(11), 1(13), 1(14), 1(15), 1(17), 6(7), 13(4), and 15(1), thereof, the National Transportation Policy (49 U.S.C. preceding section 1), and the APA, (5 U.S.C. secs. 553, 559).)

Issued at Washington, D.C., April 7, 1977.

ROBERT L. OSWALD,
Secretary.

Part 1254 of Chapter X of title 49 of the Code of Federal Regulations is amended by adding § 1254.10 as set forth below:

§ 1254.10 Remittance of excess demurrage charges.

(a) Except as otherwise provided hereinafter, the nonowning railroad, on whose lines a car is being detained under demurrage, shall remit to the freight car owner, all demurrage charges collected in excess of $10 per car per day.

(b) That under this rule, for the purpose of determining the car owner in the lease of a freight car, the car owner will be the lessor; except that in cases where there is no notice of the identity of the lessor, the lessee shall be considered as the car owner.

(c) Excess demurrage shall not be remitted to a private car owner who for reasons attributable to the car owner causes the accrual of the excess charge. The excess amount, which would otherwise be remitted under the rule, shall in these situations be retained by the delivering carrier.

[FR Doc.77-10735 Filed 4-11-77;8:45 am]

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Civil Service Commission

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: This amendment excepts from the competitive service 12 positions of faculty members at grades GS-13 through 15 at the Civil Service Commission's Federal Executive Institute, Charlottesville, Virginia, with the provision that individual appointments under this authority may be made for initial period(s) up to 3 years which may be followed by an appointment of indefinite duration. This exception is granted because it is impracticable to competitively examine for these positions.

EFFECTIVE DATE: April 12, 1977.

FOR FURTHER INFORMATION CONTACT:
William Bohling, 202-632-4533.

Accordingly, 5 CFR Part 213 is amended to add § 213.3270, and the section will read as follows:

§ 213.3270 Civil Service Commission.

(a) Twelve positions of faculty members at grades GS-13 through 15, at the Federal Executive Institute. Individual appointments under this authority may be made for initial period(s) up to 3 years which may be followed by an appointment of indefinite duration.

(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.77-10750 Filed 4-11-77;8:45 am]

PART 213—EXCEPTED SERVICE

Temporary Schedule C Positions During Presidential Transition

AGENCY: Civil Service Commission.

ACTION: Final Regulation.

SUMMARY: Part 213 is amended to permit a 30-day extension of the Temporary Schedule C authority for positions established to facilitate an orderly change in Presidential administration.

EFFECTIVE DATE: April 12, 1977.

FOR FURTHER INFORMATION CONTACT:
James R. Edman, 202-632-4533.

Accordingly 5 CFR 213.3302(b) is amended as follows:

§ 213.3302 Temporary Schedule C positions during a Presidential transition.

* * * * *

(b) Service under this authority may not exceed 120 days for persons appointed prior to May 1, 1977. Appointments made on or after May 1, 1977, may not exceed 90 days. No new appointments may be made under this authority after June 1, 1977. These positions must be of a confidential or policy-determining character, and are subject to instructions issued by the Civil Service Commission.

(5 U.S.C. 3301, 3302.)

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

[FR Doc.77-10751 Filed 4-11-77;8:45 am]

PART 713—EQUAL OPPORTUNITY

Exclusions

AGENCY: Civil Service Commission.

ACTION: Editorial amendment.

SUMMARY: This amendment deletes a cross reference to a section in the Civil Service Commission regulations on Equal Opportunity pertaining to third party allegations. These regulations were amended on March 1, 1977 making the cross reference inappropriate.

EFFECTIVE DATE: April 18, 1977.

FOR FURTHER INFORMATION CONTACT:

James A. Scott, Acting Director, Federal Equal Employment Opportunity, Civil Service Commission, 1900 E Street NW., Washington, D.C. 20415 (202-632-4420).

Accordingly 5 CFR 713.514 is amended to read as follows:

§ 713.514 Exclusions.

Sections 713.281 and 713.282 shall not apply to the processing of discrimination complaints on account of age. The reference to § 713.281 in §§ 713.215, 713.217, 713.220, and 713.221 may not be included in agency regulations required by this subpart.

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

[FR Doc.77-10695 Filed 4-11-77;10:42 am]

proposed rules

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 945]

[Docket No. AO-150-A4]

IRISH POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREGON

Hearing on Proposed Amendment of Marketing Agreement and Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed Rule and Notice of Hearing.

SUMMARY: A public hearing will be held April 28, 1977, beginning at 9 a.m. local time at Pocatello, Idaho, regarding a proposed amendment of the marketing program regulating the handling of potatoes grown in Idaho and Malheur County, Oregon.

The purpose of the hearing is to receive evidence with respect to current economic and marketing conditions with a view of improving the program. The proposed changes would update the order, add a public member to the committee, increase the term of office to two years, increase the amount authorized in the operating reserve to approximately one fiscal period's budgeted expenses and make several minor changes in existing sections. The order has not been amended since 1958. Several sections are outmoded or obsolete and require a hearing to amend.

DATES: Hearing date: April 28, 1977.

ADDRESSES: Hearing will be held at: Bannock County Court House, 5th and Center Streets, Pocatello, Idaho.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, Deputy Director, Fruit and Vegetable Division, AMS, U.S. Department of Agriculture, Washington, D.C. 20250. Phone: 202-447-3545.

SUPPLEMENTARY INFORMATION: The amendment hearing was requested by the local administrative agency, the Idaho-Eastern Oregon Potato Committee. The hearing is called pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

The proposed amendment has not received the approval of the Secretary of Agriculture.

The proposals are as follows:

PROPOSAL No. 1

Revise paragraph (a) of § 945.20 and add a new paragraph (d) as follows:

§ 945.20 Establishment and membership.

(a) The Idaho-Eastern Oregon Potato Committee is hereby established and shall consist of five producers, three handlers and one public member. Each shall have a respective alternate with the same qualifications as the member.

* * * * *

(d) Each person selected as a public member or alternate shall be a resident of the production area. Also, each shall at the time of selection and during the term of office not be engaged in the commercial production, buying, grading, or processing of any agricultural commodity, except as a consumer, nor shall such person be a director, officer, or employee of any firm so engaged.

PROPOSAL No. 2

Revise § 945.21 to read as follows:

§ 945.21 Term of office.

(a) Except as otherwise provided in this section, the term of office of committee members and alternates shall be for two years beginning June 1 or such other date as recomended by the committee and approved by the Secretary. The term of office of members and alternates shall be so determined that approximately one-half of the total producer and handler committee membership shall terminate each May 31.

(b) Committee members and alternates shall serve during the term of office for which they are selected and have qualified and continued until their successors are selected and have qualified.

PROPOSAL No. 3

Amend § 945.25 as follows:

1. Revise paragraphs (a) and (c).
2. Reletter paragraph (f) as paragraph (e).
3. Reletter paragraph (g) as paragraph (f).
4. Revise paragraph (e) and reletter it as paragraph (g).
5. Add a new paragraph (h).

§ 945.25 Nominations.

* * * * *

(a) In order to provide nominations for producer and handler committee members and alternates, the committee shall hold, or cause to be held, prior to April 1 of each year, or such other date as the Secretary may designate, one or more meetings of producers and of handlers in each district to nominate such members and alternates; or the committee may conduct nominations by mail in a manner recommended by the committee and approved by the Secretary.

* * * * *

(c) At least one nominee shall be designated for each position as member and for each position as alternate member on the committee.

* * * * *

(g) At least one nominess shall be supplied to the Secretary in such manner and form as he may prescribe not later than May 1 of each year, or such other date as the Secretary may specify.

(h) Nominations for public member and alternate shall be made at a committee meeting. The names of nominees shall be submitted to the Secretary prior to May 1 of the year nominations are made, or such other date as the Secretary may designate. The committee shall recommend, and the Secretary approve, rules for the following:

(1) Establishing eligibility requirements for the public member and alternate positions;

(2) Publicizing the positions and receiving names of persons to be considered for nomination; and

(3) Electing the nominees.

PROPOSAL No. 4

Revise § 945.31 to read as follows:

§ 945.31 Expenses and compensation.

Committee members and alternates shall be reimbursed for reasonable expenses necessarily incurred by them in the performance of their duties and in the exercise of their powers under this subpart. In addition they may receive reasonable compensation at a rate to be determined by the committee and approved by the Secretary, for each day or portion thereof, spent in conducting committee business.

PROPOSAL No. 5

Revise paragraph (b) of § 945.42 to read as follows:

§ 945.42 Assessments.

* * * * *

(b) Assessments shall be levied upon handlers at a rate per unit established by the Secretary. Such a rate may be established by the Secretary upon the basis of the committee's recommendation or other available information.

* * * * *

PROPOSAL No. 6

In § 945.44 revise the heading; delete the introductory paragraph; revise paragraph (b) and reletter it as paragraph (a); revise paragraph (a) and reletter it as paragraph (b) to read as follows:

§ 945.44 Excess funds.

(a) The funds remaining at the end of a fiscal period which are in excess of the expenses necessary for committee operations during such period shall be carried over into following periods as a reserve. Such reserve shall be established at an amount not to exceed approximately one fiscal period's budgeted expenses. Funds in such reserve shall be available for use by the committee for expenses authorized under § 945.40.

(b) Funds in excess of those placed in the operating reserve shall be credited proportionately against handler's operations of the following fiscal period, provided that if he demands payment, such proportionate refund shall be paid to him.

* * * * *

PROPOSAL No. 7

Makes such changes as may be necessary to make the entire marketing agreement and order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be obtained from the Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, or the Northwest Marketing Field Office, 1220 S. W. Third Avenue, Room 1566, Portland, Oregon 97204.

Signed at Washington, D.C., on April 8, 1977.

WILLIAM T. MANLEY,
Acting Administrator.

[FR Doc.77-10628 Filed 4-11-77;8:45 am]

Commodity Credit Corporation

[7 CFR Part 1421]

GRAINS AND SIMILARLY HANDLED COMMODITIES

General Regulations Governing Price Support for 1976 and Subsequent Crops

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Proposed rule.

SUMMARY: The Secretary is considering an amendment to the General Regulations Governing Price Support for the 1976 and Subsequent Crops to expand the list of commodities on which approved cooperative marketing associations may participate in authorized price support programs to include barley, corn, grain sorghum, oats, rye and wheat. The proposed amendment is needed to afford producers of these commodities use of the same marketing tool that is currently available to certain other commodities.

DATE: Comments must be received on or before May 12, 1977.

ADDRESSES: Send comments to the Director, Grains, Oilseeds and Cotton Division, ASCS, U.S. Department of Agriculture, P.O. Box 2415, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT:

Charlie B. Robbins, 202-447-4634.

SUPPLEMENTARY INFORMATION: The Secretary is soliciting comments on this proposal. All written comments will be available for public inspection at the office of the Director during regular business hours (7 CFR 1.27 (b)).

Signed at Washington, D.C., on April 6, 1977.

VICTOR A. SENECHAL,
Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc.77-10629 Filed 4-11-77;8:45 am]

[7 CFR Part 1425]

COOPERATIVE MARKETING ASSOCIATIONS

Eligibility Requirements for Price Support

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Proposed rule.

SUMMARY: The Secretary is considering an amendment to the Cooperative Marketing Associations Eligibility Requirements to expand the listed group of commodities on which approved cooperative marketing associations may participate in authorized price support programs to include barley, corn, grain sorghum, oats, rye and wheat. The proposed amendment is needed to afford the producers of these commodities use of the same marketing tool that is currently available to certain other commodities.

DATE: Comments must be received on or before May 12, 1977.

ADDRESSES: Send comments to the Director, Grains, Oilseeds and Cotton Division, ASCS, U.S. Department of Agriculture, P.O. Box 2415, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT:

Charlie B. Robbins, 202-447-4634.

SUPPLEMENTARY INFORMATION: The Secretary is soliciting comments on this proposal. All written comments will be available for public inspection at the office of the Director during regular business hours (7 CFR 1.27 (b)).

Signed at Washington, D.C., on April 6, 1977.

VICTOR A. SENECHAL,
Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc.77-10630 Filed 4-11-77;8:45 am]

[7 CFR Part 1425]

COOPERATIVE MARKETING ASSOCIATIONS

Eligibility Requirements for Price Support

AGENCY: Commodity Credit Corporation.

ACTION: Proposed Rule.

SUMMARY: A proposed revision of the cooperative marketing association eligibility requirements for price support. This proposed revision is necessary to clarify requirements of the regulations.

DATE: Comments must be received on or before May 12, 1977.

ADDRESS: Send comments to the Director, Grains, Oilseeds and Cotton Division, ASCS, U.S. Department of Agriculture, P.O. Box 2415, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT:

Charlie B. Robbins, 202-447-4634.

SUPPLEMENTARY INFORMATION: The CCC is inviting comments on the proposed revision. All written submissions will be available for public inspection at the office of the Director during regular business hours (7 CFR 1.27(b)).

The proposed revision is as follows:

PART 1425—COOPERATIVE MARKETING ASSOCIATIONS

Sec.

1425.1 Applicability.
1425.2 Administration.
1425.3 Application.
1425.4 Ownership and control.
1425.5 Charter or bylaw provisions.
1425.6 Financial condition.
1425.7 Operations.
1425.8 Conflict of interest.
1425.9 Uniform marketing agreement.
1425.10 Purchased and nonmember commodity.
1425.11 Member business.
1425.12 Vested authority.
1425.13 Eligible commodity and pooling.
1425.14 Distribution of proceeds.
1425.15 Member cooperatives.
1425.16 Nondiscrimination.
1425.17 Records maintained.
1425.18 Inspection and investigation.
1425.19 Determination of eligibility.
1425.20 Substantial compliance.
1425.21 Definitions.

AUTHORITY: Secs. 4 and 5, 62 Stat. 1070, as amended (15 U.S.C. 714 b and c); Secs. 101, 103, 203, 301, 401, 63 Stat. 1051, as amended (7 U.S.C. 1444(a), 1441, 1446d, 1447, 1421(a).

§ 1425.1 Applicability.

This subpart and any amendments thereto set forth the terms and conditions which a cooperative marketing association (hereinafter called "cooperative") must meet to obtain price support on behalf of its members for 1977 and any succeeding crop of a commodity. A cooperative meeting such terms and conditions may obtain price support on any crop of a commodity for which a price support program is in effect if regulations issued with respect to such program incorporate the provisions of this subpart or permit a cooperative which meets the provisions of this subpart to participate in the price support program for a crop of such commodity.

§ 1425.2 Administration.

(a) *Responsibility.* The Grains, Oilseeds and Cotton Division, ASCS, will administer the provisions of this subpart under the general direction and supervision of the Deputy Administrator, Programs, in accordance with program provisions and policy determined by Commodity Credit Corporation. In the field, the provisions of this subpart will be ad-

ministered by the State and County Agricultural Stabilization and Conservation Committees, and where applicable, the Agricultural Stabilization and Conservation Service Commodity Office. As used in this Part, the term "CCC" means the Commodity Credit Corporation and the term "ASCS" means the Agricultural Stabilization and Conservation Service.

(b) *Limitation of authority.* The authority conferred by this subpart to administer provisions contained herein does not include authority to modify or waive any of the provisions of this subpart.

§ 1425.3 Application.

(a) *Initial approval.* A cooperative which desires approval to obtain price support on any authorized 1977 and succeeding crop of a commodity shall submit an application for a determination of eligibility with respect to each of the commodities listed herein for which approval is sought. An application form and related questionnaire and a copy of the regulations appearing in this subpart may be obtained from the Director, Grains, Oilseeds and Cotton Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, P.O. Box 2415, Washington, D.C. 20013. Inquiries relating to such documents should also be addressed to the Director, Grains, Oilseeds and Cotton Division. The cooperative shall forward its application and required information to the Director, Grains, Oilseeds and Cotton Division. Applications with respect to each of the commodities listed herein and supporting material shall be submitted on or before the applicable date listed below of the calendar year in which the cooperative requests approval to participate in the price support program for commodities marketed thereafter, or by such later date as the Executive Vice President, CCC, may authorize to alleviate hardship.

Commodity:	Date
Cotton	Aug. 1.
Honey	July 1.
Rice	Aug. 1.
Soybeans	Sept. 1.

If price support program regulations for a commodity not listed herein require a cooperative to obtain approval under this subpart to be eligible for price support, the latest date for filing an application for approval with respect to such commodity shall be specified in such program regulations.

(b) *Information confidential.* Information submitted in connection with an application relative to trade secrets or financial or commercial operations or dealing with the financial condition of an applicant cooperative for initial approval or continued approval shall be kept confidential by the officers and employees of CCC and the Department of Agriculture except to the extent CCC determines such disclosure is necessary for the conduct of the price support program, and shall not be released where prohibited by law or regulation.

(c) *Approved cooperatives.* A cooperative shall be considered as an "approved cooperative" for the purposes of this paragraph (c), if:

(1) It is unconditionally approved to participate in a price support program with respect to the 1977 or any subsequent crop of a commodity; or

(2) It is conditionally approved to participate in a price support program with respect to the 1977 or any subsequent crop of a commodity and has satisfied the conditions of approval.

(d) *Term of approval.* A cooperative approved to participate in a 1977-crop price support program may participate in the price support program for such commodity until its approval is suspended by the Executive Vice President, CCC, or his designee, or terminated by the Executive Vice President, CCC.

(e) *Annual information.* Annually, an approved cooperative shall furnish, when requested by the Director, Grains, Oilseeds and Cotton Division:

(1) An audit report to include any accompanying notes, schedules or exhibits, certified by a certified public accountant as fairly representing the financial condition of the cooperative.

(2) A statement showing the total capital interest in the cooperative owned by active members and member cooperatives and the total capital interest in the cooperative owned by inactive and nonmembers by each separate category.

(3) The names of any active producer members and member cooperatives who own in excess of 10 percent of the capital of the cooperative and the amount owned by each.

(4) The quantity of each commodity delivered to the cooperative for marketing and the portion thereof that was received from active members.

(5) The quantity of each commodity tendered to CCC for loan and the quantity redeemed.

(6) The quantity of each commodity tendered to CCC for purchase.

(f) *Current information.* An approved cooperative shall furnish to the Director, Grains, Oilseeds and Cotton Division, immediately:

(1) Any changes in its articles of incorporation, bylaws, resolutions, or marketing agreement.

(2) Any changes in officers, directors, or principal employees and conflict of interest statements in accordance with § 1425.8(d).

(3) Any change in pooling operations with an explanation of the change and why such change was necessary.

(4) Additional information as may be requested at any time in connection with its continued approval under this subpart.

(g) *Suspension.* A cooperative may be suspended by CCC from further participation in the price support program if it is determined that it has not operated in accordance with representations made in its application for approval, has not complied with the regulation, or has failed to bring into compliance deficiencies noted during an administrative review or an audit of its operations under a price support program. Such suspension may be lifted upon receipt of documents indicating that the cooperative complies with the provision of this subpart which served as the basis of the suspenion.

(h) *Termination.* CCC shall have the right at any time, by giving the cooperative at least five days written notice, to terminate the right of the cooperative to tender commodities to CCC for loan and to mature all outstanding loans by making demand for payment by the date specified in such notice, which shall not be earlier than 10 days after such termination date. If the cooperative has loans outstanding, such loans shall be redeemed not later than such maturity date or title to the commodity shall, without a sale thereof, vest in CCC, and CCC shall have no obligation to pay for any market value the commodity may have in excess of the amount of the loans, plus interest and charges.

(i) *Voluntary termination.* An approved cooperative may at any time, upon written notice to CCC, voluntarily terminate its approval to participate in a price support program: *Provided*, That the cooperative does not have any outstanding loans at the time of voluntary termination.

§ 1425.4 Ownership and control.

The cooperative shall be owned and controlled by its active producer members and any bona fide cooperative members (hereinafter called "member cooperative").

(a) *Ownership.* The cooperative must establish that its active producer members and its member cooperatives which are owned and controlled by their active producer members, own a capital interest in the cooperative (i.e., stock, revolving fund certificates, book credits, or other equity interest) constituting more than 50 percent of the capital of the cooperative. Ownership of a member cooperative by its active members shall also be determined in accordance with the provisions of this paragraph (a). In determining the requisite capital interest of active producer members and member cooperatives, the following shall be disregarded:

(1) The capital interest of any such member in excess of 10 percent of the capital of the cooperative; and

(2) The capital interest acquired by any such member as a result of a loan unless such member is obligated to repay the loan within a reasonable period of time.

(b) *Control.* The organization and operation of the cooperative shall be under the control of its active producer members and member cooperatives which are owned and controlled by their active producer members. A cooperative shall be considered so controlled if more than 50 percent of its membership consists of active producer members, or member cooperatives which are owned and controlled by their active producer members.

(1) A director shall be an active member, a representative of an active member serving in the capacity of a farm manager or its equivalent (including an officer of a corporation and a partner

in partnership), or an officer or employee of a member cooperative which is owned and controlled by its active members.

(2) A director shall be nominated and elected by active members except when selected to fill the unexpired term of a director so elected.

(c) *Approved plan.* Notwithstanding the foregoing provisions of this section, a cooperative which presently has a plan approved by CCC for retiring equities owned by inactive members may continue operating under the approved plan even though active members do not control or own more than 50 percent of the capital interest of the cooperative. If an applicant cooperative or an approved cooperative is determined not to be under the control, or ownership, or both, of its active members, the cooperative may be approved to participate in the price support program if the cooperative submits, and the Executive Vice President, CCC, approves a plan for retiring the capital interest of its inactive members so that such ownership and control will be invested to its active members within a reasonable period of time. Nevertheless, ownership and control of such a cooperative must be invested in its members and member cooperatives.

§ 1425.5 Charter and bylaw provisions.

The articles of incorporation or association, or the bylaws of the cooperative shall provide for each of the requirements of this section.

(a) *Annual meeting.* The cooperative shall hold an annual meeting of members or delegates at one or more locations within its operating area which will afford a reasonable opportunity for all members or their delegates to attend and participate.

(b) *Notice of meeting.* Each member or delegate, as the case may be, shall be given written notice of the time, place, and purpose of all regular and special meetings of members or delegates.

(c) *Open membership.* The cooperative shall admit to membership every applicant who (1) applies for admission for the purpose of participating in the activities of the cooperative, and (2) is eligible for membership under the statute incorporating the cooperative, except that the cooperative may refuse admission to an applicant on its findings, based on reasonable grounds, that the applicant's admission would prejudice the interests or hinder or otherwise obstruct the purposes of the cooperative.

(d) *Nominations.* Nominations shall be made as follows:

(1) Nominations for election of delegates and directors shall be made by active members by secret balloting, nominating committee, petition of members, or from the floor; and

(2) Nominations for election of officers shall be made by elected directors by secret balloting, nominating committee, or from the floor.

If directors are nominated by a nominating committee or by petition, members of the cooperative shall be permitted to nominate directors from the floor at the membership meeting for the election of directors. If delegates are nominated by a nominating committee or by petition, members of the cooperative shall be permitted to nominate delegates from the floor at the membership meeting for the election of delegates. If officers of the cooperative are nominated by nominating committee, any member of the board of directors shall be permitted to make nominations from the floor at the meeting for election of officers.

(e) *Secret ballot.* Voting for election of directors, delegates and officers shall be by secret balloting when there are two or more nominees for a position to be filled or more nominees than there are positions to be filled, as applicable.

(f) *Voting rights.* Each member of the cooperative shall have a single vote regardless of the number of shares of stock owned or controlled by him, except that the Executive Vice President, CCC, may, in his discretion, approve some other voting method which in his opinion will adequately protect the interests of the members of the cooperative.

(g) *Proxy or power of attorney.* Voting by proxy or under power of attorney shall not be permitted, except that voting by proxy or under power of attorney may be permitted in order to amend the articles of incorporation and bylaws of a cooperative if the cooperative seeking to hold such vote establishes to the satisfaction of the Executive Vice President, CCC, that the law of the State in which the cooperative is incorporated does not permit members to vote by mail on this issue and does permit voting by proxy or power of attorney.

(h) *Financial statement.* Each member shall be given each year a summary financial statement based on an annual audit, by a certified public accountant, of the books and accounts of the cooperative.

§ 1425.6 Financial condition.

(a) *Financial ability.* A cooperative shall be financially able to make advances to its members and to market their commodity. It shall submit with its application evidence establishing that its operation is on a financially sound basis.

(b) *Factors to consider.* The factors which will be considered in determining the financial condition of a cooperative include, but are not limited to, the following:

(1) The ability of the cooperative to meet its current obligations, including the expenses of marketing the commodity of its members;

(2) The ability of the cooperative to make advances to its members, either from its own funds or through arrangements with financial or other institutions;

(3) The ownership of an amount of net worth of the cooperative by its producer members and member cooperatives which is equal to the product of the amount per unit for a commodity (as shown below) multiplied by the total number of units of such commodity handled by the cooperative during the preceding marketing year, or, if the cooperative is in its first full marketing year of operation, the estimated quantity of such commodity that it will handle during such year: *Provided*, That if a cooperative has not been approved to participate in a price support program for each of the three crop years immediately preceding the corp year for which approval is being considered, the Executive Vice President, CCC, may establish the unit total of a commodity to be used in determining the adequacy of the cooperative's net worth owned by the cooperative's producer members and member cooperatives.

Commodity	Unit	Amount per unit
Cotton	Bale	$5.00
Honey	Hundredweight	1.00
Rice	do	.40
Soybeans	Bushels	.20

If the amount of the net worth of the cooperative which is owned by producer members and member cooperatives is less than, but at least 34 percent of, the amount computed as set forth above, and the cooperative is considered to be otherwise financially sound, the Executive Vice President, CCC, may determine that the operation of the cooperative is on a financially sound basis if the board of directors of the cooperative agrees to make a capital retain in the amount set forth below with respect to each unit of the commodity delivered to the cooperative by producers until such time as the net worth owned by producer members and member cooperatives is at least equal to the amount per unit provided for above, and the cooperative also agrees to deduct the full amount of the estimated expenses of handling the commodity received by the cooperative.

Commodity	Unit	Amount per unit
Cotton	Bale	$1.50
Honey	Hundredweight	.50
Rice	do	.20
Soybeans	Bushel	.15

The failure to carry out such an agreement shall be grounds for terminating a cooperative's approval; and

(4) Any pledge of assets as security, or, the deposit or setting aside of funds or other assets to secure or guarantee any indebtedness of the cooperative, or setting aside or deposit of funds in a restricted account to guarantee the performance of an obligation of the cooperative which is not reflected in the liability, of the cooperative, in the financial statement. If any assets or funds have been so pledged, set aside or deposited, and the amount of such indebtedness or guarantee is not shown in the financial statement as a liability, the amount of net worth to be used in making the determination of financial responsibility will be reduced by the value or amount of such assets or funds.

(5) The quantity of the commodity for which approval is sought which was handled by the cooperative during the preceding marketing year, or if the cooperative is new, the estimated quantity it will handle during the first marketing year of operation.

(c) *Information required.* The cooperative shall submit with its application the following information:

(1) A current financial statement prepared by a certified public accountant from the books of original entry and certified by the certified public accountant as fairly representing the financial condition of the cooperative;

(2) A statement showing the capital interest in the cooperative (stock, revolving fund certificates, book credits, or other equity interest) owned by its active producer members and its member cooperatives;

(3) A list of names of its producer members and member cooperatives which own in excess of 10 percent of the capital of the cooperative and the amount of the capital interest which each such producer member and member cooperative owns. If no such producer member or member cooperative owns in excess of 10 percent of the capital of the cooperative, a statement to this effect must be submitted; and

(4) A list of producer members or member cooperatives, who, to the knowledge of the cooperative, acquired a capital interest in the cooperative as a result of a loan which the producer member or member cooperative is not obligated to repay, and a copy of the note or other evidence of indebtedness securing such loan. If none of the capital interest of the cooperative was acquired as a result of such a loan, a statement to this effect must be submitted.

§ 1425.7 Operations.

A cooperative shall establish to the satisfaction of the Executive Vice President, CCC, that, with respect to the commodity for which approval is required, it is so organized and staffed by individuals employed directly by it that it is able to perform its contracts with its members and to provide an effective marketing operation for its members, except that a cooperative need not be staffed to perform such marketing services if:

(a) *Agreement.* The cooperative enters into an agreement with another cooperative marketing association to market the commodity;

(b) *Legal.* Such agreement is permitted by law;

(c) *Authorized.* The charter and bylaws of the cooperative acquiring the marketing service and the marketing agreement with its member contain necessary authority to enter into the agreement;

(d) *Member.* The cooperative acquiring the marketing service is a member of the cooperative marketing association which will provide the marketing service;

(e) *Approved.* The cooperative marketing association to provide the marketing service has been approved under this subpart to obtain price support for such commodity; and

(f) *Best interest.* It is established to the satisfaction of the Executive Vice President, CCC, that such agreement is in the best interest of the members of the cooperative acquiring the marketing service.

§ 1425.8 Conflict of interest.

(a) *Transactions detrimental to members.* The cooperative shall not be eligible for price support unless it establishes to the satisfaction of CCC that its transactions, if any, which are of a kind described in this section have not operated and will not operate to the detriment of members of the cooperative.

(b) *Cooperative transactions.* The cooperative shall submit with its application a detailed report concerning all of its transactions with the following persons during the year preceding the date of its application, or the date such information is required to be submitted under § 1425.3(a), as applicable, except for those transactions which do not differ from transactions entered into by the cooperative with its general membership:

(1) With any director, officer, or principal employee of the cooperative or with any of his close relatives;

(2) With any partnership from which any person described in paragraph (b)(1) of this section is entitled to receive a percentage of the gross profits;

(3) With any corporation in which any person described in paragraph (b)(1) of this section owns stock;

(4) With any business entity from which any person described in paragraph (b)(1) of this section receives fees for transacting business with or on behalf of the cooperative; or

(5) With any business entity in which an agent, director, officer, or employee of the cooperative was an agent, director, officer, or employee of such business entity.

A close relative means a husband or a wife or a person related as child, parent, brother, or sister, by blood, adoption, or marriage, and shall include in-laws within such categories of relationship. The report shall include, but is not limited to, transactions involving purchases, sales, handling, marketing, insurance, transportation, warehousing, and related activities.

(c) *Contemplated transactions.* The cooperative shall also submit a statement as to whether any transactions of the kind described in paragraph (b) of this section are contemplated in the period between the date of the application, or the date such information is required to be submitted under § 1425.3(a), as applicable, and the end of the next marketing year for the commodity. If any such transaction is contemplated, the cooperative shall submit a detailed explanation of such contemplated transaction(s) and a statement of the reasons therefor.

(d) *Directors, officers, and employees.* The cooperative shall furnish information annually showing the interest or connection of its directors, officers, and principal employees and their close relatives with persons who engage in business relating to a commodity for which the cooperative is approved to obtain price support.

§ 1425.9 Uniform marketing agreement.

Any quantity of a commodity on which price support is obtained and any other quantity of such commodity which is included in the same pool with a quantity of the commodity on which price support is obtained, must be delivered to the cooperative by its members pursuant to a uniform marketing agreement between the cooperative and each of its members who delivered such commodity to the cooperative. A cooperative may provide alternative methods of marketing in addition to any set forth in its marketing agreement if the terms and conditions thereof are reasonable and information concerning such methods of marketing and how to exercise available options are made available to all active members. Such information may be published in the cooperative's membership publication or included in other written notices mailed to all active members of the cooperative.

§ 1425.10 Purchased and nonmember commodity.

Any commodity purchased from members who do not retain the right to share in the proceeds from marketing of such commodity as provided in §§ 1425.13 and 1425.14 and any commodity acquired from nonmembers is not eligible for price support.

§ 1425.11 Member business.

If price support is sought for a particular crop of a commodity, not less than 80 percent of such crop of the commodity that is acquired by or delivered to the cooperative for marketing must be produced by its members or by members of its member cooperatives. However, the Executive Vice President, CCC, may, for a period of two years or such lesser period of time as he determines appropriate, authorize a cooperative to acquire or receive for marketing from its members a smaller quantity of such crop than 80 percent, if that quantity has a value greater than the value of the quantity acquired or received from nonmembers for marketing and if the cooperative establishes that to the satisfaction of the Executive Vice President, CCC, that such authorization is necessary for the efficient operation of the cooperative and is in the best interest of the members of the cooperative. Purchases of commodities by a cooperative from CCC shall not be considered in determining the volume of member and nonmember business.

§ 1425.12 Vested authority.

The cooperative shall have authority to obtain a loan on the security of the commodity delivered to it by its members, to give a lien on such commodity, and to sell such commodity.

§ 1425.13 Eligible commodity and pooling.

(a) *Commingled commodity.* The cooperative may obtain price support on a

quantity of commodity stored in approved warehouses not to exceed the smaller of (1) the quantity of commodity eligible for price support received from eligible members, or (2) the quantity of such commodity remaining undisposed of in the pool eligible for price support: *Provided*, That the cooperative at all times shall have a quantity of such commodity in inventory of each class and grade at least equal to the quantity of that commodity of each class and grade under loan.

(b) *Identify preserved.* The cooperative may obtain price support only on the eligible commodity received from eligible members which remains undisposed of in its inventory at the time such commodity is offered as security for a loan or is offered for purchase, when such commodity is stored identify preserved in approved warehouses.

(c) *Pools.* The cooperative may establish separate pools as needed for quantities of a commodity acquired from members. If the cooperative obtains price support from CCC on any quantity of commodity included in a pool, all of the commodity included in such pool must be eligible for price support, except that a part of a pooled commodity may be ineligible for price support because of grade or quality, or, in the case of cotton, bale weight or being repacked. Whether pooled or not, the commodity offered for price support must:

(1) Have been produced by an eligible producer on a farm on which the production of such commodity is eligible for price support under the applicable price support program regulations;

(2) Meet the eligibility requirements for making price support available to the cooperative under applicable price support program regulations; and

(3) Have been delivered to the cooperative for marketing for the benefit of producer members or by member cooperatives in behalf of their producer members.

(d) *Allocation of costs and expenses.* If price support is obtained on any quantity of a crop of a commodity, allocations of costs and expenses among separate pools for the crop of the commodity shall be made in accordance with sound accounting principles and practices.

(e) *Assessing losses.* Any losses incurred by the cooperative in marketing a commodity on which price support is not obtained from CCC shall not be assessed against the proceeds of marketing of a commodity on which support was obtained.

(f) *Exception.* CCC may approve an exception to the foregoing requirements upon written request by a cooperative if the Executive Vice President, CCC, or his designee determines that the approval of such request will result in equitable treatment of members and is in accord with the purposes of the price support program.

§ 1425.14 Distribution of proceeds.

(a) *Loan advances.* If price support is obtained from CCC on any part of the commodity in a pool, the loan proceeds shall be distributed to members participating in such pool on the basis of the quantity and quality of the commodity delivered by each member less any authorized charges for services performed by and/or paid for by the cooperative which are necessary to condition the commodity or otherwise make the commodity eligible for loan.

(b) *Pool distribution.* If price support is obtained from CCC on any part of the commodity in a pool, the proceeds of such pool shall be distributed only to members participating in such pool on the basis of the quantity and quality of the commodity delivered by each member which is included in such pool. Proceeds from an eligible pool, on which price support has been obtained, shall not be combined with proceeds from ineligible pools for distribution and final settlement when the per unit proceeds of the eligible pool exceed the per unit proceeds of the ineligible pool. The cooperative shall submit with its application a detailed description of the method by which proceeds from a pool on which price support is obtained will be distributed. The method of distribution shall be as provided in the marketing agreement with members or in the bylaws.

(c) *Unclaimed funds.* A cooperative which has attempted to distribute a part of its capital interest (as defined in § 1425.4(a)) in accordance with its articles of incorporation and bylaws to producer members described in paragraph (b) of this section and has given notice of such distribution both by publication and personal letter addressed to such members, may provide for reallocation of such undistributed capital interest, to the extent permitted by the law of the State applicable to such distribution, to its members and patrons on an equitable basis if:

(1) The period of limitation for the payment of debts has run commencing on the date the capital interest was declared to be payable by the cooperative;

(2) The cooperative, prior to the lapse of such period of limitation, has given the affected member a 30-day notice of the expiration of such period of the amount payable to him by certified mail, return receipt requested, at the member's last known address as reflected on the books of the cooperative; and

(3) No claim for payment of such capital interest is made within the period of limitations described above.

§ 1425.15 Member cooperatives.

(a) *Obtains price support.* If a cooperative obtains price support from CCC on any quantity of a commodity delivered by a member cooperative or if the cooperative obtains price support from CCC on any quantity of the commodity included in the same pool with the production delivered by such member cooperative, the cooperative and such member cooperative must meet the requirements of paragraphs (a) (1), (2), and (3) of this section.

(1) The commodity delivered by the member cooperative must have been produced by its members; and the member cooperative must have authority to deliver such commodity to the cooperative for marketing. Also, each such member cooperative must have authority to sell the commodity produced and delivered to such member cooperative by its members, obtain a loan on the security thereof, and give a lien thereon.

(2) In its charter, bylaws, marketing agreement, or by other legal means, the cooperative must require each such member cooperative to meet the requirements of this subpart.

(3) The cooperative must determine that each such member cooperative is eligible for price support under this subpart and must so certify to CCC.

(b) *Comply with State law.* The cooperative shall determine and certify to CCC that its member cooperatives which are not subject to paragraph (a) of this section comply with the producer ownership, membership meeting and voting requirements of applicable State law.

(c) *Exception.* Notwithstanding the foregoing provisions of this section, an approved cooperative is required to meet only the provisions contained in the first sentence of paragraph (a)(1) of this section with respect to a member cooperative for whom it markets the production of its producer members under § 1425.7.

§ 1425.16 Nondiscrimination.

The cooperative shall not, on the ground of race, color, sex, or national origin, deny any producer the benefits of, exclude any producer from participation in, or otherwise subject any producer to discrimination with respect to any benefits resulting from its approval to obtain price support and shall comply with the provisions of Title VI of the Civil Rights Act of 1964 and the Secretary's regulations issued thereunder, appearing in §§ 15.1–15.12 of this Title (29 FR 16274), and any amendments thereto. The cooperative agrees that the United States shall have the right to enforce compliance with such statute and regulations by suit or by any other action authorized by law. The cooperative shall submit a certification with its application that the above cited regulations have been read and understood and that the cooperative shall abide by them.

§ 1425.17 Records maintained.

(a) *Acquisitions.* An approved cooperative, and its member cooperatives, described in paragraph (a) of § 1425.15, if any, shall maintain a record which shows the quantity of commodity which is received from each of its members and nonmembers, the date received, the eligibility status for price support of each such quantity, the quality factors specified in the applicable regulations for the commodity (including class, grade and quality where applicable), and the quantity to which each applicable quality factor applies.

(b) *Dispositions.* The cooperative shall maintain a record which shows each

quantity of commodity disposed of, the date sold and the price received. Each sale shall be allocated to an eligible pool, an ineligible pool, or both eligible and ineligible pools, and the pool inventories shall be adjusted accordingly. All sales may be allocated to eligible or ineligible pools or a combination of eligible and ineligible pools until the inventory in a pool is sold.

§ 1425.18 Inspection and investigation.

(a) *Inspection.* The books, documents, papers, and records of the approved cooperative, and its member cooperatives, if any, for any year's business shall be available to CCC for inspection and examination at all reasonable times through the end of the fifth marketing year following the marketing year in which price support for a crop was available.

(b) *Investigation.* CCC shall have the right at any time after an application is received, to examine all books, documents, papers, and records of the cooperative and its member cooperatives and to make such investigations as are deemed necessary to determine whether the cooperative and its member cooperatives, if any, are operating or have operated in accordance with the regulations in this subpart, their articles of incorporation or association, bylaws, agreements with producers, representations made by the cooperative in its application for approval, and, where applicable, its agreements with CCC.

§ 1425.19 Determination of eligibility.

The determination under this subpart of a cooperative marketing association's eligibility to obtain price support shall be made by the Executive Vice President, CCC.

§ 1425.20 Substantial compliance.

Notwithstanding the foregoing provisions of this part, if the Executive Vice President, CCC, determines that a cooperative has not met all of the eligibility requirements of this subpart but has substantially complied with such requirements, or has met substantially all such requirements, he may approve the cooperative for participation in the price support program if the cooperative agrees in writing to meet all of the eligibility requirements of this subpart prior to the beginning of the marketing year for the crop of the commodity next succeeding the crop for which approval is then being sought. Board resolutions agreeing to comply with provisions of this subpart may be accepted by the Executive Vice President, CCC, as substantial compliance with such provisions for purposes of this section. Any approved cooperative which, without fault or negligence, fails to comply with requirements of this subpart which can be met for the current marketing year only by calling a special membership meeting may continue to be approved for participation in the price support program for the current marketing year, if it agrees to undertake to have its members at its next regular membership meeting take the action necessary to comply with such program requirements.

§ 1425.21 Definitions.

(a) *Person.* As used in this subpart the term "person" shall have the meaning of such terms as defined in the regulation pertaining to Reconstitution of Farms and Allotments, Part 719 of this Title and any amendments thereto.

(b) *Active member.* The term "active member" shall mean a member of a cooperative who has utilized the services offered by a cooperative for marketing his commodity or purchasing production supplies for his farming operation in one of the three preceding crop years ro such shorter period as may be provided in the cooperative's articles of incorporation or bylaws.

Signed at Washington, D.C., on April 1, 1977.

VICTOR A. SENECHAL,
Acting Executive Vice President,
Commodity Credit Corporation.

[FR Doc.77-10631 Filed 4-11-77;8:45 am]

FEDERAL POWER COMMISSION

[18 CFR Part 2]

[Docket No. E77-92]

EMERGENCY NATURAL GAS ACT OF 1977

Proposed Implementation

AGENCY: Administrator, Emergency Natural Gas Act of 1977.

ACTION: Proposed Rule.

SUMMARY: This proposal would prescribe rules for the allocation of volumes of natural gas purchased under sec. 6 of the Emergency Natural Gas Act. The proposal would implement sec. 7 of the Act which provides for the allocation of costs to local distribution companies in proportion to their share of these purchases.

DATES: Comments must be received on or before April 13, 1977.

ADDRESSES: Send an original and 6 copies to: Richard L. Dunham, Administrator, Emergency Natural Gas Act of 1977, Room 9200, 825 North Capitol Street NE., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT:
J. Paul Douglas (202) 432-1212

SUPPLEMENTARY INFORMATION: Attached is a proposed order prescribing rules to implement Section 7 of the Emergency Natural Gas Act of 1977.

Any person desiring to submit comments to the Administrator should submit such comments in writing no later than Wednesday, April 13, 1977. An original and six copies of such comments shall be submitted. All comments shall be addressed as follows:

Richard L. Dunham, Administrator, Emergency Natural Gas Act of 1977, Room 9200, Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426.

This notice is issued pursuant to the authority delegated to me by the President in Executive Order No. 11969 (February 2, 1977) and shall be published in the FEDERAL REGISTER.

RICHARD L. DUNHAM,
Administrator.

APRIL 7, 1977.

ADMINISTRATOR, EMERGENCY NATURAL GAS ACT OF 1977

ORDER NO. ---------

The Emergency Natural Gas Act of 1977 (Pub. L. 95-2) 91 Stat. 4 (1977),[1] provides in Section 7 (91 Stat. 4, 8) for the allocation of charges paid for deliveries under Section 4 (91 Stat. at 5-7) or purchases under Section 6 (91 Stat. at 7-8) to the local distribution companies receiving such gas from an interstate pipeline.[2] This order provides rules to be applied in determining the allocation of volumes purchased pursuant to Section 6.

Two distinct types of purchases were made pursuant to Section 6. First, many interstate pipelines purchased gas to augment their system supply. Second, a number of pipelines purchased gas as agent for certain of their customers. The latter situation presents the easiest problem to resolve and will be considered first.

Where gas has been bought by a pipeline as agent for certain of its customers, only those customers have received the benefits of such purchases. Thus, all costs associated with such purchases, including any compensation paid for transportation of such supplies, shall be charged to those customers receiving such gas in proportion to the volumes received by each customer. If the delivering pipeline's rates are on the basis of rate zones, any transportation charges shall reflect the rate differentials between such zones.

Where an interstate pipeline purchased emergency supplies pursuant to Section 6 for system supply, that gas is to be allocated to the pipeline's customers according to the rules set forth below. These volumes shall be allocated according to the pipeline's effective Federal Power Commission (FPC) curtailment plan after available supplies purchased pursuant to the Natural Gas Act (15

[1] Hereinafter referred to as the "Act".

[2] Section 7 provides: Compensation received by an interstate pipeline pursuant to section 4 in excess of the amount such pipeline would have charged its local distribution companies shall be credited to such local distribution companies in proportion to their share of any natural gas not delivered together with credits necessary to make whole any local distribution company which replaced such natural gas with higher cost gas such as synthetic natural gas as prescribed in section 4(f)(2)(B). Compensation paid by an interstate pipeline for deliveries or emergency purchases of natural gas pursuant to section 4 or section 6 shall be charged to such interstate pipeline's local distribution companies in proportion to their share of such natural gas deliveries or purchases.

Because no deliveries were ordered pursuant to Section 4, this order concerns only the second sentence of Section 7 which provides in part for the allocation of compensation paid for emergency purchases pursuant to Section 6.

U.S.C. § 717, et seq) have been allocated to the high-priority uses[3] served by the pipeline. The allocation of emergency supplies purchased pursuant to section 6 to the lowest priority actually served by the pipeline during the applicable billing period reflects the fact that those volumes are the last increment of supply available to the pipeline and that such supplies enabled the pipeline to render service to the lowest priority customers actually served during that billing period.[4]

Order No. 6 (February 22, 1977) prohibits any interstate pipeline from purchasing gas under Section 6 if contemporaneously with the execution of the contract the pipeline was serving directly or indirectly any uses classified in FPC Priorities 4 through 9 (18 CFR 2.78(a)(1)(iv)–(ix)). Order No. 6 did not require that the purchase not terminate purchases under Section 6 if, subsequent to the execution of the contracts for such purchases, the purchaser's curtailment lessened and service to uses classified in Priorities 4 through 9 commenced. Thus, gas originally purchased under section 6 to serve uses classified in FPC Priorities 1 through 3 (18 CFR 2.78 (a)(1)(i)–(iii)) is now being consumed in part to serve uses classified in Priorities 4 through 9 because of changes in the curtailment levels on the interstate pipelines which reflect normal to warmer than normal weather.[5] The supplies purchased under Section 6 are the last increment of supply available to a pipeline. Therefore, it is appropriate that these volumes be allocated first to the lowest priorities served by the purchasing pipelines and second to the higher priority uses served by the pipelines to the extent such volumes were needed to serve such uses. Section 6 volumes are to be allocated to high priority uses only if the supplies available to the pipelines under the Natural Gas Act are not sufficient to serve such uses since the high priority uses would be the last uses to be curtailed and would therefore be served with gas purchased under the Natural Gas Act to the extent such supplies were and are available.

A number of contracts between the interstate pipelines and their customers (particularly direct industrial) could be construed as prohibiting the interstate pipeline from recovering the full cost of section 6 gas used to render service to those customers. Such contracts are contrary to the purpose of the Act which is to require those persons receiving the benefit of gas purchased under the Act to pay the cost of such gas. I, therefore, find that all interstate pipelines may recover all costs associated with Section 6 gas allocated to its customers in accordance with this order notwithstanding any contractual provisions to the contrary which might restrict or prohibit the recovery of such costs.

Pursuant to section 7 of the Act, I order that natural gas supplies purchased pursuant to section 6 of the Act be allocated according to the following rules:

1. (a) The term "high-priority use" means—

(A) Use of natural gas in a residence;

(B) Use of natural gas in a commercial establishment in amounts of less than 50 Mcf on a peak day; or

(C) Any other use of natural gas the termination of which would endanger life, health, or maintenance of physical property, (i.e., plant protection volumes necessary to avoid damage to physical plant and equipment).

(b) The term "conventional supplies" means any and all gas supplies (natural, artificial or synthetic) and any components mixed with natural gas (such as propane or ethane) which are purchased by an interstate pipeline pursuant to an order, rule, or regulation of the Federal Power Commission (FPC) issued under the Natural Gas Act (15 U.S.C. 717, et seq.).

(c) The term "effective FPC curtailment plan" means any plan by which an interstate pipeline curtailed deliveries to its customers during the period of the Act whether or not such plan has been finally approved by the FPC.

(d) The term "billing period" means the calendar month or similar period on which an interstate pipeline bills its customers in accordance with tariffs on file with the FPC.

2. An interstate pipeline should determine its requirements for high-priority uses as set forth in paragraph 1. a.

(a) If curtailment under the pipeline's effective FPC curtailment plan is on a daily basis, the pipeline shall allocate its conventional gas supplies and Section 6 gas supplies on a daily basis.

(b) If curtailment under the pipeline's effective FPC curtailment plan is on a monthly or seasonal basis, the pipeline shall allocate its conventional gas supplies and section 6 gas supplies during each billing period. The allocation shall reflect the effect of each change in the level of curtailment imposed during the applicable billing periods.

3. The pipeline shall allocate all available gas supplies as follows:

(a) Conventional gas supplies shall be allocated to the pipeline's high-priority uses.

(1) To the extent that the conventional gas supplies are not sufficient to meet the pipeline's high-priority uses, Section 6 gas should be allocated proportionately to each customer according to its requirements and adjusted to reflect any releases and reallocations.

(2) To the extent that the pipeline's conventional gas supplies exceed its high-priority uses, such excess shall be allocated proportionately to the uses in the next highest priority in the pipeline's effective curtailment plan.

(b) Section 6 gas should be allocated first to the lowest priority of service rendered during the applicable billing period and then to the next priority of service until all Section 6 gas has been allocated. Within each priority, Section 6 gas should be allocated on a proportional basis to all customers unless it can be determined that certain gas was made available to specific customers, i.e., through a grant of extraordinary relief.

(c) If section 6 gas enabled the pipeline to serve specific uses of gas (such as large commercial, feedstock, process, or other firm or interruptible industrial or boiler fuel requirements) during the billing period, section 6 gas should be allocated proportionately to all customers according to such loads actually served during the applicable billing period.

(d) During the storage injection season, gas used to replenish storage is to be considered as high-priority use. Section 6 gas should be allocated to storage only if the pipeline's conventional supplies are not sufficient to meet its high-priority uses plus storage.

4. Any contract between an interstate pipeline and any of its customers (including direct industrial customers) which prohibits or restricts the recovery of costs associated with Section 6 gas properly allocated to such customer pursuant to this order is hereby found to be contrary to the purposes of the Act and is declared to be unenforceable with respect to natural gas delivered under the Act. All interstate pipelines shall bill and recover all costs associated with section 6 gas supplies properly allocated to all customers pursuant to this order notwithstanding any contrary contractual provisions which might restrict or prohibit the full recovery of such costs from any customer.

Within _____ days of this order, all interstate pipelines, which have purchased gas pursuant to Section 6(a) of the Act, shall file with the Administrator a proposed plan to implement the allocation procedures set forth above. Such proposed plan shall be served on all of the pipeline's customers to which Section 6 gas could be allocated.

This order is issued pursuant to the authority delegated to me by the President in Executive Order No. 11969 (February 2, 1977) and shall be published in the FEDERAL REGISTER.

This order and authorization granted herein are subject to the continuing authority of the Administrator under Pub. L. 95–2 and the rules and regulations which may be issued thereunder.

[FR Doc.77-10801 Filed 4-11-77;8:45 am]

[3] The term "high-priority use(s)" is defined in Section 2(1) of the Act (91 Stat. at 4).

[4] Where the pipeline's curtailment plan provides for curtailment on a daily basis, the allocation of gas to a pipeline's customers shall be determined on a daily basis.

[5] Also, certain purchases were permitted notwithstanding Order No. 6. See, e.g. Colorado Interstate Gas Company, Docket No. E77-31 (February 28, 1977).

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

[20 CFR Part 405]

[Regs. 5]

FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED

Proposed Quality Control and Proficiency Testing Requirements Applicable to Laboratories of Medicare Hospitals

Notice is hereby given, pursuant to the Administrative Procedure Act (5 U.S.C.

553), that the amendment to the regulations (20 CFR Part 405) set forth below in tentative form is proposed by the Commissioner of Social Security, with the approval of the Secretary of Health, Education, and Welfare. The proposed amendment would require the laboratories of hospitals participating in the Medicare program to meet specified stronger standards of quality control and proficiency testing than are presently required. The additional standards are needed because the current hospital laboratory regulation does not contain specific quality control requirements and does not require participation in an approved proficiency testing program. Although the proposed standards are not currently included in the hospital requirements, they are especially important at this time in view of the growing complexity of laboratory procedures as well as the increasing volume of tests performed by hospital-based clinical laboratories. Quality control and proficiency testing have been recognized for some time as necessary requirements for assuring the correctness of laboratory tests. These standards are currently required for participating independent (non-hospital) laboratories and are also required under the Clinical Laboratory Improvement Act (CLIA 1967), which regulates both hospital and independent laboratories engaged in interstate commerce. Therefore, the proposed amendment to the regulations will not only enhance the quality of the laboratory work, but will also provide uniformity within the Medicare program, as well as with the current CLIA requirements for interstate laboratories. Also, those Medicare hospitals accredited by the Joint Commission on Accreditation of Hospitals (JCAH) and the American Osteopathic Association (AOA) already participate in proficiency testing and use quality control procedures. The question concerning the equivalency of the JCAH/AOA standards with those being proposed is currently under consideration and will be decided before this proposal is put into final form. The amendment to the regulations is being proposed on the assumption that the JCAH/AOA standards are equivalent; however, this asumption is made only to elicit comments and to expedite the rulemaking process. It does not represent a formal Departmental decision concerning JCAH/AOA equivalency. Hospital laboratories subject to these regulations would be granted 12 months to enlist in a proficiency testing program in those situations where such a program is not readily available. A 12-month period is not being provided with respect to quality control because the majority of these procedures can be implemented with existing staff and resources. Also, where laboratories are found to be initially deficient in quality control and proficiency testing, they would be afforded (after submitting an acceptable plan of correction) a reasonable amount of time to meet these requirements (see 20 CFR 405.1907). Interested parties are given 45 days from the date of publication of this notice in which to submit any data, views, or arguments to the Social Security Administration, Department of Health, Education, and Welfare.

Specifically, for a hospital to be eligible for participation as a provider of services in the Health Insurance for the Aged and Disabled program, it must meet the requirements set forth in section 1861(e) of the Social Security Act. Section 1861(e) sets forth a number of specific requirements which must be met by participating hospitals and section 1861(e)(9) also authorizes the Secretary of Health, Education, and Welfare to prescribe, by regulation, other requirements relating to the health and safety of patients as the Secretary may find necessary. These "conditions of participation" are published as Subpart J of 20 CFR Part 405. Under the authority of section 1861(e)(9), as well as the general regulatory authority conferred by sections 1102 and 1871 of the Act, the proposed amendment would add two additional standards to the current hospital laboratory regulations (20 CFR 405.-1028).

These standards are designed to: (1) Strengthen the programs of quality control currently employed by hospital laboratories by adding these quality control provisions which are identical to the independent laboratory requirements of Subpart M, Regulations No. 5 (20 CFR Part 405); and

(2) Require that hospital laboratories successfully participate in an approved proficiency testing program covering all clinical laboratory and anatomical pathology specialties and subspecialties in which the laboratory is approved to perform tests. This requirement is also identical to independent laboratory standards contained in Regulations No. 5, Subpart M.

Under this proposal, laboratory quality control and proficiency testing standards would be added to the requirements for participation by a hospital. This differs from the conditions for coverage for an independent laboratory (see Subpart M of this Part) where quality control is listed as a condition rather than a standard. No Medicare hospital or independent laboratory may be certified when a condition is not in compliance. It is conceivable that an independent laboratory that failed to meet the quality control condition would not be certified while a hospital laboratory that failed to meet the same requirement(s), but in the the form of a standard rather than a condition, could be certified. This is unlikely to occur, however, because failure to meet either the quality control or the proficiency testing standards would be considered serious enough under the provisions of 20 CFR 405.1907 that the facility would not be in compliance with the overall laboratory condition. That is, this failure would be considered to jeopardize the health and safety of patients or to seriously limit the hospital's capacity to render adequate care.

If there are any questions concerning this regulation, you may contact Mr. Ray Brown, Branch Chief, Division of State Operations, 6401 Security Boulevard, Baltimore, Maryland 21235, telephone 301-594-7910. Mr. Brown will respond to questions, but will not accept comments on this regulation.

Prior to the final adoption of the proposed amendment to the regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing to the Commissioner of Social Security, Department of Health, Education, and Welfare, P.O. Box 1585, Baltimore, Maryland 21203, on or before May 27, 1977.

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

(Secs. 1102, 1861(e)(9), and 1871; 49 Stat. 647, as amended, 79 Stat. 321, as amended, and 79 Stat. 331; 42 U.S.C. 1302, 1395x(e)(9), and 1395hh.)

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

NOTE.—The Social Security Administration has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive order No. 11821 and OMB Circular A-107.

Dated: January 10, 1977.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: March 31, 1977.

JOSEPH A. CALIFANO, Jr.,
Secretary of Health, Education, and Welfare.

Part 405 of chapter III of Title 20 of the Code of Federal Regulations, is amended, by adding paragraphs (k) and (l) to § 405.1028 to read as follows:

§ 405.1028 Condition of Participation—Laboratories.

* * * * *

(k) *Standard; Proficiency Testing.* The laboratory meets the proficiency testing provisions of § 405.1314(a). The definition of "proficiency testing program", as stated in § 405.1310(c), is also applicable.

(l) *Standard; Quality Control.* The laboratory meets the quality control provisions of § 405.1317.

[FR Doc.77-10138 Filed 4-11-77;8:45 am]

Food and Drug Administration

[21 CFR Parts 201, 330]

[Docket No. 77N-0010]

OVER-THE-COUNTER DRUGS

General Conditions for Use and Labeling of Inactive Ingredients

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: This is a proposal to amend regulations which establish the general

conditions under which over-the-counter (OTC) drug products are generally recognized as safe, effective, and not misbranded. The proposal defines identifiable functions that an inactive ingredient must perform to be regarded as appropriate for use in OTC drug products; it requires that if any inactive ingredient is voluntarily declared in the labeling of an OTC drug product, then every inactive ingredient must be declared on the label; and it establishes the format to be followed if inactive ingredients are voluntarily declared in the labeling of an OTC drug product.

DATE: Comments by June 13, 1977.

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

FOR FURTHER INFOMATION CONTACT:

Robert D. Bradley, Bureau of Drugs (HFD–30), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–5220.

SUPPLEMENTARY INFORMATION: The proposed amendment to Part 201 (21 CFR 201) applies to both animal and human drug products, while the amendment to Part 330 (21 CFR Part 330) applies to human drug products only.

RESTRICTIONS ON USE OF INACTIVE INGREDIENTS

Currently, § 330.1(e) (21 CFR 330.1(e)) requires that OTC human drug products incorporate only suitable inactive ingredients that are safe in the amount administered and that the inactive ingredients do not interfere with the effectiveness of the preparation or with suitable tests or assays to determine if it meets its professed standards of identity, strength, quality, and purity. The Commissioner of Food and Drugs now proposes to make it clear that, to be regarded as suitable within the meaning of § 330.1(e), each inactive ingredient in an OTC human drug product should perform a specific function. But this proposal in no way changes existing requirements that inactive ingredients be safe.

Section 210.3(d)(5) (21 CFR 210.3(d)(5)) defines an "active ingredient" as any component that is intended to furnish pharmacological activity or other direct effect in the diagnosis, cure, mitigation, treatment, or prevention of disease, or to affect the structure or any function of the body of man or other animals. The term includes those components that may undergo chemical change in the manufacture of the drug and be present in the finished drug product in a modified form intended to furnish the specified activity or effect. All other components of a drug product are regarded as inactive ingredients even though they may, at higher concentrations or in other formulations, have pharmacologic activity or be regarded as an active ingredient.

Various OTC drug panels have questioned whether an OTC drug may retain as an inactive ingredient an ingredient that was formerly listed as an active ingredient, but which was found not to be generally recognized as safe and effective (Category II) or to require additional testing (Category III). If these ingredients have been promoted by manufacturers for an extended time, there is a potential for misleading consumers if the general recognition of the safety and effectiveness issue is unresolved and the name of the ingredient is retained on the label or in the labeling with an unwarranted degree of prominence. The Commissioner believes this should not be permitted, and this proposal is intended to preclude the retention and redesignation of an active ingredient as an inactive ingredient unless it serves an acceptable function as an inactive ingredient. As a result, manufacturers of OTC drug products containing an ingredient in Category II or Category III shall, at the end of the time period permitted for marketing, or if found to require further testing before a determination as to general recognition of safety and effectiveness can be made for such ingredients, be required by the effective date either to reformulate the product to remove the ingredient or if it is retained in the product as an inactive ingredient, to establish that the ingredient fulfills the requirements for use as an inactive ingredient in the product. The Commissioner also believes that FDA should provide guidance about how to voluntarily declare inactive ingredients without misbranding a product. Elaboration of more specific standards will assist manufacturers in developing new formulations without unnecessarily burdening them with regulatory requirements.

Accordingly, the Commissioner proposes to amend Parts 201 and 330 regarding the general conditions for the safety, effectiveness, and proper labeling of OTC drugs by adding new § 201.63 to provide a format for declaring inactive ingredients in human and animal drug products and revising § 330.1(e) to state that an OTC human drug product may contain any inactive ingredient that is safe and suitable. The Commissioner proposes to define "safe and suitable" to mean that the inactive ingredient meets all the following conditions:

1. It is listed in an official compendium as a pharmaceutical aid or performs one or more physical or technical functions specifically identified in § 330.3 (21 CFR 330.3), which is also proposed in this document.

2. The inactive ingredient is used at a level no higher than reasonably required to achieve its intended physical or technical function in the product.

3. It is safe in the amount administered.

4. If it is a color additive, the ingredient is used only in accordance with section 706 of the act (21 U.S.C. 376) and 21 CFR Parts 70 through 82 (formerly 21 CFR Parts 8 and 9 prior to recodification published in the FEDERAL REGISTER of March 22, 1977 (42 FR 15553)).

5. It does not interfere with the effectiveness of the product.

6. The inactive ingredient does not interfere with suitable tests or assays to determine if the product meets its professed standards of identity, strength, quality, and purity.

The acceptable categories for use of inactive ingredients proposed by § 330.3 are as follows: air displacement agents; color additives; denaturing agents; dispersing agents; emollients; emulsifiers and emulsifying salts; flavors and flavoring adjuncts; fragrances; humectants; identifiers; levigating agents; ointment bases; pH control agents; preservatives; propellants, aerating agents and gases; solvents and vehicles; stiffening agents; suppository bases; surface-active agents; suspending agents; tablet and capsule diluents; tablet bases; tablet binders; and tablet-coating agents. Each of these categories is defined in proposed § 330.3.

Under the proposal, any OTC drug product that contains an inactive ingredient that does not fall within one of the above-named categories would be regarded as misbranded and/or a new drug and would be subject to regulatory action under section 502 and/or 505 of the act (21 U.S.C. 352 and/or 355). Moreover, any reference in the labeling to such an ingredient would constitute misbranding, causing the drug to be subject to regulatory action under section 502 of the act. The Commissioner, therefore, proposes to prevent continued promotion of an OTC drug product ingredient that at one time was identified as an "active ingredient" but has been found not to be generally recognized as safe and/or effective as an active ingredient and not to fall within one of the criteria for a safe and suitable inactive ingredient.

The Commissioner has previously considered identifying permissible inactive ingredients in specific OTC human drug monographs. By a proposal published in the FEDERAL REGISTER of January 5, 1972 (37 FR 85) and a regulation published in the FEDERAL REGISTER of May 11, 1972 (37 FR 9464), the Food and Drug Administration (FDA) adopted procedures for promulgation of monographs for drug products that are generally recognized as safe and effective and not misbranded. The January 5 proposal included consideration of inactive ingredients in establishing OTC drug monographs. In paragraph 42 of the preamble to the final regulation (37 FR 9467), however, the Commissioner stated that inactive ingredients would not be considered in the monographs, and references to inactive ingredients were therefore deleted from the final regulation. The issue was again raised by several OTC drug review panels that questioned the safety and function of certain inactive ingredients. The Commissioner advised each OTC drug review panel that it may review and make recommendations about any inactive ingredient about which there is a safety issue, but that it would be inappropriate for each panel to review the safety of all inactive ingredients. There are 17 OTC drug review panels, covering all OTC drug products, and it would be duplicative and wasteful for each panel to review all inactive ingredients used in prod-

ucts that fall within its pharmacological category because the same inactive ingredients are used in almost every category.

It has been suggested that an additional panel be established to consider the safety of inactive ingredients. The Commissioner believes it is difficult to predict all the effects that inactive ingredients can have on the safety and effectiveness of active ingredients in the OTC drug products that will be included in the various panel reports. Moreover, other ingredient reviews now in process by FDA encompass many of these inactive ingredients. The food ingredient GRAS (generally recognized as safe) list review, described in the FEDERAL REGISTER of July 26, 1973 (38 FR 20036) and the FEDERAL REGISTER of September 23, 1974 (39 FR 34172), includes most of the common inactive ingredients, including flavors. Color additives are already regulated under section 706 of the act (21 U.S.C. 376) and the implementing regulations in 21 CFR Parts 70 through 82. Further, the Commissioner has, through approval of new drug and new animal drug applications, reviewed and approved most inactive ingredients currently in use in regard to their safety. In addition, the Commissioner has in the past identified, and may from time to time in the future identify, specific ingredients that may not be used in packaging or in drug products because of safety concerns (see, e.g., the vinyl chloride document published in the FEDERAL REGISTER of April 22, 1974 (30 FR 14238), and the chloroform document published in the FEDERAL REGISTER of June 29, 1976 (41 FR 26842)). The Commissioner therefore intends to defer further consideration of establishing such an additional panel for inactive ingredients in OTC drug products until most, or all, of the reports of the existing panels are available. If evidence indicates that more definitive measures are needed to assure the suitability and safety of inactive ingredients, the Commissioner may take one of the following steps: establish a list of safe and suitable inactive ingredients and require that only inactive ingredients on the list may be used in OTC drug products; amend OTC drug product monographs to specify the acceptable inactive ingredients; or require that manufacturers submit product formulations in advance of marketing in order for FDA to determine if the product complies with the OTC drug product monograph and contains only safe and suitable inactive ingredients.

LABELING INACTIVE INGREDIENTS IN OTC DRUG PRODUCTS

The Commissioner is proposing under § 330.1(l) that if inactive ingredients are voluntarily declared on the label or in other labeling of an OTC drug product, this declaration shall be in compliance with the format being proposed under § 201.63 and all applicable requirements of the act and monographs.

The Federal Food, Drug, and Cosmetic Act currently does not require the complete identification of inactive ingredients in the labeling of an OTC product, although sections 502 (d) and (e) (21 U.S.C. 352 (d) and (e)) do require disclosure of certain ingredients, whether included as active or inactive components in the product. But neither the act nor present regulations prohibit the label of an OTC drug product from bearing a complete statement of the inactive ingredients, provided the statement is not false or misleading. The Commissioner encourages voluntary ingredient labeling and is therefore proposing new § 201.63 (21 CFR 201.63) to provide a format for declaring inactive ingredients in a manner that would not be false or misleading. He believes that, to the extent inactive ingredients are voluntarily identified by OTC manufacturers, consumers with known allergies can select products with increased confidence of safe use because a prescribed format for disclosure will assure consumers that no unjustified reference will be given to an inactive ingredient.

Under proposed § 201.63(a), if any inactive ingredient is voluntarily declared on the label or in other labeling of an OTC drug product, this voluntary declaration is subject to three conditions designed to deal with the same problems discussed above regarding the requirements for use of inactive ingredients.

Under proposed § 201.63(a)(1), if any inactive ingredient is voluntarily declared on the label or in other labeling, every inactive ingredient shall be declared on the label by its established name, as defined in section 502(e)(3) of the act, with two exceptions. The first exception is that a color, fragrance, flavor, or identifier may be so listed if it is used in a small amount, does not alter the dosage form, and does not affect the safety or effectiveness of the drug product. If a color, fragrance, flavor, or identifier is mentioned in the labeling of an OTC drug product, the full declaration of its components is not required. But an inactive ingredient that is both a fragrance and a flavor must be designated by each of the functions it performs unless it is identified by its established name, and no ingredient may be designated as a fragrance or a flavor unless the usage is within the meaning of such terms as commonly understood by consumers. The Commissioner recognizes that identifiers are substances added to a product to aid manufacturers to distinguish their products from similar or counterfeit products, and that declaring the ingredients comprising an identifier would defeat its purpose. The second exception to the mandatory disclosure requirement is that the listing of any active ingredient that is required by section 502 (d) or (e) of the act to be identified on the label, does not necessitate disclosure of all remaining inactive ingredients. This makes it clear that proposed § 201.63 applies to voluntary, not mandatory, declaration of inactive ingredients in OTC drug product labeling.

Proposed § 201.63(a)(2) requires that active and inactive ingredients be identified and listed separately. The list of active ingredients shall be preceded by the phrase "Active Ingredients:" in type at least twice the size of the type used to declare each such ingredient. The list of inactive ingredients shall follow the phrase "Inactive Ingredients:" and appear on the label with such prominence and conspicuousness that consumers are likely to read and understand it under normal conditions of purchase and use. All inactive ingredients shall be declared in the same size and style of type, not larger than the type used for the phrase "Inactive Ingredients:", without obscuring designs, vignettes, or causing crowding on the label. The inactive ingredient list shall not be in a larger size of type or with more prominence or conspicuousness than the list of active ingredients.

Proposed § 201.63(a)(3) provides that inactive ingredients must appear either in their order of predominence or in groups listed in the following manner and order:

1. Inactive ingredients, other than color additives, present at a concentration greater than 1 percent, in descending order of predominance; followed by,

2. Inactive ingredients, other than color additives, present at a concentration of not more than 1 percent, without respect to order of predominance; followed by,

3. Color additives, without respect to order of predominance.

Proposed § 201.63(b) makes it clear that § 201.63 does not apply to incidental ingredients that are present in a drug product at residual levels and have no physical or technical function in the drug product. Incidental ingredients are defined as follows:

1. Substances included in an OTC drug product that have no physical or technical function in the drug product but are present by reason of having been incorporated into the drug product as an ingredient of another drug ingredient.

2. Processing aids that are added to an OTC drug product during processing but are removed from the product in accordance with good manufacturing practice before the product is packaged in its finished form.

3. Processing aids that are added to an OTC drug product during processing for their physical or technical function in the processing, are converted to substances the same as constituents of declared inactive ingredients, and do not significantly increase the concentration of these constituents.

4. Processing aids that are added to an OTC drug product during processing for their physical or technical function in the processing but are present in the finished product at residual levels and do not have any physical or technical function in that product.

The Commissioner proposes in § 201.63 (c) that if a shortage of an inactive ingredient necessitates a formulation change, labels declaring the ingredients in the old formulation may continue to be used until existing stocks are exhausted or until the time of the next label printing, whichever occurs first, provided:

1. A revised inactive ingredient list appears on a firmly affixed tag, tape, card, sticker, or similar overlabeling at-

tached to the label and bears the conspicuous words "new inactive ingredient list" in letters no less than 1/16 inch high; or

2. A revised inactive ingredient declaration appears on labeling inside an unsealed package, and the package bears the conspicuous words, on a sticker or similar overlabeling, "new inactive ingredient list inside" in letters not less than 1/16 inch high.

The Commissioner proposes, in § 201.63(d), that no inactive ingredient, other than a color, flavor, fragrance, or ingredients subject to sections 502 (d) or (e) (1) of the act, may be mentioned by name in any labeling unless the label declares all inactive ingredients in the manner permitted by § 201.63 (a) through (c).

The Commissioner emphasizes that the effective date for enforcing these proposed labeling requirements would be deferred until the effective date for labeling compliance as set by the applicable monograph. Enforcement of the labeling requirements for antacid and antiflatulent products would be deferred until 12 months after the date of publication of this regulation as a final order.

The Commissioner has carefully considered the environmental effects of the proposed regulation and, because the proposed action will not significantly affect the quality of the human environment, has concluded that an environmental impact statement is not required. A copy of the environmental impact assessment is on file with the Hearing Clerk, Food and Drug Administration.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201, 502, 505, 512, 701(a), 52 Stat. 1040–1042 as amended, 1050–1053 as amended, 1055, 82 Stat. 343–351 (21 U.S.C. 321, 352, 355, 360b, 371(a))) and under authority delegated to the Commissioner (21 CFR 5.1), it is proposed that Parts 201 and 330 be amended as follows:

1. In Part 201, by adding new § 201.63 to Subpart C to read as follows:

§ 201.63 Declaration of inactive ingredients.

(a) If any inactive ingredient is voluntarily declared on the label or in other labeling of an over-the-counter drug product, such declaration shall be in compliance with the following conditions:

(1) Every inactive ingredient shall be declared on the label by its established name, as defined in section 502(e)(3) of the Federal Food, Drug, and Cosmetic Act, except for the following:

(i) A color, fragrance, flavor, or identifier may be listed as a color, fragrance, flavor, or identifier, provided it is used in a small amount, does not alter the dosage form and does not affect the safety or effectiveness of the drug product. An inactive ingredient that is both a fragrance and a flavor shall be designated by each of the functions it performs unless it is identified by its established name. No inactive ingredient may be designated as a fragrance or a flavor unless it is within the meaning of such terms as commonly understood by consumers.

(ii) Disclosure of inactive ingredients required by sections 502 (d) and (e)(1) of the Federal Food, Drug, and Cosmetic Act does not require that the label disclose all remaining inactive ingredients.

(2) Each declaration of active ingredients shall be preceded by the phrase "Active Ingredients:" in type at least twice the size of the type in which the active ingredients are declared. The declaration of inactive ingredients shall be preceded by the phrase "Inactive Ingredients:" and shall appear on the label with such prominence and such conspicuousness as to render it likely to be read and understood by consumers under normal conditions of purchase and use as a listing of inactive ingredients. All inactive ingredients shall be declared in the same size and style of type, which shall not be larger than the type used for the phrase "Inactive Ingredients:". The declaration shall appear on the label without an obscuring design or vignette and without crowding. The declaration of inactive ingredients shall not be in a larger size of type or with more prominence or conspicuousness than the declaration of active ingredients.

(3) Inactive ingredients shall be listed in descending order of predominance or be grouped, and the groups listed in the following manner and order:

(i) Inactive ingredients, other than color additives, present at a concentration greater than 1 percent, in descending order of predominance; followed by,

(ii) Inactive ingredients, other than color additives, present at a concentration of not more than 1 percent, without respect to order of predominance; followed by,

(iii) Color additives, without respect to order of predominance.

(b) The provisions of this section do not require the declaration of incidental ingredients that are present in an over-the-counter drug product at residual levels and that have no physical or technical function in the drug product. For the purpose of this section, incidental ingredients are:

(1) Substances included in an over-the-counter drug product that have no physical or technical function identified in § 330.3 of this chapter but are present by reason of having been incorporated into the drug product as an ingredient of another drug ingredient.

(2) Processing aids that are added to an over-the-counter drug product during processing but are removed from the product in accordance with good manufacturing practice before the product is packaged in its finished form.

(3) Processing aids that are added to an over-the-counter drug product during processing for their physical or technical function in the processing, are converted to substances the same as constituents of declared inactive ingredients, and do not significantly increase the concentration of these constituents.

(4) Processing aids that are added to an over-the-counter drug product during processing for their physical or technical function in the processing and are present in the finished product at residual levels and do not have any physical or technical function in that product.

(c) In the event that a shortage of an inactive ingredient necessitates a formulation change, labels declaring the ingredients of the old formulation may continue to be used until existing stocks are exhausted or until the time of the next label printing, whichever occurs first, if the following conditions are met:

(1) The revised inactive ingredient declaration appears on a firmly affixed tag, tape, card, sticker or similar overlabeling attached to the label and bearing the conspicuous words "new inactive ingredient list" in letters no less than 1/8 inch high; or

(2) The revised inactive ingredient declaration appears on labeling inside an unsealed package and the package bears the conspicuous words, on a sticker or similar overlabeling, "new inactive ingredient list inside" in letters not less than 1/8 inch high.

(d) No inactive ingredient, other than a color, flavor, or fragrance or an ingredient required by section 502 (d) or (e)(1) of the Federal Food, Drug, and Cosmetic Act to be identified on the label, may be mentioned by name in any labeling unless the label declares all inactive ingredients in the manner permitted by paragraphs (a) through (c) of this section.

2. In Part 330: a. Section 330.1 is amended by revising the section heading and paragraph (e) and by adding new paragraph (l) to read as follows:

§ 330.1 General conditions under which OTC drug products may be generally recognized as safe and effective and not misbranded.

* * * * *

(e) The product contains only inactive ingredients that are safe and suitable. A safe and suitable inactive ingredient is one that meets each of the following conditions:

(1) It is listed in an official compendium as a pharmaceutical aid or performs one or more of the physical or technical functions specifically identified in § 330.3.

(2) It is used at a level no higher than reasonably required to perform its intended physical or technical function in the product.

(3) It is safe in the amount administered.

(4) If it is a color additive, it is used only in accordance with section 706 of the Federal Food, Drug, and Cosmetic Act and Parts 70 through 82 of this chapter.

(5) It does not interfere with the effectiveness of the product.

(6) It does not interfere with suitable tests or assays to determine if the product meets its professed standards of identity, strength, quality, and purity.

* * * * *

(l) If inactive ingredients are voluntarily declared on the label or in the labeling of an OTC drug product, this declaration shall be in compliance with any applicable requirement of the Federal Food, Drug, and Cosmetic Act, § 201.63 of this chapter, and any applicable monograph.

b. By adding new § 330.3 to read as follows:

§ 330.3 Categories of inactive ingredients.

For the purposes of § 330.1(e)(1), an inactive ingredient performs a physical or technical function if it can be classified in one or more of the following functional categories:

(a) "Air displacement agents": Substances that displace air.

(b) "Color additives": As defined in section 201(t) of the act.

(c) "Denaturing agents": Substances added to alcohol to render it unfit for use as an intoxicating beverage.

(d) "Dispersing agents": Substances that promote even distribution throughout a liquid, gaseous, or solid medium with the formulation of a two-phase system.

(e) "Emollients": Bland, fatty, or oleaginous substances that may be applied locally, particularly to the skin, and also to mucous membranes or abraded tissue.

(f) "Emulsifiers and emulsifying salts": Substances that modify surface tension in the component phase of an emulsion to establish a uniform dispersion or emulsion.

(g) "Flavors and flavoring adjuncts": Substances added to impart or help impart a taste or aroma to a product.

(h) "Fragrances": Substances, extracts, or preparations for fragrance diffusing or imparting an agreeable or attractive odor.

(i) "Humectants": Hygroscopic substances incorporated in a product to promote retention of moisture, including moisture retention agents and antidusting agents.

(j) "Indentifiers": Substances incorporated in a product to aid manufacturers to distinguish their products from similar or counterfeit products.

(k) "Levigating agents": Substances that aid in reducing another substance to an extremely fine state of subdivision after that other substance has been made into a paste with some suitable liquid in which it is insoluble; also, nonsolid vehicles used to disperse a solid substance to form a paste.

(l) "Ointment bases": Vehicles to permit topical application of active medicinal substances.

(m) "pH control agents": Substances added to change or maintain active acidity or basicity, including buffers, acids, alkalies, and neutralizing agents.

(n) "Preservatives": Substances that are added to preparations to prevent or retard deterioration or degradation in a product. Such substances include antifungal agents, antioxidants, antimicrobial agents, mold and rope inhibitors, and agents having the effects listed by the National Academy of Sciences—National Research Council under "preservatives" and reported to the Food and Drug Administration under the contract title "A Comprehensive Survey of Industry on the Use of Food Chemicals Generally Recognized As Safe" (September 1972). (PB–221–929, $4.00 ($3.00 microfiche) and PB 221–933, $9.75 ($3.00 microfiche): copies may be obtained from: National Technical Information Service (NTIS), 5285 Port Royal Rd., Springfield, VA 22151.) For the purpose of this section, "antioxidant" is defined as a substance that inhibits oxidation and is used to prevent rancidity of oils or fats or the deterioration of other materials through oxidative processes, including color changes.

(o) "Propellants, aerating agents, and gases": Gases used to supply force to expel a product or used to reduce the amount of oxygen with the product in packaging.

(p) "Solvents and vehicles": Substances used to dissolve or extract another substance or used as carriers of other substances.

(q) "Stiffening agents": Substances that increase the visosity of certain pharmaceutical preparations, especially ointments.

(r) "Suppository bases": Pharmaceutical bases that are solid at room temperature but melt at body temperature.

(s) "Surface-active agents": Substances used to modify the surface properties of liquids for a variety of effects. The definition includes solubilizing agents, dispersants, detergents, wetting agents, dehydration enhancers, whipping agents, foaming agents, and defoaming agents.

(t) "Suspending agents": Substances required to overcome agglomeration of the dispersed particles and increase the viscosity of the medium so that the particles settle slowly.

(u) "Tablet and capsule diluents": Inert substances incorporated to increase the bulk to make the tablet or capsule of practical size.

(v) "Tablet bases": The foundation of the tablet (e.g., diluents, binders, disintegrants, lubricants).

(w) "Tablet binders": Substances used to impart a cohesive quality to a powdered material in making tablets.

(x) "Tablet coating agents": Substances or systems of substances that envelop a tablet for identification, for protection from the environment, for altering availability of the active ingredient, or for modifying the taste, texture, size, or appearance.

Interested persons may, on or before June 13, 1977, submit to the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857, written comments (preferably in quadruplicate and identified with the Hearing Clerk docket number found in brackets in the heading of this document) regarding this proposal. Received comments may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

The Food and Drug Administration has determined that this document does not contain a major proposal requiring preparation of an inflation impact statement under Executive Order 11821 and OMB Circular A–107. A copy of the inflation impact assessment is on file with the Hearing Clerk, Food and Drug Administration.

Dated: April 4, 1977.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.77–10583 Filed 4–11–77;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 21119; Rm 2731]

RADIO BROADCAST SERVICES

Table of Assignments, FM Broadcast Stations (Gillette, Wyoming); Order Extending Time for Filing Comments and Reply Comments

Adopted: March 22, 1977.

Released: April 6, 1977.

AGENCY: Federal Communications Commission.

ACTION: Extension of comment period.

SUMMARY: At the request of Midland Broadcasting Company of Wyoming, this Order extends the time for filing comments and reply comments to allow them additional time to study proposed channel assignments and a channel relocation in Gillette, Wyoming.

DATES: Comments must be received on or before April 27, 1977, and Reply Comments must be received on or before May 18, 1977.

ADDRESS: Send comments to: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Mildred B. Nesterak, Legal Branch, Policy and Rules Division, Broadcast Bureau, Federal Communications Commission, Washington, D.C. 20554, 202–632–7792.

1. Notice of Proposed Rule Making in this proceeding was adopted on February 11, 1977, and released on February 18, 1977. Publication was made in the FEDERAL REGISTER on February 24, 1977, 42 FR 10858. Comments and reply comments are due on March 28 and April 18, 1977, respectively.

2. On March 17, 1977, counsel for Midland Broadcasting Company of Wyoming requested that the time for filing comments and reply comments be extended for thirty (30) days. Counsel states that the additional time is needed to complete an engineering study concerning the proposed assignment of Channels 245 and 264 to Gillette, Wyoming, and to analyze financial aspects involved in relocating its facility from

Channel 228A to a new Class C channel. Counsel for the proponent in this proceeding indicated it will interpose no objection to the grant of this extension.

3. We are of the view that the requested additional time is warranted and would serve the public interest. *Accordingly, it is ordered*, That the time for filing comments and reply comments in Docket No. 21119 are extended to and including April 27 and May 18, 1977, respectively.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rule.

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

[FR Doc.77-10670 Filed 4-11-77;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

[45 CFR Part 160f]

WOMEN'S EDUCATIONAL EQUITY ACT PROGRAM

Public Discussion of Proposed Regulations

AGENCY: Office of Education, HEW.

ACTION: Notice of public hearings.

SUMMARY: This document establishes the times and dates for hearings regarding proposed rules for the Women's Educational Equity Act Program.

DATES:

REGION I

Boston, Massachusetts, May 2, 1977, 9 a.m. to 11:30 a.m., 1:30 p.m. to 4 p.m.

REGION II

New York, New York, May 3, 1977, 9 a.m. to 11:30 a.m., 1 p.m. to 3:30 p.m.

REGION III

Philadelphia, Pennsylvania, April 29, 1977, 9:30 a.m. to 12 p.m., 1 p.m. to 3:30 p.m.

REGION IV

Atlanta, Georgia, April 29, 1977, 9:30 a.m. to 12 p.m., 1:30 p.m. to 4 p.m.

REGION V

Chicago, Illinois, May 4, 1977, 10 a.m. to 12:30 p.m., 1 p.m. to 4 p.m.

REGION VI

Dallas, Texas, April 28, 1977, 9 a.m. to 12 p.m., 1 p.m. to 4 p.m.

REGION VII

Kansas City, Missouri, April 29, 1977, 9 a.m. to 11:30 a.m., 1 p.m. to 3:30 p.m.

REGION VIII

Denver, Colorado, May 4, 1977, 9 a.m. to 12 p.m., 1 p.m. to 4 p.m.

REGION IX

San Francisco, California, May 2, 1977, 9 a.m. to 12 p.m., 1 p.m. to 4 p.m.

REGION X

Seattle, Washington, April 29, 1977, 9 a.m. to 11:30 a.m., 1 p.m. to 3:30 p.m.

ADDRESSES:

REGION I

Boston, Massachusetts, John F. Kennedy Federal Building, Room 2003-A, Government Center.

REGION II

New York, New York, 26 Federal Plaza, Room 305.

REGION III

Philadelphia, Pennsylvania, William J. Green, Jr. Federal Building, Room 3306/3310, 600 Arch Street.

REGION IV

Atlanta, Georgia, 50 Seventh Street, NE., Room 543.

REGION V

Chicago, Illinois, Roosevelt University, 430 South Michigan, Room 320.

REGION VI

Dallas, Texas, Royal Coach Inn, 3800 West Northwest Highway.

REGION VII

Kansas City, Missouri, Federal Building, Room 140, 601 E. 12th Street.

REGION VIII

Denver, Colorado, U.S. Post Office Building, Room 269, 18th and Stout Streets.

REGION IX

San Francisco, California, 450 Golden Gate Avenue, Room 13450.

REGION X

Seattle, Washington, Federal Office Building, Room 390, 915 Second Avenue.

FOR FURTHER INFORMATION CONTACT:

REGION I

Boston, Massachusetts, Arlene Hope, 617-223-4010.

REGION II

New York, New York, Rita Ray, 212-264-4423.

REGION III

Philadelphia, Pennsylvania, Carol Levister, 215-596-1027.

REGION IV

Atlanta, Georgia, Kenneth Brunner, 404-526-4996.

REGION V

Chicago, Illinois, Kay Henry, 312-353-1744.

REGION VI

Dallas, Texas, Eileen Lehman, 214-655-3651.

REGION VII

Kansas City, Missouri, Bud Tumy, 816-374-5876.

REGION VIII

Denver, Colorado, Thomas Moorefield, 303-837-3544.

REGION IX

San Francisco, California, Mary Ann Clark Faris, 415-556-7750.

REGION X

Seattle, Washington, Dr. John Bean, 206-442-0402.

SUPPLEMENTARY INFORMATION:

These hearings will be under the sponsorship of the HEW Regional Commissioner of Educaton in each of the ten HEW Regional Offices.

The purpose of these hearings is to discuss the proposed revisions to the regulation in the Notice of Proposed Rulemaking that was published in the FEDERAL REGISTER on April 1, 1977, 42 FR 17700). Secondarily, the hearings can be used to answer questions members of the public may have on the application review and award process, project development, dissemination, and so forth.

Individuals and organizations who are interested in equity issues that focus on three of the levels of education specified in the legislation (preschool, elementary, and secondary) are requested to attend the morning session. Those whose major focus is on the postsecondary and adult levels are requested to attend the afternoon session.

Dated: April 8, 1977.

(Catalog of Federal Domestic Assistance No. 13.656, Women's Educational Equity Act Program.)

WILLIAM F. PIERCE,
Acting United States Commissioner of Education.

[FR Doc.77-10830 Filed 4-11-77;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

CIBOLA NATIONAL FOREST GRAZING ADVISORY BOARD

Meeting

The Cibola National Forest Grazing Advisory Board will meet Friday, May 20, 1977, at 8:00 a.m., at Frank H. Metzler's ranch headquarters, in Comanche Canyon on the Mountainair Ranger District.

This meeting will be for the purpose of reviewing the range conditions on the Comanche Allotment and its management. The Allotment will be ridden on horseback.

The meeting will be open to the public and interested persons planning to ride the allotment should bring their own horses. Persons who wish to attend should notify Keith T. Pfefferle via telephone, 766-2185, or in writing, to 10308 Candelaria, N.E., Albuquerque, New Mexico 87112. Written statements may be filed with the Committee before or after the meeting.

Dated: April 4, 1977.

KEITH T. PFEFFERLE,
Forest Supervisor.

[FR Doc.77-10609 Filed 4-11-77;8:45 am]

COLLECTION AND USE OF FUNDS FOR COST OF SALVAGE TIMBER SALE OPERATIONS PURCHASER DEPOSITS

Request for Comments

The National Forest Management Act of 1976 (Pub. L. 94-588) directs the Secretary of Agriculture to provide for optimum practical use of wood material from the National Forests. In order to accomplish this objective in situations involving the salvage of insect-infested, dead, damaged, or down timber, section 14(h) (90 Stat. 2960) of the Act authorizes the Secretary to require purchasers of such sale to deposit the funds necessary to cover the cost of sale preparation and administration.

The Chief, Forest Service, proposes to adopt certain policies, to be set forth in an amendment to the Forest Service Manual, for implementing this section of the Act. Comments are hereby solicited regarding the proposed policies.

Comments should be submitted on or before May 12, 1977, to the Chief, Forest Service, P.O. Box 2417, Washington, D.C. 20013.

For further information, contact:

George Leonard or George Roether, Timber Management Staff, Forest Service, Washington, D.C., 202-447-4051.

The proposed policy amendment of the Forest Service Manual is set forth below:

2435 *Collection and Use of Deposits for Salvage Sale Operations.* Section 14(h) of the National Forest Management Act of 1976 authorizes collection of salvage sale funds, hereinafter called SSF, to cover the cost for Forest Service sale preparation and supervision of the harvesting of insect-infested, dead, damaged, or down timber and associated trees for stand improvement.

2435.01 *Authority.* Authority for requiring purchasers of salvage sales to make deposits to cover Forest Service costs of engineering, preparing, and administering such sales is given in section 14(h) of the National Forest Management Act of 1976 (90 Stat. 2960) (FSM 1021). Amounts collected for salvage sale purposes are (1) to be a part of the payment for the salvable material, (2) to be available until expended, (3) not considered as moneys received from the National Forests within the meaning of sections 500 and 501 of Title 16, United States Code (which require that 25 percent of moneys received from each National Forest go to the States for schools and roads, and that 10 percent be spent for roads and trails in the National Forests), and (4) to be transferred to miscellaneous receipts in the Treasury of the United States when found to be in excess of the costs of accomplishing the purposes for which deposited.

2435.02 *Objective.* The objective is to provide for the optimum practical use of wood material in situations involving salvage, including the promotion of more effective utilization of salvable wood material. Such use and utilization is to be compatible with multiple use objectives and shall reflect regional conditions and species characteristics.

2435.03 *Policy.* To assist in obtaining optimum practical use of salvable wood material from National Forest lands, an SSF shall be established on each proclaimed National Forest which has wood material salvage opportunities. The SSF is a revolving fund to be used to make salvable materials—within the objectives of multiple use resource management—available to prospective purchasers on a continuing basis.

Funds authorized to be collected for deposit into the SSF shall only be from qualifying salvage sales or from other sales containing a salvable component to be sold.

2435.04 *Responsibility.* Two areas of responsibility are identified and assigned to the officer authorized to approve the timber use (FSM 2404.13): (1) Determination that a sale is a qualifying sale. The officer making this determination must be guided by definitions in FSM 2435.05a, and (2) approval of the SSF Plan (FSM 2435.24) and subsequent revisions.

2435.05 *Definitions.*—a. *Qualifying Salvage Sales.* A qualifying salvage sale is one in which the primary reason for entry is salvage. The sale must contain primarily salvage timber (insect-infested, dead, damaged or down) and associated trees for stand improvement. Associated trees for stand improvement include the following:

1. Trees predicted to be in imminent danger of insect and/or disease attack or windthrow and other high risk trees that are expected to be dead from any cause by the next harvest (or compartment) entry.

2. Trees impacted by disease to the extent that their growth is reduced, and diseased trees that, if left in place, would adversely affect the growth of other trees.

3. Trees, which because of their species or genetic inferiority, are undesirable as a source of natural regeneration on the site.

4. Trees which must be removed for sale access and operations.

5. Trees in understocked stands requiring regeneration, when the agent causing the need for salvage, or the salvage operation itself, would create the understocked condition.

6. Trees in overstocked stands when thinning or release will benefit the vigor of the residual stand.

b. *Collection on Other Sales.* Ordinarily, collection of salvage sale funds (SSF) will be limited to qualifying salvage sales (2435.05a). Occasionally, however, there may be an identifiable component of a regularly programmed sale which contains a unit of blown-down, insect-infested or otherwise qualifying salvage timber. When it is decided to include such salvage opportunities in a regular sale, contributions to the SSF may be made to cover the cost of preparing and administering the salvage component.

In the event timber included in a normal sale area is damaged by fire, insects, windthrow or other agent, salvage sale funds may be collected to cover the costs of preparing and administering the additional salvage volume on the sale.

2435.1 *Kinds of Work Authorized.*—1. *Sale Preparation.* Includes the reconnaissance, silvicultural prescriptions, design of logging systems, volume estimates, marking, associated land line location, compliance with NEPA, other resource coordination, and all other tasks necessary to prepare a contract for the removal of the timber.

2. *Supervision of Harvest.* Includes the administration of contracts, inspection of the contract operations and measurement of the timber to insure proper payment is received for the material. It may also include supervision of force account logging.

3. *Engineering.* Transportation planning, reconnaissance, route location, surveying, materials investigation, compliance with NEPA, and other resource coordination needed to properly plan the needed roads.

4. *Design.* Includes the work necessary to completely prepare project drawings, specifications, and cost estimates.

5. *Construction Supervision.* Includes the staking of designed roads on the ground and providing the necessary engineering control to insure proper payment for work accomplished and to insure the project is constructed in accordance with the contract. Also includes supervision of force account construction.

JOHN R. MCGUIRE,
Chief.

[FR Doc.77-10610 Filed 4-11-77;8:45 am]

CONDOR ADVISORY COMMITTEE

Meeting

The Condor Advisory Committee will meet May 24, 1977 at 10:00 a.m. in the California Department of Fish and Game Conference Room, 1416 Ninth Street, Sacramento, California.

The purpose of the meeting is to discuss the current management programs

and problems confronting the California Condor and its habitat.

This meeting is open to the public. Persons who wish to attend should notify Mr. Robert D. Nelson, USDA, Forest Service, Fisheries and Wildlife Management Staff, 630 Sansome Street, San Francisco, California 94111 (415–556–8551). Written statements may be filed with the committee before or after the meeting.

A public participation period is scheduled after the regular meeting.

Dated: April 4, 1977.

DOUGLAS R. LEISZ,
Regional Forester.

[FR Doc.77-10413 Filed 4-11-77;8:45 am]

GRANDE RONDE PLANNING UNIT

Availability of Draft Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a supplement to the draft environmental statement for the Grande Ronde Planning Unit Land Management Plan, USDA–FS–R6–DES (Adm)–76–15.

The supplement provides new data and an evaluation on two additional roadless areas contiguous to the Eagle Cap Wilderness to determine their wilderness potential. These areas are within the Wallowa-Whitman and Umatilla National Forests in Northeast Oregon.

The supplement to the Draft Environmental Statement was transmitted to CEQ on April 5, 1977.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Room 3210, 12th St. and Independence Ave. SW., Washington, D.C. 20250.
USDA, Forest Service, Pacific Northwest Region, 319 SW. Pine Street, Portland, Oregon 97204.
USDA, Forest Service, Wallowa-Whitman National Forest, Federal Building, Baker, Oregon 97814.

A limited number of single copies are available upon request to Forest Supervisor, A. G. Oard, Wallowa-Whitman National Forest, P.O. Box 907, Baker, Oregon 97814.

Copies of the environmental statement have been sent to various Federal, state, and local agencies as outlined in the CEQ guidelines.

Comments are invited from the public, and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requestd specifically.

Comments concerning the proposal and requests for additional information should be addressed to A. G. Oard, Forest Supervisor, Wallowa-Whitman National Forest, P.O. Box 907, Baker, Oregon 97814.

Comments must be received by June 4, 1977 in order to be considered in the preparation of the final environmental statement.

Dated: April 5, 1977.

CURTIS L. SWANSON,
Regional Environmental Coordinator, Planning, Programing and Budgeting.

[FR Doc.77-10712 Filed 4-11-77;8:45 am]

SOUTH FOURCHE UNIT

Availability of Final Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for the South Fourche Planning Unit, Ouachita National Forest, Arkansas, USDA–FS–R8–FES(Adm.)–76–17.

This environmental statement concerns the proposed management direction and resource allocation for the 98,275 acre South Fourche Unit, Ouachita National Forest.

This final envirnomental statement was transmitted to CEQ on April 4, 1977.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Room 3230, 12th St. and Independence Ave. SW., Washington, D.C. 20250.
USDA, Forest Service, 1720 Peachtree Road NW., Room 804, Atlanta, Georgia 30309.
USDA, Forest Service, Ouachita National Forest, P.O. Box 1270, Federal Building, Hot Springs, Arkansas 71901
Jessieville Ranger District, Indiana and Winona Streets, Hot Springs, Arkansas 71901.
Fourche Ranger District, Box 458, Highway 10 East, Danville, Arkansas 72833.
Winona Ranger District, P.O. Box 8, Perryville, Arkansas 72126.

A limited number of single copies are available upon request to Alvis Z. Owen, Forest Supervisor, Ouachita National Forest, P.O. Box 1270, Federal Building, Hot Springs, Arkansas 71901.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ Guidelines.

ALVIS Z. OWEN,
Forest Supervisor.

APRIL 4, 1977.

[FR Doc. 77-10711 Filed 4-11-77;8:45 am]

Packers and Stockyards Administration

LONDON LIVESTOCK AND CAR AUCTION LONDON, ARKANSAS, ET AL.

Posted Stockyards

Pursuant to the authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. et seq.), it was ascertained that the livestock markets named below were stockyards within the definition of that term contained in section 302 of the Act, as amended (7 U.S.C. 202), and notice was given to the owners and to the public by posting notices at the stockyards as required by said section 302, on the respective dates specified below.

Facility no., name and location of stockyard	*Date of posting*
ARKANSAS	
AR—156 London Livestock and Car Auction, London.	Jan. 3, 1977.
GEORGIA	
GA—183 Miller Livestock Co., Colquitt.	Feb. 20, 1977.
ILLINOIS	
IL—167 United Market Center, Goreville.	Feb. 25, 1977.
MINNESOTA	
MN—169 Willmar Feeder Pig Market, Willmar.	Feb. 28, 1977.
TENNESSEE	
TN—175 Tennessee Livestock Producers, Inc., Cross Plains.	March 29, 1977.

Done at Washington, D.C., this 6th day of April, 1977.

EDWARD L. THOMPSON,
Chief, Registrations, Bonds, and Reports Branch, Livestock Marketing Division.

[FR Doc.77-10611 Filed 4-11-77;8:45 am]

CORNING LIVESTOCK AUCTION, CORNING, ARKANSAS, ET AL.

Deposting of Stockyards

It has been ascertained, and notice is hereby given, that the livestock markets named herein, originally posted on the respective dates specified below as being subject to the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), no longer come within the definition of a stockyard under said Act and are, therefore, no longer subject to the provisions of the Act.

Facility number, name, and location of stockyard, date of posting

AR—110, Corning Livestock Auction, Corning, Arkansas, February 20, 1959.
AR—153, Logan County Livestock Auction, Magazine, Arkansas, January 12, 1976.
LA—126, Avoyelles Livestock Auction, Mansura, Louisiana, March 28, 1957.
MS—151, Triangle Stockyard, Inc., Columbus, Mississippi, November 27, 1973.
MS–109, Corinth Livestock Commission, Inc., Corinth, Mississippi, February 10, 1959.

Notice or other public procedure has not preceded promulgation of the foregoing rule. There is no legal justification for not promptly deposting a stockyard which is no longer within the definition of that term contained in the Act.

The foregoing is in the nature of a rule relieving a restriction and may be made effective in less than 30 days after

publication in the FEDERAL REGISTER. This notice shall become effective on April 12, 1977.

(42 Stat. 159, as amended and supplemented; 7 U.S.C. 181 et seq.)

Done at Washington, D.C., this 7th day of April 1977.

EDWARD L. THOMPSON,
Chief, Registrations, Bonds, and Reports Branch, Livestock Marketing Division.

[FR Doc.77-10730 Filed 4-11-77;8:45 am]

RAWHIDE LIVESTOCK AUCTION, INC., CHANDLER, ARIZONA, ET AL.

Proposed Posting of Stockyards

The Chief, Registrations, Bonds, and Reports Branch, Packers and Stockyards Administration, United States Department of Agriculture, has information that the livestock markets named below are stockyards as defined in Section 302 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 202), and should be made subject to the provisions of the Act.

AZ-109, Rawhide Livestock Auction, Inc., Chandler, Arizona.
FL-124, 301 Livestock Company, Thonotosassa, Florida.
NM-118, South Valley Coliseum, Albuquerque, New Mexico.
NC-148, Dedmon's Livestock Yards, Shelby, North Carolina.
PA-151, Bell's Sales Company, York Springs, Pennsylvania.

Notice is hereby given, therefore, that the said Chief, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the Act as provided in Section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed rule, may do so by filing them with the Chief, Registrations, Bonds, and Reports Branch, Packers and Stockyards Administration, United States Department of Agriculture, Washington, D.C. 20250, by April 27, 1977.

All written submissions made pursuant to this notice shall be made available for public inspection at such times and places in a manner convenient to the public business (7 U.S.C. 1.27(b)).

Done at Washington, D.C., this 7th day of April 1977.

EDWARD L. THOMPSON,
Chief, Registrations, Bonds, and Reports Branch, Livestock Marketing Division.

[FR Doc.77-10731 Filed 4-11-77;8:45 am]

CIVIL AERONAUTICS BOARD

[Order 77-4-18; Docket 20244]

ALOHA AIRLINES, INC.

Subsidy Mail Rates; Order of Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 5th day of April, 1977.

On May 16, 1972, the Board, by Order 72-5-62 in the above-titled action, awarded $789,000 in subsidy to Aloha Airlines, Inc. (Aloha), for the period September 16, 1968, through February 28, 1969 (the subsidy period).[1] At the same time, it found that Hawaiian Airlines, Inc. (Hawaiian), had engaged in excessive competitive scheduling of flights during the subsidy period, and that this was the primary cause of Aloha's low load factor and attendant losses.[2] On July 3, 1972, Aloha sued Hawaiian in the U.S. District Court for the District of Hawaii[3] alleging an attempt to monopolize air transportation in Hawaii in violation of section 2 of the Sherman Act. Aloha asserted claims for damages arising out of Hawaiian's overscheduling activities, $695,093 during and $3,670,546 after the subsidy period, and $1,504,757 damages arising out of an aborted merger with Hawaiian, which occurred after the subsidy period.[4] Taking notice of this action, the Board on February 7, 1973, amended Aloha's subsidy award to provide that:

> the amount of subsidy shall be reduced to reflect the amount * * * of any judgment or other settlement related to the complaint filed by Aloha Airlines, Inc. against Hawaiian Airlines, Inc. in the United States District Court for the District of Hawaii, Case No. 72-3594, on account of any damages sustained by Aloha Airlines, Inc. during all or any part of the period September 16, 1968 through February 28, 1969.[5]

On February 14, 1975, the jury in Aloha's civil antitrust suit against Hawaiian returned a general verdict for Aloha, finding actual damages in the sum of $1,504,757. As previously noted, this figure corresponds to Aloha's alleged damages arising out of the aborted Aloha-Hawaiian merger. These actual damages were trebled, court costs and attorney's fees added, and judgment entered for $5,024,257.92, but this judgment was never executed. Hawaiian appealed the case to the Ninth Circuit.[6] On August 23, 1976, Aloha and Hawaiian entered into a settlement agreement covering

> all differences outstanding between and among them, including but not limited to claims, counterclaims and cross-claims made in the actions titled *Aloha Airlines, Inc.* v. *Hawaiian Airlines, Inc.*, Civil No. 72-3594 * * * in the United States District Court, District of Hawaii, (and) * * * No. 75-2886, in the United States Court of Appeals for the Ninth Circuit * * *.[7]

Hawaiian paid Aloha $1,850,000 "as full settlement of all claims outstanding between them, and, in particular, Aloha's claim for damages arising out of (the aborted merger)."[8]

Upon consideration of these facts and all other relevant matters, the Board finds that it may be appropriate to reduce the subsidy paid and payable Aloha for the period September 16, 1968, through February 28, 1969.

The proviso of Order 73-2-29 clearly contemplates recovery by the Board of those proceeds of a settlement of Aloha's civil antitrust suit against Hawaiian "on account of any damages" sustained by Aloha during the subsidy period. The damages suffered by Aloha during this period were caused by the overscheduling of Hawaiian, and these damages were claimed by Aloha in its civil action. On its face, the Aloha-Hawaiian settlement encompasses Aloha's suit and the appeal taken therefrom. Therefore, it appears that at least a portion of the settlement proceeds are "on account of" Hawaiian's overscheduling activities during the subsidy period. If this investigation proves this to be case, then Aloha must refund that portion to the Government.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof,

It is ordered, That: 1. An investigation be instituted to determine whether the subsidy paid and payable Aloha Airlines, Inc., for the period September 16, 1968, through February 28, 1969, should be reduced and, if so, to determine by what amount it should be reduced;

2. The investigation ordered herein be assigned for hearing before an administrative law judge of the Board at a time and place to be designated later; and

3. Copies of this Order be served upon Aloha Airlines, Inc., and Hawaiian Airlines, Inc., which are hereby made parties to the investigation.

---

[1] Aloha Airlines, Inc. and Hawaiian Airlines, Inc., Subsidy Mail Rates and Proposed Fare Increases, Order 72-5-62, May 16, 1972.

[2] Order 74-11-86, November 19, 1974, amending Order 72-5-62, May 16, 1972.

[3] *Aloha Airlines, Inc.* v. *Hawaiian Airlines, Inc.*, Civil No. 72-3594 (D. Hawaii, decided February 14, 1975).

[4] Plaintiff's Exhibit PX 480, *Aloha Airlines, Inc.* v. *Hawaiian Airlines, Inc.*, Civil No. 72-3594 (D. Hawaii, decided February 14, 1975).

[5] Order 73-2-29, February 7, 1973, at 14-15. The Board expressed its reasons for adding the proviso as follows:

> Manifestly, any injury suffered by Aloha during (the subsidy) period increased its subsidy need. If this need is subsequently satisfied in whole or in part by Hawaiian, Aloha's recognizable need is diminished and its subsidy rate must be reduced * * *. Federal subsidy must be considered a last resort, which is to be retained only if recompense is not paid through the courts or by settlement and which is not to take the place of damages * * *.

Id. at 10 and n. 15. The Board's view of the relationship between subsidy and subsequent damages awards has been affirmed within the specific context of this case. *Aloha Airlines, Inc.* v. *Hawaiian Airlines, Inc.*, 489 F. 2d 203, 208-10 (9th Cir.), *cert. denied*, 417 U.S. 913 (1974).

[6] *Aloha Airlines, Inc.* v. *Hawaiian Airlines, Inc.*, Civil No. 75-2886 (9th Cir., dismissed August 27, 1976).

[7] Docket 26235, Joint Statement of Aloha Airlines, Inc. and Hawaiian Airlines, Inc., September 14, 1976, App. A (Agreement and Mutual Release of Claims), at 1.

[8] Id. App. B (Agreement and Promissory Note), at 1.

This Order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-10719 Filed 4-11-77;8:45 am]

[Order 77-4-28; Docket 30697]

CARIBBEAN AREA SERVICE INVESTIGATION

Order Instituting Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 6th day of April, 1977.

In 1968 the Board issued its decision in the United States-Caribbean-South America Route Investigation (United States-Caribbean Part), Docket 12895, et. al.[1] The Board found that there was a need to improve and expand the existing U.S. carrier authorizations in the Caribbean area, and, therefore, two basic route patterns were established: (1) an island-hopping service between San Juan and the Mainland and between San Juan and the Lesser Antilles, to be operated by Caribbean-Atlantic Airlines (Caribair); and (2) a long-haul Mainland-Caribbean service pattern operated by four larger airlines—Trans Caribbean Airways (TCA), Eastern Air Lines, Delta Air Lines, and Pan American World Airways.

Subsequent to the issuance of the Board's decision in that case, a number of major developments have taken place. Eastern has acquired the routes of Caribair[2] and American Airlines has acquired the routes of TCA. In addition, the Caribbean area traffic has been erratic and substantially below expectations. This situation produced uneconomic passenger levels and significant operating losses for Eastern and Pan American, eventually requiring them to suspend service at a large number of Caribbean points. Significant among these suspensions were Boston, Philadelphia, and Baltimore, and Montego Bay, Kingston, Nassau, and Freeport on Pan American's route. Eastern's suspensions included Aruba, Curacao, Kingston, Montego Bay (on Route 59)[3] and Port-au-Prince.

The result of these service changes has been a major breakdown in the service patterns authorized by the Board in the Caribbean-South America case. Moreover, a substantial number of new certificate and exemption awards have been made in the interim.[4] Nonetheless, the Caribbean remains a major area market in which the predominant traffic characteristic is tourism by U.S. citizens. Accordingly, the Board has determined to institute a broad investigation of U.S.-Caribbean and intra-Caribbean U.S.-flag route authority and the needs of the markets under current and expected future conditions, to be designated the Caribbean Area Service Investigation, Docket 30697. The Board will place in issue the renewal of Eastern's Caribbean Route 59[5] and Eastern's suspensions on that route, as well as currently effective suspension authority at Caribbean points held by Pan American.[6] However, beyond these issues, the Board has not yet determined the precise scope of the investigation.[7] In view of the wide range of route authority issues that might be included, the Board desires to have before it the views of all interested parties before shaping the exact scope of the proceeding.[8] We appreciate that the matter is very complex and that sufficient time must be allowed for each interested person to formulate views and submit them to the Board. Accordingly, we will allow 60 days from the service date of this order for submission of comments directed toward defining the scope of the investigation being instituted herein, and we will allow 30 days thereafter for responses. We will also entertain applications by interested carriers to serve points or markets in the Caribbean, and applications by civic parties wishing to obtain such service. Since the exact scope of the case has not been determined, carriers filing applications for consolidation herein will not be required to file environmental evaluations pursuant to Part 312 until 30 days after the Board issues its order defining the scope of the proceeding.

The Board will carefully analyze the comments and responses being sought herein and will thereafter issue an order definitively stating the scope of the proceeding.

Accordingly, it is ordered That:

1. A proceeding to be known as the Caribbean Area Service Investigation, Docket 30697, be and it hereby is instituted and shall be set down for hearing before an Administrative Law Judge of the Board at a time and place hereinafter designated, as the orderly administration of the Board's docket permits;

2. Applications, motions to consolidate, and comments from interested persons relating to the scope of the proceeding instituted in paragraph 1, above, shall be filed 60 days from the service date of this order, and shall be served upon all persons listed in Appendix A[9] attached hereto, and answers thereto shall be filed 30 days thereafter;

3. 30 days after the Board issues its order defining the scope of the proceeding, carriers requesting consolidation herein shall file the information required by Part 312 of the Board's Procedural Regulations with regard to those service

---

[1] 49 CAB 427 (1968).

[2] The authority to serve Miami on segment 2 of Route 59 was stayed as part of the approval of the acquisition. Order 73-5-80, May 15, 1973. The Venezuelan government did not permit either Caribair or Eastern to land at Caracas.

[3] However, Eastern has exemption authority to provide service between Miami and Montego Bay on Route 59 (see footnote 4, infra).

[4] *Exemptions:* Eastern has been authorized to provide one daily round trip, either nonstop or via San Juan, between New York and Antigua (see Orders 75-1-138, 76-1-114, and 77-1-78). Eastern was also authorized by exemption to operate nonstop service between Miami and Montego Bay (see Orders 75-6-151 and 76-6-76). Finally, American and Eastern were recently granted exemption authority to provide nonstop service between New York, on the one hand, and Martinique and Guadeloupe, F.W.I., on the other hand (Order 76-12-152); in addition, American was authorized in the same order to provide nonstop service between New York and Jamaica.

Certificate Amendments: Eastern was authorized to serve Atlanta on its New York/Washington-Montego Bay/Kingston route and Pan American was authorized to provide Chicago-Jamaica service in the *Chicago/Atlanta-Jamaica Service Investigation*, Order 72-4-150; however, as noted previously, Eastern's Kingston services have been suspended and Pan American's Jamaica service has been suspended. Delta was authorized to provide nonstop service between New York and Boston and the Bahamas when it acquired the certificates of Northeast Airlines in 1972 (Order 72-8-1). Eastern was awarded New York-Ponce authority in the Mainland-Ponce Service Investigation, Order 73-4-80. Finally, American was authorized to provide nonstop service between New York, on the one hand, and Santo Domingo and Barbados, on the other hand, as a result of the American-Pan American Route Exchange Agreement, Order 76-6-152, decided April 18, 1975.

[5] The authority to serve certain Caribair points on segment 1 and segment 2 of Eastern's Route 59 expired on March 21, 1974. An application for renewal of such authority was timely filed in Docket 25909, and thus such authority continues under the automatic extension provisions of 5 U.S.C. 558(c).

[6] The issue of deletion or suspension of Pan American's authority at the points involved herein will be included in the proceeding.

[7] Normally, staff components of the Board become parties to proceedings at the time of the instituting order. Because of the need in this case for further expert analysis of the facts and legal issues, no staff component will become a party until the second order has been issued.

[8] In general terms, we have concluded that the investigation will be limited to combination (passenger and cargo) service in the U.S.-Caribbean and intra-Caribbean markets. Comments directed to the scope of the investigation instituted herein may, among other things, discuss the effect the current Mackey Certification Proceeding, Dockets 25546 and 28266, should have on the scope of this case. That case involves the applications of Mackey International for combination service and Rich International for all-cargo service between Palm Beach-West Beach, Fort Lauderdale and Miami, on the one hand and points in the Bahamas, Turks, and Caicos Islands, and Cap Haitien (Mackey only) on the other. Nonstop authority between Miami and Nassau/Freeport is not in issue.

[9] Appendix A filed as part of the original document.

proposals which conform to the stated scope of the investigation; [*] and

4. A copy of this order shall be served upon all persons listed in Appendix A attached hereto.

This order wil be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-10720 Filed 4-11-77;8:45 am]

[Order 77-4-17, Docket 27573, Agreement C.A.B. 26540 R-1 through R-3]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Specific Commodity Rates

Issued under delegated authority April 5, 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), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement names two additional specific commodity rates under existing specific commodity descriptions and adds one new rate with a new specific commodity description, reflecting reductions from general cargo rates as set forth below; and was adopted pursuant to unprotested notice to the carriers and promulgated in an IATA letter dated March 24, 1977.

Agreement CAB	Specific commodity item number	Description and rate [1]
26540:		
R-1	1923	Dried Stomach, 164 c/kg, minimum weight 500 kg. From New York to Tel Aviv.
R-2	4952	Airless Spray Guns, 124 c/kg minimum weight 500 kg. From New York to Stockholm.
R-3	0000	Meat, Including Slaughtered Poultry and Game 113 c/kg, minimum weight 300 kg. From Papeete to Honolulu.

[1] Subject to applicable currency conversion factors as shown in tariffs.
[2] Expires June 30, 1978.
[3] Expires Mar. 31, 1978.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.14, it is not found that the subject agreement is adverse to the public interest or in violation of the Act, provided that approval is subject to the conditions hereinafter ordered.

Accordingly, *It is ordered*, That:

Agreement C.A.B. 26540, R-1 through R-3, is approved, provided that (a) approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publications; (b) tariff filings shall be marked to become effective on not less than 30 days' notice from the date of filing; and (c) where a specific commodity rate is published for a specified minimum weight at a level lower than the general commodity rate applicable for such weight, and where a general commodity rate is published for a greater minimum weight at a level lower than such specific commodity rate, the specific commodity rate shall be extended to all such greater minimum weights at the applicable general commodity rate level.

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 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.77-10718 Filed 4-11-77;8:45 am]

[Docket No. 30525; Order No. 77-3-175]

OZARK AIR LINES, INC.

Order To Show Cause

Correction

In FR Doc. 77-10212 appearing at page 18293 in the issue of Wednesday, April 6, 1977, the bracket should read as set forth above.

[Doc. 29123; Order 77-3-158; Agreement C.A.B. 26517, R-1 through R-3]

TRAFFIC CONFERENCE 2 OF THE INTERNATIONAL AIR TRANSPORT ASSOCIATION

Passenger Fares Agreement

Correction

In FR Doc. 77-10101 appearing at page 18116 in the issue of Tuesday, April 5, 1977, the bracket should read as set forth above.

DEPARTMENT OF COMMERCE

Bureau of the Census

CENSUS ADVISORY COMMITTEE OF THE AMERICAN MARKETING ASSOCIATION

Public Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C., Appendix I, (Supp. V, 1975)), notice is hereby given that the Census Advisory Committee of the American Marketing Association will convene on May 10, 1977 at 9:15 a.m. The Committee will meet in Room 2424, Federal Building 3 at the Bureau of the Census in Suitland, Maryland.

The Census Advisory Committee of the American Marketing Association was established in 1946 to advise the Director, Bureau of the Census, regarding the statistics that will help in marketing the Nation's products and services and on ways to make the statistics the most useful to users.

The Committee is composed of 15 members appointed by the President of the American Marketing Association.

The agenda for the meeting is: (1) Topics of current interest, including staff changes and Census Bureau organization, budget program developments, and status of programs for reduction of forms and response burden; (2) current status of 1980 census planning; (3) income data from Survey of Income and Education vs. Current Population Survey; (4) Indiana census users project and beyond; (5) revised monthly business surveys—publication of revised historical data; (6) evaluation program for the 1977 economic censuses; and (7) Committee recommendations.

The meeting will be open to the public and a brief period will be set aside for public comment and questions. Extensive questions or statements must be submitted in writing to the Committee Control Officer at least 3 days prior to the meeting.

Persons planning to attend and wishing additional information concerning this meeting or who wish to submit written statements may contact Mr. John R. Wikoff, Chief, Business Division, Bureau of the Census, Room 2633, Federal Building 3, Suitland, Maryland. (Mail address: Washington, D.C. 20233.) Telephone (301) 763-7564.

Dated: April 6, 1977.

ROBERT L. HAGEN,
Acting Director,
Bureau of the Census.

[FR Doc.77-10606 Filed 4-11-77;8:45 am]

Domestic and International Business Administration

BROOKHAVEN NATIONAL LABORATORY

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 Part 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.

---

[*] To the extent the above-established procedure does not comply with Part 312 of the Board's Procedural Regulations, we hereby waive the requirement of Part 312 that applications contain an environmental evaluation for those carriers requesting consolidation with this proceeding.

Docket No. 77-00066. Applicant: Associated Universities, Inc., Brookhaven National Laboratory, Upton, New York 11973. Article: NMR Spectrometer, Model WH-360 with High-Resolution Electromagnet System. Manufacturer: Bruker Instruments, Inc., West Germany. Intended use of article: The article is intended to be used in a NMR laboratory for detection of ^{1}H and ^{13}C and other nuclear resonances. Emphasis will be placed on membrane structure, the function of enzymes, and other biological problems.

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, was being manufactured in the United States at the time the foreign article was ordered (October 6, 1975). Reasons: The foreign article provides a frequency of 360 megahertz for proton nuclear magnetic resonance. The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated March 18, 1977 that (1) the frequency of the article described above is pertinent to the applicant's intended purposes and (2) it knows of no domestic instrument which provides the pertinent feature at the time of order.

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 was being manufactured in the United States at the time the article was ordered.

(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.77-10626 Filed 4-11-77;8:45 am]

MISSISSIPPI STATE UNIVERSITY

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 Part 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 Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 76-00356. Applicant: Mississippi State University, Department of Electron Microscopy, Drawer EM, Mississippi State, MS 39762. Article: Scanning Electron Microscope, Model HHS-2R. Manufacturer: Hitachi Ltd., Japan. Intended use of article: The article is intended to be used for the study of sense organs in the genus Lygus. Insects will be prepared according to standard SEM techniques and examined in a secondary mode with the article.

Comments: No comments have been received with respect to this application.

Decision: Application denied. An instrument or apparatus of equivalent scientific value to the article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the article was ordered (July 9, 1974). Reasons: This application is a resubmission of Docket Number 75-00543-90-46070 which was denied without prejudice to resubmission on October 24, 1975 for informational deficiencies. In reply to Question 8c(2) the applicant alleges that the article provides certain features which are both pertinent to the purposes intended and unmatched in comparable domestic instruments. However, the National Bureau of Standards (NBS) advises in memordanda dated November 24, 1976, January 4, 1977, and January 12, 1977 that these features were matched by features available in comparable domestic instruments such as the Coates and Welter Instrument Corporation (CWIC) Models 50 and 106 at the time the article was ordered. A listing of the features in question and our discussion thereof follows:

(1) *High resolution of 80 Angstroms (Å) or less.* While the best possible resolution of the article is pertinent, our records indicate that CWIC offered guaranteed resolutions of 50Å and 60Å in the Models 50 and 106 respectively prior to the purchase of the article. (The model 50 was introduced August, 1972 at the Annual Meeting of the Electron Microscopy Society of America and the first commercial unit met specifications (50Å) on May 2, 1974 and was accepted by the owner. The Model 106 was first available with 60Å on May 1, 1974.) Moreover, NBS advises that both domestic instruments cited provide significantly better resolutions than the foreign article and were available at the time of order of the article. Based in part on the advice received from NBS and upon our own analysis, we find the two domestic instruments were the scientific equivalent of the article with respect to resolution capability at the time of order.

(2) *Ability of the vacuum system to handle objects such as insects.* NBS advises that the high speed pumps provided by CWIC instruments to which the article is compared are designed to handle gassy specimens of insects.

Based in part on this advice and upon our own analysis, we find that the two domestic scanning electron microscopes models referred to above were of equivalent scientific value to the foreign article with respect to the handling of the type of objects mentioned in the application.

Based on the foregoing, we find that the CWIC models 50 and 106 scanning electron microscopes are of equivalent scientific value to the article for the purposes intended at the time the article was ordered.

(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.77-10627 Filed 4-11-77;8:45 am]

ROBERT B. BINGHAM HOSPITAL, 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 May 2, 1977.

Amended regulations issued under cited Act, (15 CFR Part 301) prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C. 20230.

Docket Number: 77-00171. Applicant: Robert B. Brigham Hospital, 125 Park Hill Avenue, Boston, Massachusetts 02120. Article: Electron Microscope, Model JEM-100C with side entry goniometer and accessories. Manufacturer: Jeol Ltd., Japan. Intended use of article: The article is intended to be used in a wide variety of research projectors which will include the following:

(1) High resolution transmission microscopy of plasma membranes of various cells to determine the relationships between a phagocytic cell and a target, e.g. macrophage attacking a tumor cell, and eosinophil attacking a schistosomula.

(2) Studies of the fusion of liposomes with macrophages.

(3) Examination of membranes of white blood cells by negative staining to discern any membrane order such as occurs in viral and some bacterial membranes.

(4) Scanning microscopy of cell surfaces to determine whether peptides or proteins which alter the movement and behavior of cells act by entering the cell or on its surface. Application received by Commissioner of Customs: March 16, 1977.

Docket Number: 77-00172. Applicant: Frederick Cancer Research Center, P.O. Box B, Frederick, Maryland 21701. Arti-

cle: NMR Spectrometer, Model JNM/FX-60 and Accessories. Manufacturer: Jeol Ltd., Japan. Intended use of article: The article will be used for the following individual research activities which involve ^{13}C and ^{1}H NMR spectroscopy:

1. Structural studies of antibiotics isolated from fermentation broth, by ^{13}C and ^{1}H NMR spectroscopy.

2. Structural studies of antibiotics isolated in minute quantities (2 to 4 milligram) by ^{13}C and ^{1}H NMR Spectroscopy.

3. Structural studies of antibiotics isolated from plant materials by ^{13}C and ^{1}H NMR spectroscopy.

4. Stereo chemical assignments made on antibiotics by a combination of ^{13}C and ^{1}H NMR studies.

5. Structure elucidation studies on biotransformed antibiotics by combination of ^{13}C and ^{1}H NMR studies.

6. Structure verification studies on derivatives of antibiotics by combination of ^{13}C and ^{1}H NMR studies.

Most of the materials to be studies will be antitumor compounds, hopefully candidates to cure cancer in clinics. Some of these materials are available in small quantities (2–4 milligrams) as isolated from limited resources and need to be studied by a microprobe system of an NMR instrument. Application received by Commissioner of Customs: March 22, 1977.

Docket Number: 77–00173. Applicant: Geophysical Institute, C. T. Elvey Bldg., University of Alaska, Fairbanks, AK 99701. Article: Recording Current Meter, Model 4 and Pressure and Conductivity Sensors. Manufacturer: Aanderaa Instruments, Norway. Intended use of aritcle: The article is intended to be used to measure the basic water circulation parameters for the first time under arctic conditions on the Alaskan coastal shelf. Application received by Commissioner of Customs: March 24, 1977.

Docket Number: 77–00174. Applicant: Geophysical Institute, C. T. Elvey Bldg., University of Alaska, Fairbanks, AK 99701. Article: TG–3A Water Level Gauge. Manufacturer: Aanderaa Instruments, Norway. Intended use of article: The article is intended to be used to measure the basic water circulation parameters for the first time under arctic conditions on the Alaskan coastal shelf. Application received by Commissioner of Customs: March 24, 1977.

Docket Number: 77–00175. Applicant: Uniformed Services University of the Health Sciences, 6917 Arlington Road, Bethesda, Maryland 20014. Article: Electron Microscope, Model EM 400 with high magnification goniometer and accessories. Manufacturer: Philips Electronics Instruments NVD, The Netherlands. Intended use of article: The article will be used in the fine structure of (1) the neuromuscular junction; (2) alterations in the blood-brain barrier in selected diseases of the nervous system; (3) neurotransmitter receptor sites on nerve membranes in vivo and in tissue culture preparations; (4) lesions in formed elements of the blood caused by freeze-preservation; (5) pathologic changes in liver and kidney cells in response to drugs, toxins, pollutants, radiation or a combination of agents; (6) brain pathology in response to head injury; (7) identification of immunologically active cells from mixed populations of blood or bone marrow cells; (8) interactions of hormones and toxins with receptors on the plasma membrane; and (9) cellular effects of cytotoxic drugs. Of particular importance will be the study of the three dimensional structure of specimens by means of a eucentric goniometer stage and the use of strioscopy operatures. The development of pathological lesions indused experimentally or in clinical specimens will be analyzed over time with appropriate controls and chemical modifications in order to understand the pathophysiological processes. In addition, the article will be used in the courses Medical Physiology and Pathology which are designed to provide medical students with a firm groundwork in these disciplines and Ultrastructural Research which will be designed to provide students with experience and expertise in a wide variety of ultrastructural research techniques. Application received by Commissioner of Customs: March 24, 1977.

Docket Number: 77–00176. Applicant: University of California, San Diego, Dept. of Neurosciences, School of Medicine, La Jolla, California 92093. Article: Electron Microscope, Model JEM–100C with side entry goniometer and accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article will be used to study the structure of biological cells and tissues which include nerve tissues and phenomena associated with neurological diseases; the supramolecular structure of excitable membranes; and serial sections of subcellular regions of neurons, suitable for computer reconstruction. All of the materials and phenomena will be biological in origin and in some instances derived from patients suffering from neuromuscular diseases. In addition, the article will be used in the course "Workshop in Electron Microscopy" in which students will be taught modern electron microscopic techniques in order that they may successfully be able to undertake relevant projects without further supervision. Application received by Commissioner of Customs: March 24, 1977.

Docket Number: 77–00177. Applicant: Sandia Laboratories, Kirtland AFB East, Albuquerque, New Mexico 87115. Article: Cinetheodolite, Model F and accessories. Manufacturer: Contraves-Goerz, Switzerland. Intended use of article: The article is intended to be used to study the kinematics of nuclear weapons and their delivery systems. Application received by Commissioner of Customs: March 25, 1977.

Docket Number: 77–00178. Applicant: University of California—Los Alamos Scientific Laboratory, P.O. Box 990, Los Alamos, NM 87545. Article: Modelocked Dye Laser System, Model 33 and accessories. Manufacturer: Electro-Photonics, Inc., Ireland. Intended use of article: The article is intended to be used as part of a laser fusion research project to irradiate cryogenic targets resulting in a nuclear fusion project. Typical targets would include various hydrocarbons and materials such as carbon dideuterium. Investigations will be conducted on the absorption and reflection of high power 10.b micron targets as well as thresholds for fusion. These successful research projects involve the investigation of radiation damages. Other related laser projects investigate the feasibility of controlled thermonuclear fusion, and will lead to the development of fusion reactors for the production of cheap electrical energy. One of the parameters in these experiments is the effect of different pulse lengths in time of the laser irradiation. Application received by Commissioner of Customs: March 25, 1977.

Docket Number: 77–00179. Applicant: Washington University School of Medicine, 660 South Euclid Avenue, St. Louis, Missouri 63110. Article: Electron Microscope, Model JEM–100CX and accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used for continuation of the investigation of the mechanism of action of insulin in adipocytes from its initial binding to the hormone receptor on the plasma membrane through and including its alteration of lipolysis, protein synthesis, calcium binding and distribution, plasma membrane ATPase activity and membrane phosphorylation. The distribution of insulin receptors on a variety of normal and diseased state cells will be examined using the biologically and immunologically active ferritin-insulin conjugate. Application received by Commissioner of Customs: March 28, 1977.

Docket Number: 77–00180. Applicant: University of California, San Diego, Dept. of Neurosciences, School of Medicine, La Jolla, California 92093. Article: JEOL JEM–100C–ASID–4D High Resolution Scanning Attachment. Manufacturer: JEOL, Ltd., Japan. Intended use of article: The article is an accessory designed for use with the JEM–100C transmission electron microscope. Both will be used in a wide variety of research and teaching projects; in particular, the article will permit the transmission electron microscope to be used as an ultra high resolution scanning microscope for the study of the structure of biological cells and tissues. Included among these will be nerve tissues and phenomena associated with neurological diseases; the supramolecular structure of excitable membranes; and serial sections of subcellular regions of neurons, suitable for computer reconstruction. Experiments will be highly varied in nature but all will concentrate on studies of cell surface morphology. In addition, the article will be used primarily in a course: "Workshop in Electron Microscopy" which introduces students to standard preparative techniques for both scanning and transmission electron microscopy. Application received by Commissioner of Customs: March 28, 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.77-10628 Filed 4-11-77;8:45 am]

Domestic and International Business Administration

UNIVERSITY OF CALIFORNIA, ET AL.

Application for Duty-Free Entry of Scientific Articles

Correction

In FR Doc. 77-10147, appearing at page 18296 of the issue for Wednesday, April 6, 1977, the first line of the last paragraph on page 18296 should read, "Docket Number: 77-00168. Applicant:"

Maritime Administration

U.S. MERCHANT MARINE ACADEMY ADVISORY BOARD

Public Meeting

Notice is hereby given of a meeting of the U.S. Merchant Marine Academy Advisory Board (the Board) on May 3, 1977 at 10 a.m. in Room 2805, The Federal Building, 26 Federal Plaza, New York, New York.

The Advisory Board to the United States Merchant Marine Academy was established by the Secretary of Commerce under the authority of 46 U.S.C. 1126d to examine the course of instruction and the overall management of the U.S. Merchant Marine Academy (the Academy) and advise the Assistant Secretary of Commerce for Maritime Affairs with respect thereto.

The Board consists of not more than seven members appointed by the Secretary of Commerce, selected from segments of the maritime industry, labor, educational institutions, and other fields relating to the objectives of the Academy.

The Agenda for the meeting is:

(1) Call meeting to order; (2) approval of the minutes of the December 14, 1976 meeting; (3) Reports by Board Members on present assignments; (4) Status of the FY '78 Budget; and (5) Setting of the date for next Board Meeting.

This meeting is open to public observation and comment. Approximately 20 seats will be available for the public on a first-come, first-served basis.

Copies of the minutes will be available upon request.

Inquiries may be addressed to the Committee Control Officer, Arthur W. Friedberg, Director, Office of Maritime Manpower, Room 3069A, Department of Commerce Building, Washington, D.C. 20230, telephone A/C 202/377-3018.

Dated: April 8, 1977.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.77-10762 Filed 4-11-77;8:45 am]

National Bureau of Standards

GRADING OF ABRASIVE GRAIN ON COASTAL ABRASIVE PRODUCT

Voluntary Product Standards; Intent to Withdraw

In accordance with § 10.12 of the Department's "Procedures for the Development of Voluntary Product Standards" (15 CFR Part 10; 35 FR 8349 dated May 28, 1970), notice is hereby given of the intent to withdraw Voluntary Product Standard PS 8-67, "Grading of Abrasive Grain on Coated Abrasive Products." It has been tentatively determined that this standard is technically inadequate and that revision would serve no useful purpose. The subject matter of PS 8-67 is adequately covered by the American National Standards Institute's standard ANSI B74.18, "Specification for Grading of Certain Abrasive Grain on Coated Abrasive Products."

Any comments or objections concerning this intended withdrawal of this standard should be made in writing to the Standards Development Services Section, National Bureau of Standards, Washington, D.C. 20234, on or before May 11, 1977. The effective date of withdrawal will be not less than 60 days after the final notice of withdrawal. Withdrawal action terminates the authority to refer to a published standard as a voluntary standard developed under the Department of Commerce procedures from the effective date of withdrawal.

Dated: April 5, 1977.

ERNEST AMBLER,
Acting Director.

[FR Doc.77-10588 Filed 4-11-77;8:45 am]

National Oceanic and Atmospheric Administration

CALIFORNIA

Public Hearing on Revised Draft Environmental Impact Statement

Notice is hereby given that the Office of Coastal Zone Management, National Oceanic and Atmospheric Administration (NOAA), U.S. Department of Commerce, will hold two public hearings for the purpose of receiving comments on the revised draft environmental impact statement for the Coastal Management Program of the State of California.

The first of the two scheduled public hearings will be held at the Airport Marina Hotel, 8601 Lincoln Boulevard, Los Angeles, California at 7:30 p.m. to 10:30 p.m., Thursday, May 19, 1977. The second hearing will be held at Hearing Room 1194, State Building, 455 Golden Gate Avenue, San Francisco, California, 7:30 p.m. to 10:30 p.m., Friday, May 20, 1977.

The views of interested persons and organizations are solicited. These may be expressed orally or in written statements. Presentations will be scheduled on a first-come, first-served basis, but may be limited to a mixmum of ten minutes or as otherwise appropriate. Priority will be given to those with written statements. Time will be available at the end of the meeting for persons without statements to present their views orally. The Office of Coastal Zone Management staff may question any speaker following presentation of his/her statement. No verbatim transcript of the hearings will be maintained; but staff present will record the general thrust of remarks.

Persons or organizations wishing to be heard on this matter should contact the Office of Coastal Zone Management as soon as possible so that an appearance schedule may be drawn up and definite times established for presentations. Please contact:

June Specht, National Oceanic and Atmospheric Administration, Office of Coastal Zone Management, 3300 Whitehaven Street N.W., Washington, D.C. 20235 (phone: 202-634-4243).

Written comments may also be submitted by mail to the Office of Coastal Zone Management. Such comments should be received before May 30, 1977, to assure adequate consideration for inclusion in the final environmental impact statement. Because of the extensive involvement during Proposition 20, the development of the California Coastal Plan, and the development of coastal legislation, the review of the State's program and this revised draft environmental impact statement should be able to be completed within the 45-day comment period required by the Council on Environmental Quality Guidelines. Therefore, it is not expected that time extensions for review will be necessary.

Copies of the revised draft environmental impact statement may be obtained by contacting the Office of Coastal Zone Management or:

California Coastal Zone Conservation Commission, 1540 Market Street, 2nd floor, San Francisco, California 94102 (phone: 415-557-1001).

The statement is also available for inspection by the public, both at the Office of Coastal Zone Management and at the following locations:

State Coastal Commission, 1540 Market Street, San Francisco, CA 94102 (phone: 415-557-1001).

North Coast Regional Commission, 1656 Union Street, Room 150 (P.O. Box 4946), Eureka, CA 95501 (phone: 707-443-1623).

North Central Coast Regional Commission, Holiday Plaza Office Building, Suite 130, 1050 Northgate Drive, San Rafael, CA 94903 (phone: 415-472-4321).

Central Coast Regional Commission, 701 Ocean Street, Room 300, Santa Cruz, CA 95060 (phone: 408-425-7390).

South Central Coast Regional Commission, 120 East De La Guerra, Santa Barbara, CA 93101 (phone: 805-965-6525).

South Coast Regional Commission, 666 East Ocean Boulevard, Suite 3107, (P.O. Box 1450), Long Beach, CA 90801 (phone: 213-590-5071).

San Diego Coast Regional Commission, 6154 Mission Gorge Road, Suite 220, San Diego, CA 92120 (phone: 714-280-6992).

COASTAL COUNTY LIBRARIES

County Library, 127 Bridge Street, Arroyo Grande, CA 93420.
County Library, Veterans Building, Atascadero CA 93422.
San Mateo County Library, Central Branch, 25 Tower Road, Belmont, CA 94002.
Katherine P. Short, Librarian, Monterey County Library, Big Sur Ranch, Big Sur, CA 92920.
County Library, Bridge Street, Box 638, Cambria, CA 93428.
San Diego County Library, Cardiff Beach, 2143 Newcastle, Cardiff, CA 92007.
County Library, 684 Ocean, Cuycos, CA 93430.
San Diego County Library, Castle Park Branch, 1592 Third Avenue, Chula Vista, CA 92012.
Del Norte County Library, Courthouse, Crescent City, CA 95531.
County Library, P.O. Box 668, Creston, CA 93432.
San Diego County Library, Del Mar Branch, 326-25th Street, Del Mar, CA 92014.
San Diego County Library, Encinitas Branch, 540 Cornish Drive, Encinitas, CA 94566.
Mendocino County Library, 353 North Main Street, Fort Bragg, CA 96437.
Fresno County Library, 2410 Mariposa Street, Fresno, CA 93721, Attn: Sam Suhler.
County Library, 111 South Nineth Street, Box 424, Grover City, CA 93433.
County Library, Box 518, Halcyon, CA 93420.
Los Angeles County Library, 550 Pier Avenue, Hermosa Beach, CA 90254
San Diego County Library, Imperial Beach Branch, 810 Coronado Avenue, Imperial Beach, CA 92032.
Los Angeles County Public Library, 23519 West Civic Center Way, Malibu, CA 90265.
Los Angeles County Library, 425 15th Street, Manhattan Beach, CA 90266.
Santa Barbara County Library, 1482 East Valley Road, Montecito, CA 93103.
County Library, 410 Morro Bay Boulevard, Morro Bay, CA 93442.
San Diego County Library, Lincoln Acres Branch, 2725 Granger, National City, CA 92050.
County Library, Price Street School Building, Box 38, Nipomo, CA 93444.
County Library, Box 666, Oceano, CA 93445.
Contra Costa County Library, 1750 Oak Park Boulevard, Pleasant Hill, CA 94523.
County Library, 250 Pomeroy Street, Pismo Beach, CA 93449.
Reference Department, Sacramento City-County Library, 828 "I" Street, Sacramento, CA 95814.
County Public Library, 26 Central Avenue, Salinas, CA 93901.
Orange County Library, 233 Granada, San Clemente, CA 92672.
County Library, 7354 Bishop Street, San Luis Obispo, CA 93401.
County Library, Box 136, San Miguel, CA 93451.
Los Angeles County Public Library, 931 South Gaffey, San Pedro, CA 90731.
Marine County Free Library, Reference Department, Civic Center Administration Building, San Rafael, CA 94901.
County Library, Box 395, Santa Margarita, CA 93453.
Santa Rosa-Sonoma County Public Library, Third & E Streets, Santa Rosa, CA 95404.
County Library, Veterans Building, Shell Beach, CA 93449.
County Library, Box 110A, Templeton, CA 93465.
Mendocino County Library, 165 North Main Street, Ukiah, CA.
Los Angeles County Library, 610 California Avenue, Venice, CA 90291.
Avalon County Library, P.O. Box 585, Avalon, CA 90704.
Business and Government Library, Alameda County Library System, 22505 Montgomery Street, Hayward, CA 94541.
Contra Costa County Library, Documents Librarian, 1750 Oak Park Boulevard, Pleasant Hill, CA 94523.

Comments may address the adequacy of the impact statement and/or the nature of the California Coastal Management Program.

Following consideration of the comments received at these hearings, as well as written comments submitted, the Office of Coastal Zone Management will prepare the final environmental impact statement pursuant to the National Environmental Policy Act of 1969 and implementing guidelines.

Dated: April 5, 1977.

T. P. GLEITER,
Assistant Administrator for Administration.

[FR Doc.77-10617 Filed 4-11-77;8:45 am]

National Oceanic and Atmospheric Administration

COASTAL ZONE MANAGEMENT ADVISORY COMMITTEE

Public Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. V, 1975), notice is hereby given of the meeting of the Coastal Zone Management Advisory Committee (the "Committee") on Monday through Wednesday, May 2–4, 1977. The meeting will commence at 8:45 a.m., May 2, and 8:30 a.m. on May 3, in the Salon "A" Conference Room, Marriott West Loop Hotel, 1750 West Loop South, Houston, Texas. An onsite inspection is scheduled for May 4. Interested persons should contact Dr. Richard Keating, Executive Secretary, 202/634-4232 for further information, prior to April 30.

The meeting will be open to public observation and approximately 75 seats will be available. Interested persons are invited to attend and participate in the meeting, subject to the procedures which follow. From approximately 11:30 a.m. until 12 noon on May 2 and 11:15 a.m. until 11:30 a.m. on May 3, interested persons will be permitted to make oral statements to the Committee which are relevant to topics on the agenda. Depending on the level of interest expressed in making oral statements and the time allotted, the number of persons permitted to speak and the length of oral statements may be limited, and preference may be given based upon relevance of statements to items on the agenda; such decisions will be made by the Chairman in consultation with the Committee. Interested persons wishing to make oral statements must register on May 2 and 3 with the Executive Secretary 15 minutes prior to meeting time in the meeting room and must provide their topic(s). A written version of an oral statement or a written statement may be submitted to the Executive Secretary before or after the meeting, or may be mailed within five days to: Office of Coastal Zone Management, National Oceanic and Atmospheric Administration, 3300 Whitehaven Street NW., Washington, D.C. 20235 (Attn: Dr. Richard J. Keating, Executive Secretary, CZM Advisory Committee). All statements received in typewritten form will be distributed to the Committee for consideration with the minutes of the meeting.

The items for Committee discussion at the meeting will include the follow-

MONDAY, MAY 2—HOUSTON, TEXAS

8:45 a.m.—Call to Order; Approval of Minutes; Report on Action Items; Election of Vice Chairman.
9:30 a.m.—Looking Ahead.
10:00 a.m.—Current Legislative Issues; Amendments to the OCS Lands Act of 1952, including H.R. 1614 (Federal Consistency Issue), H.R. 935 (Revenue Sharing Issue), S.9.
10:30 a.m.—Amendments to the Federal Water Pollution Control Act, including H.R. 3199 (Regulation of Wetlands issue).
11:00 a.m.—Committee Discussion and Recommendations on Above Topics.
11:30 a.m.—Oral Statements (if any) by Interested Person(s).
12:00 noon—Lunch.
1:15 p.m.—Can Water Dependent Recreation Exist in a Highly Industrialized Area? National Issues and Possible Solutions.
1:30 p.m.—Planning for Water-Related Recreation in Industrialized Coastal Areas.
2:00 p.m.—Beaches: Access, Use, Management, and Conflicts.
2:45 p.m.—Marina Expansion Problems.
3:30 p.m.—Committee Discussion and Recommendations on Above Topics.
4:30 p.m.—Adjourn.

TUESDAY, MAY 3

8:30 a.m.—Call to Order.
8:45 a.m.—Briefing on Offshore Technology Conference.
9:30 a.m.—New Business.
10:00 a.m.—Port Development and Port Authorities in Coastal Zone Programs.
10:30 a.m.—The Role of Port Development: Issues and Solutions; Interactions Between Ports and Coastal Management.
11:15 a.m.—Oral Statements (if any) by Interested Person(s).
11:30 a.m.—Lunch.
12:45 p.m.—Convene in Hotel Lobby for Departure (transportation to be arranged).
1:30–6 p.m.—Attend Offshore Technology Conference, Houston Astrodome.

WEDNESDAY, MAY 4—ONSITE INSPECTION THROUGH HOUSTON SHIP CHANNEL TO GALVESTON

9:00 a.m.—Depart Main Turning Basin, Port of Houston. Presentation: Pollution and Subsidence Problems; Offshore Platforms Construction; Heavy Waterfront Oil/Chemical Industrialization; Regional Waste Treatment; "Land Canals" as Alternatives to Dredging Natural Water Courses; Trip up Bayport Industrial Channel.
11:30 a.m.—Lunch.
1:00 p.m.—Dock at Pelican Island; Transportation to be arranged to Western Geophysical Company for Wrap-up Session.
1:30 p.m.—Committee Discussion and Recommendations (Port Development).

3:30 p.m.—Discussion of Time, Place, and Agenda for Next Meeting.
4:00 p.m.—Adjourn.

Dated: April 6, 1977.

T. P. GLEITER,
Assistant Administrator for Administration, National Oceanic and Atmospheric Administration.

[FR Doc.77-10671 Filed 4-11-77;8:45 am]

31-10—90 12 1544

WEATHER MODIFICATION ADVISORY BOARD

Public Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C., App. I (Supp V, 1975), notice is hereby given of the first meeting of the Weather Modification Advisory Board.

The Weather Modification Advisory Board will meet from 9:30 a.m. to 5 p.m. on May 4 and from 9 a.m. to 5 p.m. on May 5, 1997, in Room B841 of the Main Commerce Building, 14th Street and Constitution Avenue NW., Washington, D.C. (Public entrance to the building is on 14th Street, between Constitution Avenue and E Street NW.)

The Board was established in January 1977 (42 FR 4512, 1-25-77) to advise the Secretary of Commerce on matters of a national policy, a national research and development program, and other aspects of weather modification as outlined in the National Weather Modification Policy Act of 1976 (Pub. L. 94-490), enacted on October 13, 1976. The Board will consist of approximately 17 members, with a balanced representation selected from scientific, academic, commercial, consumer, legal, and environmental groups, who are appointed by the Secretary of Commerce.

The purpose of this meeting is to organize the Board, discuss various weather modification issues for further consideration by the Board and adopt a plan of action for conduct of the study and preparation of the final report to the Secretary of Commerce.

The agenda for the meeting is:

MAY 4, 1977 (WEDNESDAY)

9:30 a.m.	Introductory session: Swearing-in and welcome; background of legislation; charter of the Board; statutory operation of the Board.
11 a.m.	Presentation of a paper on weather modification covering history and present status.
12 m to 1 p.m.	Recess for lunch.
1 to 5 p.m.	Discussion of weather modification issues to be considered for further study.

MAY 5, 1977 (THURSDAY)

9 to 12 m.	Discussion of the options for conducting, as required by the Act, a comprehensive study of weather modification.
12 m to 1 p.m.	Recess for lunch.
1 to 5 p.m.	Discussion and adoption of a plan of action to develop a final report to the Secretary of Commerce.
5 p.m.	Adjournment.

The meeting will be open to the public and a period will be set aside at the discretion of the Chairman for oral comments or questions by the public which do not exceed 10 minutes each. More extensive questions or comments should be submitted in writing before April 29. Other public statements regarding Board affairs may be submitted at any time before or after the meeting. Approximately 20 seats will be available for the public (including 5 seats reserved for media representatives) on a first-come first-served basis.

Copies of the minutes will be available on request 30 days after the meeting.

Inquiries may be addressed to Dr. Ronald L. Lavoie, Director, Environmental Modification Office, National Oceanic and Atmospheric Administration, Rockville, Maryland 20852, phone: 301-443-8721.

Dated: April 8, 1977.

T. P. GLEITER,
Assistant Administrator for Administration.

[FR Doc.77-10777 Filed 4-11-77;8:45 am]

NORTH PACIFIC FISHERY MANAGEMENT COUNCIL SCIENTIFIC AND STATISTICAL COMMITTEE ADVISORY PANEL

Partially Closed Meeting

Notice is hereby given of a joint meeting of the North Pacific Fishery Management Council, its Scientific and Statistical Committee, and its Advisory Panel.

The North Pacific Council established by section 302 of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265), has authority, effective March 1, 1977, over fisheries within the fishery conservation zone adjacent to the State of Alaska. The Council will, among other things, prepare and submit to the Secretary of Commerce fishery management plans with respect to the fisheries within its area of authority, prepare comments on applications for foreign fishing, and conduct public hearings.

The Council has established a Scientific and Statistical Committee, as well as an Advisory Panel, under section 302 (g) of the Act, to assist the Council in the development and amendment of fishery management plans. Advisory Panel participation in this meeting is contingent upon Office of Management and Budget concurrence in and statutory filing of a charter revision changing the Panel's establishment authority.

The meeting will be held Wednesday and Thursday, April 27-28, 1977 in the Z. J. Loussac Library at 427 F Street, Anchorage, Alaska. The meeting will convene at 10:00 a.m. Wednesday, April 27, and 9:00 a.m., April 28 and adjourn at approximately 3:30 on the 27th and on the 28th at 4:30 p.m.

PROPOSED AGENDA

APRIL 27

1. Public hearings on Council management plans and activities.
2. Reports from Scientific and Statistical Committee and Advisory Panel.
3. Progress report and update from Council's Draft Management Planning Teams.
4. Closed Executive Session to discuss classified material relating to negotiations concerning Governing International Fishery Agreements. (Council only)

APRIL 28

1. Review of foreign fishing activities.
2. Other Council business.

After the meeting adjourns, a public hearing will be held on the afternoon of the first day, April 27, at approximately 3:30 p.m. at the same location. Interested members of the public are invited to testify at this hearing on matters relating to fishery management plans under development by the Council and other related Council functions. A separate notice of the oral hearing will be issued.

A closed executive session of the Council is planned for the early afternoon of the first day, April 27, from 1:30 p.m. through 3:30 p.m. to hear Department of State reports and other related Council business concerning negotations for the Governing International Fishery Agreements and other matters relating to international fishery agreements, properly classified under Executive Order 11652. The Scientific and Statistical Committee and Advisory Panel will not attend this executive session.

The Assistant Secretary for Administration, with the concurrent of the General Counsel, formally determined, on April 6, 1977 pursuant to section 10(d) of the Federal Advisory Committee Act, that the agenda items covered in the executive session should be exempt from the provisions of the Act relating to open meetings and public participation therein, because these items will be concerned with matters listed in 5 U.S.C. 552b(c)(1), i.e., it is specifically required by E.O. 11652 that they be kept secret in the interest of national security. (A copy of the determination is available for public inspection and copying.)

The meeting will be open to the public (except the executive closed session of the Council) and there will be seating for approximately 65-75 members of the public available on a first come first served basis.

Members of the public having an interest in specific items for discussion are also advised that agenda changes are at times made prior to the meeting. To receive information on changes, if any, made to the agenda, interested members of the public should contact on or about April 18, 1977:

Mr. Jim Branson, Executive Director, North Pacific Fishery Management Council, P.O. Box 3136 DT, Anchorage, AK 96813, (907) 274-4563.

At the discretion of the Council, interested members of the public may be permitted to speak at times which will

allow the orderly conduct of Council business. Interested members of the public who wish to submit written comments should do so by addressing Mr. Jim H. Branson at the above address. The public is permitted to file written statements at any time before or after the meeting. However, to receive due consideration and facilitate inclusion in the record of the meeting, typewritten statements which relate to the agenda items should be received no later than 10 days after the close of the joint meeting.

Dated: April 6, 1977.

GUY W. CHAMBERLIN, JR.,
Acting Assistant Secretary for Administration.

[FR Doc.77-10589 Filed 4-11-77;10:03 am]

Office of the Secretary

WATCHES AND WATCH MOVEMENTS

Extension of New Entrant Announcement for Guam

On December 28, 1976, the Departments of Commerce and the Interior published a joint notice of rules under Pub. L. 89-805 setting forth the formula for allocation of 1977 watch quotas among producers located in the Virgin Islands, Guam and American Samoa (41 FR 56378 et seq.).

Section 8 of the Departments' joint notice (hereafter annual rules), relating only to the Guam quota, set aside 150,000 units of the calendar year 1977 Guam quota for possible allocation to new firms and invited applications for this portion of the quota from interested parties which have not heretofore been allocated a quota under Pub. L. 89-805 and which are completely separate from and unassociated with any present producer in terms of ownership and control. Applications from such new firms were to be received on or before March 1, 1977 *or such later date as might be established by the Department through publication of a notice in the* FEDERAL REGISTER. (Emphasis added.)

The International Trade Commission has reported that U.S. domestic consumption of watches and watch movements during calendar year 1976, upon which the amount of quota available for allocation to producers in the various insular possessions is proportionately fixed by the Act, increased over 1975 consumption at a rate substantially higher than historical rates of increase. Consequently, the amount of 1977 watch quota available for allocation to producers in Guam is significantly larger than the amount estimated earlier when the 150,000 unit set-aside was established. The Departments anticipated the quota which would be available for allocation in Guam would be approximately 500,000 units; the actual Guam quota for calendar year 1977 is 616,000 units.

As a result of the low level of quota utilization in Guam during 1976, noted in the annual rules, the estimated needs of the 1977 quota recipients, and the significant increase in the amount of quota available for allocation in 1977, the Departments have decided to extend the deadline for receipt of applications from new firms to June 1, 1977, and to increase the amount of Guam quota set aside for this purpose to 300,000 units. Interested parties are advised that application forms may be obtained from the Special Import Programs Division, Room 6895, U.S. Department of Commerce, Washington, D.C. 20230, and are to be completed in the manner described in Section 8 of the annual rules.

All applications received pursuant either to Section 8 of the annual rules or to this notice shall receive consideration by the Departments.

Any part or all of the set aside quotas not allocated under Section 8 of the annual rules and this notice may be reallocated among the 1977 Guam quota recipients in a manner best suited to contribute to the economy of the territory.

ROBERT E. SHEPHERD,
Acting Deputy Assistant Secretary for Resources and Trade Assistance, U.S. Department of Commerce.

EMMETT M. RICE,
Acting Director, Office of Territorial Affairs, U.S. Department of the Interior.

APRIL 7, 1977.

[FR Doc.77-10598 Filed 4-11-77;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Air Force

AIR FORCE ACADEMY BOARD OF VISITORS

Meeting

APRIL 1, 1977.

The Air Force Academy Board of Visitors is tentatively scheduled to meet at the Air Force Academy, Colorado Springs, Colorado, during the period May 5-7, 1977. This meeting is pursuant to the Board's statutory charge (10 U.S.C. 9355) to meet at the Academy and to inquire into matters of morale, discipline, the curriculum, instruction, physical equipment, fiscal affairs, academic methods, and other matters relating to the Academy which the Board decides to consider.

The tentative agenda calls for portions of the meeting to be open for public attendance on 5 May from 8:15 AM to 12:00 PM and from 1:30 PM to 3:00 PM in the Superintendent's Conference Room, Harmon Hall. Among the items on the tentative agenda during the open portions of the meeting are briefings to the Board on the following subjects: Civilian/Military Faculty, Basic Cadet Training for the Class of 1981, Energy Conservation Research and Instruction, Academy Energy Conservation Programs, Athletic Programs, and the Role and Objectives of the Association of Graduates. In addition to these open portions of the meeting, a press conference which will be open to the public has been scheduled for 11:00 AM on 7 May in the Academy Officers' Open Mess.

Portions of this meeting are tentatively scheduled to be closed to the public as matters to be discussed are analogous to matters listed in subsections (2) and (6) of section 552b(c), Title 5, United States Code. These closed portions include panel discussions with groups of cadets involving personal information and opinions, the disclosure of which would be a clearly unwarranted invasion of personal privacy. Also included are the executive deliberations of the Board involving discussion of such personal information.

If additional information is desired, contact Headquarters, U.S. Air Force (DPPA), Washington, D.C. 20330, at 202-697-7116.

FRANKIE S. ESTEP,
Air Force Federal Register Liaison Officer, Directorate of Administration.

[FR Doc.77-10613 Filed 4-11-77;8:45 am]

JANNAF INTERAGENCY PROPULSION COMMITTEE

Closed Workshop

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that a workshop on aluminum combustion will be held on Tuesday and Wednesday, May 10-11, 1977 at 8:30 a.m. in the Administration Building, Hercules, Inc., Bacchus Works, Salt Lake City, UT. This workshop is sponsored by the Department of Defense Chemical Propulsion Advisory Committee (Combustion Working Group).

The Committee's primary responsibilities are to provide technical advice to the Joint Army, Navy, NASA, Air Force (JANNAF) Interagency Propulsion Committee and to promote the exchange of technical information in the field of chemical propulsion. At this workshop, aluminum combustion as it relates to the optimization of the design and performance of solid rocket motors will be discussed.

Under the provision of section 10(d) of the Federal Advisory Committee Act (Pub. L. 92-463), meetings may be closed to the public when they are concerned with matters listed in section 522(b) of Title 5, United States Code. One of the matters so listed is that specifically required by Executive Order to be kept secret in the interest of the national defense or foreign policy (5 U.S.C. 522 (b)(1)).

Accordingly, this workshop will be closed to the public because matters concerned are related to the design and performance of classified rocket motors. However, those individuals who possess a personal security clearance of at least confidential and a certified need-to-know in the area of chemical rocket propulsion may attend, provided they have notified the Workshop Coordinator in writing at least five (5) days prior to the workshop.

Members of the public who may wish to do so are invited to submit material in writing to the Workshop Coordinator concerning matters believed to be deserving of the workshop's attention. All communication regarding this workshop should be addressed to the Workshop Coordinator, Mr. Robert L. Geisler, MKP, Department of the Air Force, Air Force Rocket Propulsion Laboratory (AFSC), Edwards, Air Force Base, CA 93523.

ROBERT L. GEISLER,
Chief, Propulsion Development Branch, Solid Rocket Division, AFRPL.

[FR Doc.77-10614 Filed 4-11-77;8:45 am]

USAF SCIENTIFIC ADVISORY BOARD

Meeting

MARCH 30, 1977.

The USAF Scientific Advisory Board Tactical Panel will hold a meeting on April 28, 1977 from 8:30 a.m. to 5:00 p.m. at Langley Air Force Base, Virginia.

The Panel will receive classified briefings on non-nuclear munitions development programs and hold discussions on the alternatives presented.

The meeting will be closed to the public in accordance with section 552b(c) of Title 5, United States Code, specifically subparagraph (1).

For further information contact the USAF Scientific Advisory Board Secretariat at 202-697-4811.

FRANKIE S. ESTEP,
Air Force Federal Register Liaison Officer, Directorate of Administration.

[FR Doc.77-10612 Filed 4-11-77;8:45 am]

Department of the Navy

SEAFARER ELF COMMUNICATIONS SYSTEM

Site Selection and Proposed Test Operations in Michigan

PUBLIC HEARING AND AVAILABILITY OF DRAFT ENVIRONMENTAL IMPACT STATEMENT

Notice is hereby given that a public hearing will be held for the purpose of providing the public with relevant information on site selection and proposed test operations at K. I. Sawyer Air Force Base, Michigan, for the Seafarer Extremely Low Frequency (ELF) Communications System, and to afford the public an opportunity to present their views on the proposed Navy Project. The hearing will be held on April 28, 1977, and continued on April 29 if necessary, at the Civic Center, 505 West Allegan Street, Lansing, Michigan. The hearing will commence at 7:00 p.m. and terminate at 11:00 p.m. The hearing will be conducted by Captain John Dobson, U.S. Navy (CEC), and will include a presentation explaining the Navy's proposed action, a system description, a site-dependent environmental impact summary, alternatives, proposed Navy recommendations and the proposed program plan for the future.

This hearing is being held in Lansing, Michigan, because K. I. Sawyer Air Force Base and the surrounding region is one of three candidate areas considered for building a Seafarer Test Facility, conducting ELF communications experiments, and developing appropriate construction criteria and operational methods to ensure maximum environmental protection in the event the Michigan area is approved at some future time for an operational Seafarer System.

Seafarer is essentially a buried transmitting array of insulated cables. The system's principal purpose is for communications with submerged submarines.

The following procedures will be followed during the public hearing. Individual speakers will have three minutes, and group spokespersons will have five minutes to summarize and present their views. One speaker may not relinquish time to another. Individuals and organizations wishing lengthy statements to be included in the hearing record should provide written statements to the Hearing Officer. Pre-registration is desired, and should be made in person or by writing either to the Seafarer Information Center, 201 Rublein Street, Marquette, MI 49855 or to Captain John Dobson, USN (CEC), Code 01F, Naval Electronic Systems Command, Washington, DC 20360. The name and title of the speaker for organizations should be included. The closing date for including written statements in the hearing record is May 25, 1977.

Anticipated environmental effects are available for review in the Seafarer ELF Communications System Draft Environmental Impact Statement for Site Selection and Test Operations; Naval Electronic Systems Command (February 1977). Copies of the statement are available at the following locations:

Chief of Information, The Pentagon Press Room, Washington, D.C., (Captain Thomas, 679-2886).
Bay de Noc Community College Library, North Campus, Escanaba, MI 49829.
State of Michigan, Washington Office, 1150 17th Street, N.W., Suite 609, Washington, DC 20036.
Library of Congress, Washington, DC 20540.
U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, IL 60604.
Commander, K. I. Sawyer Air Force Base, MI 49843.
Michigan Environmental Review Board, Lewis Cass Building, Lansing, MI 48909.
Northern Michigan University Library, Marquette, MI 49855.
Michigan Technological University Library, Houghton, MI 49931.
Lake Superior State College Library, College Drive, Sault Ste. Marie, MI 49783.
Suomi College Library, Hancock, MI 49930.
Chassell Township Schools, P.O. Box 40, Chassell, MI 49916.
Big Bay de Noc School, Cooks, MI 49817.
Gogebic Community College Library, Greenbush and Jackson Road, Ironwood, MI 49938.
Amasa Community Library, Amasa, MI 49903.
Baraga Township Schools, Lyons Street, Baraga, MI 49908.
Bergland Community School, Bergland, MI 49910.
Bessemer Public Library, City Hall, S. Sophie Street, Bessemer, MI 49911.
Bessemer Township Schools, Ramsay, MI 49951.
A. D. Johnson High School, Moore Street, Bessemer, MI 49911.
Brimley Public Schools, Brimley, MI 49715.
Calumet School, Public Library, Calumet Avenue, Calumet, MI 49913.
Carney, Nadeau Public School, Carney, MI 49812.
Les Cheneaux Community Schools, Cedarville, MI 49719.
Champion High School, P.O. Box 68, Champion, MI 49814.
Ewen, Trout Creek Consolidated School, Box 218, Ewen, MI 49925.
Crystal Falls Community Library, Superior Avenue, Crystal Falls, MI 49920.
Forest Park School District, West Superior Avenue, Crystal Falls, MI 49920.
Curtis Library, Curtis, MI 49820.
DeTour Area School and Public Library, P.O. Box 68, DeTour Village, MI 49725.
Osceola Township School and Public Library, Box 371, Dollar Bay, MI 49922.
Rock River Township Schools, Eben Junction, MI 49825.
Escanaba Public Library, 201 South 7th Street, Escanaba, MI 49820.
Catherine Bonifas Memorial Library, Escanaba Area Public High School, 500 South Lincoln Road, Escanada, MI 49829.
Escanada Area Junior High School, 1500 Luddington Street, Escanaba, MI 49829.
McMillan Township Library, Ewen, MI 49925.
North Dickinson County School, Star Route 1, Iron Mountain, MI 49801.
West Iron District Library, City Hall, 106 West Genesee, Iron River, MI 49935.
Gladstone Area School and Public Library, 1041 Dakota Avenue, Gladstone, MI 49837.
Burt Township School and Public Library, Grand Marais, MI 49839.
Forsyth Township Public Library, Gwinn, MI 49841.
Gwinn High School Library, Gwinn High School, Gwinn, MI 49841.
Hancock School-Public Library, Quincy Street, Hancock, MI 49930.
Bark River-Harris Schools, Harris, MI 49345.
Portage Lake District Library, 105 Huron Street, Houghton, MI 49931.
Houghton High School Library, Houghton High School, Houghton, MI 49931.
Mid-Peninsula Library Federation, Dickinson County Library, 401 Iron Mountain Street, Iron Mountain, MI 49801.
Iron Mountain Senior High School, West B Street, Iron Mountain, MI 49801.
Central Junior High School, Iron Mountain, MI 49801.
Lake Linden-Hubbell Public Schools, 601 Calumet Street, Lake Linden, MI 49945.
L'Anse Township School and Public Library, L'Anse, MI 49946.
West Iron County High School, 612 W. Adams Street, Iron River, MI 49935.
Carnegie Library, 235 E. Aurora Street, Ironwood, MI 49938.
Luther L. Wright High School Library, Ayer Street, Ironwood, MI 49938.
Ironwood Catholic High School, 106 S. Marquette Street, Ironwood, MI 49938.
Carnegie Public Library, Corner Main and Barnum Streets, Ishpeming, MI 49849.
Ishpeming High School Library, Division Street, Ishpeming, MI 49849.
C. L. Phelps Intermediate School, North Street, Ishpeming, IL 49849.
Kingsford High School, Hamilton Avenue, Kingsford, MI 49801.
Kingsford Junior High School, Hamilton Avenue, Kingsford, MI 49801.

Menominee Middle School, 13th Street at 13th Avenue, Menominee, MI 49858.
Allouez Township School, Public Library, P.O. Box 318, Mohawk, MI 49950.
Munising School—Public Library, Mather High School, Elm Avenue, Munising, MI 49862.
Mackinac Island Public Library, Mackinac, Island, MI 49757.
Manistique School and Public Library, Corner Main and Cedar Streets, Manistique, MI 49854.
Roosevelt School, P.O. Box 88, Marenisco, MI 49947.
Peter White Public Library, Marquette, MI 49855.
Marquette Senior High School, 1201 West Fair Avenue, Marquette, MI 49855.
Bothwell Middle School, Marquette, MI 49855.
St. Peter—St. John, 500 S. Fourth Street, Marquette, MI 49855.
Spies Public Library, 940 First Street, Menominee, MI 49859.
Menominee Area High School, 18th Street, Menominee, MI 49858.
Rapid River Public Schools, Rapid River High School, Rapid River, MI 49876.
Republic-Michigamme School and Public Library, Route 1, Republic, MI 49879.
Rock Public Schools, Rock, MI 49883.
Sault Area High School, 1 Educational Plaza, Sault Ste. Marie, MI 49783.
National Mine High School, Box B, National Mine, MI 49865.
Negaunee Public Library, Case Street, Negaunee, MI 49866.
Negaunee High School, Peck Street, Negaunee, MI 49866.
Tahquamenon Area Street, Public Library, Newberry High School, Newberry, MI 49863.
Norway Public Library, Norway, MI 49870.
Norway High School Library, 3rd and Section Streets, Norway, MI 49870.
Rudyard School—Public Library, Second and William Streets, Rudyard, MI 49780.
Turner-Howson Elementary School Library, Rudyard, MI 49780.
St. Ignace Public Library, 396 North State Street, St. Ignace, MI 49781.
La Salle High School, Portage Road, St. Ignace, MI 49781.
Eastern Peninsula Library Systems Stations, c/o Carnegie Public Library, Sault Ste. Marie, MI 49783.
Associated Press, 6th Floor, Commerce Building, Detroit, MI 48226.
Sault Junior High School, E. Spruce, Sault Ste. Marie, MI 49783.
West Iron County Middle School, Airport Road, Stambaugh, MI 49964.
Menominee County Library, Stephenson, MI 49887.
Wakefield Public Library, 407 Hancock Street, Wakefield, MI 49958.
Wakefield Township Schools, Wakefield, MI 49968.
Watersmeet High School, Watersmeet, MI 49969.
Carp Lake Township Library, White Pine, MI 49971.
Michigan State Chamber of Commerce, 501 South Capitol Avenue, Suite 500, Lansing, MI 48933.
The Detroit Free Press, 321 Wests Lafayette Boulevard, Detroit, MI 48231.
The Detroit News, 615 Lafayette Boulevard, Detroit, MI 48231.
The Lansing State Journal, 120 East Lenawee, Lansing, MI 48919.
Booth Newspapers, 1501 Bank of Lansing Building, Lansing, MI 48923.
United Press International, 404 Commerce Building, Detroit, MI 48226.

For further information, contact Captain John Dobson, USN (CEC); Naval Electronic Systems Command, Code 01F, Washington, DC 20360; telephone number 202-692-5958.

Dated: April 7, 1977.

K. D. LAWRENCE,
Captain, JAGC, U.S. Navy
Deputy Assistant Judge Advocate General (Administrative Law).

[FR Doc.77-10725 Filed 4-11-77;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[Docket No. D-77-486]

ACTING SECRETARY OF HOUSING AND URBAN DEVELOPMENT

Order of Succession

During any period when, by reason of absence, disability, or vacancy in office, neither the Secretary of Housing and Urban Development nor the Under Secretary is available to exercise the powers or perform the duties of the Office of the Secretary, the appointees to the positions listed below are authorized to act as Secretary with all the powers, functions, and duties assigned to or vested in him: *Provided*, That none of the named officials shall act as Secretary unless all of the appointees listed before such official's title in this designation are unable to act by reason of absence, disability, or vacancy in the office:

1. Assistant Secretary for Community Planning and Development.
2. Assistant Secretary for Housing-Federal Housing Commissioner.

This designation supersedes the designation effective December 23, 1969 (34 FR 20360, December 30, 1969), the designation effective October 9, 1973 (38 FR 27853, October 9, 1973), and the designation effective December 19, 1975 (40 FR 58885, December 19, 1975).

(Sec. 7(d) of the Department of HUD Act, 42 U.S.C. 3535(d); Executive Order 11274, 31 FR 5243; Executive Order 11490, 34 FR 17567.)

Effective date: This order is effective April 1, 1977.

Issued at Washington, D.C. on April 1, 1977.

PATRICIA ROBERTS HARRIS,
Secretary of Housing and Urban Development.

[FR Doc.77-10619 Filed 4-11-77;8:45 am]

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW

Receipt of Report Proposal

The following request for clearance of a report intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO, on April 6, 1977. See 44 U.S.C. 3512 (c) and (d). The purpose of publishing this notice in the FEDERAL REGISTER is to inform the public of such receipt.

The notice includes the title of the request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed FTC requests are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed request, comments (in triplicate) must be received on or before May 2, 1977, and should be addressed to Mr. John M. Lovelady, Acting Assistant Director, Regulatory Reports Review, United States General Accounting Office, Room 5033, 441 G Street NW., Washington, D.C. 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-275-3532.

FEDERAL TRADE COMMISSION

The FTC requests clearance of a new single-time voluntary questionnaire to be used in conducting a consumer mail survey to develop information to assist the Commission in making policy decisions in the over-the-counter (non-prescription) drug area. Questionnaires will be sent to preselected individuals, identified through participation in a consumer mail panel of 40,000 as having certain disease conditions or who have been restricted to certain special-type diets, to ascertain their characteristics and usage paterns of various over-the-counter drug products. FTC estimates respondents to be approximately 5,000 individuals and reporting burden to average 20 minutes per response.

NORMAN F. HEYL,
Regulatory Reports Review Officer.

[FR Doc.77-10717 Filed 4-11-77;8:45 am]

DEPARTMENT OF LABOR

Bureau of Labor Statistics

BUSINESS RESEARCH ADVISORY COUNCIL'S COMMITTEE ON OCCUPATIONAL SAFETY AND HEALTH STATISTICS

Meeting

The BRAC Committee on Occupational Safety and Health Statistics will meet at 10 a.m., May 11, 1977, at the New Department of Labor Building, 200 Constitution Avenue, N.W., Washington, D.C., Rooms S4215 A, B, and C. The agenda for the meeting is as follows:

1. Recommended reply to the Office of Management and Budget of the Occupational Safety and Health Data Evaluation Report Task Force.
2. An analysis of the results of the Occupational Injuries and Illnesses Survey for 1975.
3. In-depth studies Status of State participation.
4. Status report on the Supplementary Data System program, the Occupational Health Projects Working Group, and other special studies.
5. Interactive computer analysis of the Supplementary Data System as a tool in safety and health efforts.

This meeting is open to the public. It is suggested that persons planning to attend this meeting as observers contact Kenneth G. Van Auken, Executive Secretary, Business Research Advisory Council on Area Code 202–523–1559.

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

JULIUS SHISKIN,
Commissioner of Labor Statistics.

[FR Doc.77–10544 Filed 4–11–77;8:45 am]

BUSINESS RESEARCH ADVISORY COUNCIL'S COMMITTEE ON MANPOWER AND EMPLOYMENT

Meeting

The BRAC Committee on Manpower and Employment will meet at 1:30 p.m., May 24, 1977, at the General Accounting Office Building, 441 G Street NW., Room 4454A, Washington, D.C. The agenda for the meeting is as follows:

1. Review of the present position with regard to collection of data on job opportunities.
2. Present status of the local area unemployment statistics program.
3. A report on the status of the Employment Review Commission.

This meeting is open to the public. It is suggested that persons planning to attend this meeting as observers contact Kenneth G. Van Auken, Executive Secretary, Business Research Advisory Council on (Area Code 202) 523–1559.

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

JULIUS SHISKIN,
Commissioner of Labor Statistics.

[FR Doc.77–10722 Filed 4–11–77;8:45 am]

Labor-Management Services Administration

WISCONSIN

Area Office Jurisdiction Change

This is to advise that the entire State of Wisconsin is now under the jurisdiction of the Minneapolis, Minnesota Area Office.

Dated: March 28, 1977.

FRANCIS X. BURKHARDT,
Assistant Secretary of Labor.

[FR Doc.77–10723 Filed 4–11–77;8:45 am]

Occupational Safety and Health Administration

SOUTH CAROLINA STANDARDS

Notice of Approval

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health (hereinafter called the Regional Administrator) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) (29 CFR 1953.4) will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with section 18 (c) of the Act and 29 CFR Part 1902. On December 6, 1972, notice was published in the FEDERAL REGISTER (37 FR 25932) of the approval of the South Carolina plan and the adoption of Subpart C to Part 1952 containing the decision.

The South Carolina plan provides for the adoption of Federal standards as State standards after public hearing. Section 1953.41 of 29 CFR provides that "A State initiated change supplement is required whenever the State takes with regard to its plan an action not otherwise covered by this part that would impact on the effectiveness of the State program." By letter dated May 28, 1976, from Edgard L. McGowan, Commissioner, South Carolina Department of Labor to Donald E. MacKenzie, Regional Administrator, and incorporated as a part of the plan, the State submitted the following amended State standards comparable to OSHA standards 29 CFR Part 1910 and 29 CFR Part 1928: amendments to § 1919.184, Slings, dated March 30, 1976; § 1910.1001, Asbestos, dated March 19, 1976; § 1928.57, Safety for Agricultural Equipment, dated March 9, 1976.

These standards were promulgated after public hearings held on May 27, 1976, and by filing with the South Carolina Secretary of State on May 27, 1976, respectively, pursuant to Act 379, South Carolina Acts and Joint Resolutions, 1971 (Sections 40–261 through 40–274 South Carolina Code of Laws, 1962).

2. *Decision.* Having reviewed the State submission in comparison with the Federal standards it has been determined that the amendments in response to Federal changes (§ 1910.184, § 1910.1001, and § 1928.57) are identical to the Federal OSHA standards. The State standards are hereby approved.

3. *Location of supplement for inspection and copying.* A copy of the standards supplement along with the approved plan may be inspected and copied during normal business hours at the following locations: Office of the Commissioner of Labor, South Carolina Department of Labor, 3600 Forest Drive, Columbia, South Carolina 29211; Office of the Regional Administrator, Suite 587, 1375 Peachtree Street NE., Atlanta, Georgia 30309; and Office of the Directorate, Federal Compliance and State Programs, Room N–3605, 200 Constitution Avenue NW., Washington, D.C. 20210.

4. *Public participation.* Under 29 CFR 1953.2(c) the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds good cause exists for not publishing the supplement to the South Carolina State Plan as a proposed change and making the Regional Administrator's approval effective upon publication for the following reasons:

1. The standards are essentially identical to the comparable Federal standards and are deemed to be at least as effective.

2. The standards were adopted in accordance with procedural requirements of State law and further participation would be unnecessary.

This decision is effective April 12, 1977.

(Sec. 18, Pub. L. 91–596, 84 Stat. 1608 (29 U.S.C. 667).)

Signed at Atlanta, Georgia, this 25th day of August 1976.

DONALD E. MACKENZIE,
Regional Administrator.

[FR Doc.77–10724 Filed 4–11–77;8:45 am]

A & Z FASHIONS, ET AL.

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to Section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both,

of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than April 22, 1977.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than April 22, 1977.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 24th day of March 1977.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner: union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
A. & Z. Fashions (ILGWU).	Wilkes-Barre, Pa.	Mar. 24, 1977	Mar. 15, 1977	TA-W-1,890	Women's dresses.
Bass Manufacturing (ILGWU).	Plymouth, Pa.	do	do	TA-W-1,891	Girls' dresses.
Cabaret, Inc. (ILGWU).	Plainsville, Pa.	do	do	TA-W-1,892	Dresses.
Catalina Dress, Inc. (ILGWU).	Ashley, Pa.	do	Mar. 16, 1977	TA-W-1,893	Women's dresses.
Charise Fashions (ILGWU).	Wilkes-Barre, Pa.	do	Mar. 15, 1977	TA-W-1,894	Women's dresses and sportswear.
Christy Fashions (ILGWU).	Glen Lyon, Pa.	do	do	TA-W-1,895	Women's apparel.
Coronet Fashions (ILGWU).	Wilkes-Barre, Pa.	do	do	TA-W-1,896	Women's dresses.
Country Maid Apparel (ILGWU).	Plains, Pa.	do	do	TA-W-1,897	Do.
Craddock Mills (ILGWU).	Warrior Run, Pa.	do	do	TA-W-1,898	Women's dresses and sportswear.
Cynthia Sue (ILGWU).	Swoyerville, Pa.	do	do	TA-W-1,899	Women's dresses.
Damsel Sportswear Co. (ILGWU).	Plains, Pa.	do	do	TA-W-1,900	Girls' sportswear.
Darling Fashions (ILGWU).	Wilkes-Barre, Pa.	do	do	TA-W-1,901	Women's dresses.
Dorothy Fashions (ILGWU).	Swoyerville, Pa.	do	do	TA-W-1,902	Do.
East Side Manufacturing (ILGWU).	Wilkes-Barre, Pa.	do	do	TA-W-1,903	Do.
Bob Ellen Sportswear (ILGWU).	do	do	do	TA-W-1,904	Women's sportswear.
Empire Dress (ILGWU).	do	do	do	TA-W-1,905	Women's dresses.
Ermar Manufacturing, Inc. (ILGWU).	Luzerne, Pa.	do	do	TA-W-1,906	Do.
F. & H. Manufacturing (ILGWU).	Larksville, Pa.	do	do	TA-W-1,907	Do.
Ann Will Garment (ILGWU).	Kingston, Pa.	do	do	TA-W-1,908	Do.
Woodbury Manufacturing (ILGWU).	Wilkes-Barre, Pa.	do	Mar. 16, 1977	TA-W-1,909	Men's and women's jackets.

[FR Doc.77-10547 Filed 4-11-77;8:45 am]

ALAN MFG. CO., ET AL.

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to Section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or

threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than April 22, 1977.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than April 22, 1977.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 23rd day of March 1977.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner: union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Alan Manufacturing Co. (ILGWU).	Wilkes-Barre, Pa.	Mar. 23, 1977	Mar. 15, 1977	TA-W-1,869	Dresses.
Alan Manufacturing Co. No. 2 (ILGWU).	do	do	do	TA-W-1,870	Do.
Alan Manufacturing Co. No. 3 (ILGWU).	Ashley, Pa.	do	do	TA-W-1,871	Do.
Carey Ave. No. 1 (ILGWU).	Wilkes-Barre, Pa.	do	do	TA-W-1,872	Do.
Carey Ave. No. 2 (ILGWU).	do	do	do	TA-W-1,873	Do.
Downing Garment (ILGWU).	Plymouth, Pa.	do	Mar. 17, 1977	TA-W-1,874	Do.
Edwardsville Fashions, Inc. (ILGWU).	Larksville, Pa.	do	Mar. 15, 1977	TA-W-1,875	Do.
Fad Manufacturing (ILGWU).	Swoyerville, Pa.	do	Mar. 17, 1977	TA-W-1,876	Ladies' and children's sportswear.
Fairview Sportswear (ILGWU).	Mountaintop, Pa.	do	Mar. 15, 1977	TA-W-1,877	Dresses.
Faylee Sportswear Inc. (ILGWU).	Edwardsville, Pa.	do	do	TW-W-1,878	Do.
Fifi Frocks (ILGWU)	Hudson, Pa.	do	do	TA-W-1,879	Do.
Fiery Fashions (ILGWU).	Swoyerville, Pa.	do	do	TA-W-1,880	Do.
Gaits Fashions (ILGWU).	Wilkes-Barre, Pa.	do	do	TA-W-1,881	Do.
George Ann Fashions (ILGWU).	Swoyerville, Pa.	do	do	TA-W-1,882	Children's clothes.
Glen Lyon Garment (ILGWU).	Glen Lyon, Pa.	do	do	TA-W-1,883	Dresses.
Grand Finale (ILGWU)	Wilkes-Barre, Pa.	do	do	TA-W-1,884	Women's sportswear.
Harbour Casuals, Inc. (ILGWU).	Plains, Pa.	do	do	TA-W-1,885	Ladies' sportswear.
Hi Style (ILGWU)	Edwardsville, Pa.	do	do	TA-W-1,886	Sportswear.
H. & M. Dress (ILGWU).	Wilkes-Barre, Pa.	do		TA-W-1,887	Children's and ladies' sportswear.
Holly Dress (ILGWU)	Nanticoke, Pa.	do	do	TA-W-1,888	Dresses.
L. F. Sportswear (ILGWU).	Hilldale, Pa.	Mar. 22, 1977	do	TA-W-2,889	Children's clothing

[FR Doc.77-10550 Filed 4-11-77;8:45 am]

Office of the Secretary

[TA-W-1256]

ALPHA CARBIDE, INC.

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1256: 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, 1976 in response to a worker petition received on November 10, 1976 which was filed by workers formerly producing shoe uppers at Alpha Carbide, Incorporated, Brunswick, Maine.

The Notice of Investigation was published in the FEDERAL REGISTER on December 3, 1976 (41 FR 53079). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from former officials of Alpha Carbide, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales, production, or both, of the firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation revealed that although the first two criteria have been met, the third and fourth criteria have not been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of production workers at the Brunswick plant rose 77.9 percent in the first three quarters of 1976 compared to the same period in 1975. All workers, however, were terminated on October 19, 1976, when the company closed.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Dollar sales of uppers produced at Alpha Carbide rose 62.1 percent in the first three quarters of 1976 compared to the same period in 1975. Production at Alpha Carbide was based on orders received. All production operations ceased on October 19, 1976, when the company was permanently closed.

INCREASED IMPORTS

Imports of leather shoe uppers are not separately identifiable in the official trade statistics. They are imported under TSUSA 791.2, "Leather Cut or Wholly or Partly Manufactured into Forms or Shapes Suitable for Conversion into Footwear". Industry analysts indicate that imports of leather footwear uppers account for less than five percent of the total volume of leather shoe uppers produced domestically.

CONTRIBUTED IMPORTANTLY

The Department's investigation revealed that the owner of Alpha Carbide also operated the Alpha Shoe Company, Biddeford, Maine (TA-W-1257). Both companies were independent contractors, stitching uppers for women's footwear with customer supplied materials. Both companies serviced the same customers. Customers indicated that they did not buy imported shoe uppers and did not have contracts with foreign stitching firms. Customer contracts were terminated because Alpha Carbide and Alpha Shoe were suddenly and unexpectedly closed by their owner on October 19, 1976.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with the shoe uppers produced at Alpha Carbide, Incorporated, Brunswick, Maine did not contribute importantly to the total or partial separations of the workers at that firm.

Signed at Washington, D.C. this 31st day of March 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-10554 Filed 4-11-77;8:45 am]

ATLANTIC TUBING & RUBBER CO., ET AL.

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to Section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than April 22, 1977.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than April 22, 1977.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 28th day of March 1977.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner: union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Atlantic Tubing & Rubber Co. (United Rubber Workers of America).	Cranston, R.I.	Mar. 24, 1977	Mar. 22, 1977	TA-W-1,910	Heel and sole compound, PVC and PVC film and sheeting.
Gross Galesburg Co. (ACTWU).	Galesburg, Ill.	do	Mar. 21, 1977	TA-W-1,911	Denim jackets, grass, and bags.
Do	Chariton, Iowa	do	do	TA-W-1,912	Quilted, athletic, and lined jackets.
Oxford Textile Finishing Co. (ACTWU).	Oxford, N.J.	Mar. 23, 1977	Mar. 22, 1977	TA-W-1,913	Dye and finish textile products.
Pettyjohn Bros. Shoe Manufacturing, Inc. (company).	Lynchburg, Va.	Mar. 28, 1977	Mar. 16, 1977	TA-W-1,914	Girls' and ladies' shoes.
Shaeffer Tailoring Co., Inc. (ACTWU).	Cincinnati, Ohio	Mar. 24, 1977	Mar. 21, 1977	TA-W-1,915	Special order clothing.
Swepco Tube Corp. (IUE).	Clifton, N.J.	do	Mar. 23, 1977	TA-W-1,916	Stainless steel tubes and pipes.
Tensor Corp. (workers)	Brooklyn, N.Y.	Mar. 23, 1977	Mar. 21, 1977	TA-W-1,917	Metal tennis rackets and high intensity lamps.
Jack Winters AMC/Inc. (workers).	Waukegan, Ill.	Mar. 22, 1977	Mar. 15, 1977	TA-W-1,918	The selling and servicing of AMC automobiles.

[FR Doc.77-10548 Filed 4-11-77;8:45 am]

BATA SHOE CO., ET AL.

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to Section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threat-

ened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than April 22, 1977.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than April 22, 1977.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 30th day of March 1977.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner: union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Bata Shoe Co. (workers).	Elkins, W. Va.	Mar. 22, 1977	Mar. 16, 1977	TA-W-1,924	Injection molded footwear for men, women, and children—made of canvas and other man-made materials.
C. Brewer & Co. Ltd. (workers).	Honolulu, Hawaii.	Mar. 25, 1977	Mar. 17, 1977	TA-W-1,925	Raw Sugar.
Hawaiian Sugar Co. (workers).	Hilo, Hawaii	do	do	TA-W-1,926	Do.
Rockwell International, Graphic Systems Division (workers).	Chicago, Ill.	Mar. 29, 1977	Mar. 24, 1977	TA-W-1,927	Newspaper printing presses.
Stride International Corp. (workers).	Mount Vernon, N.Y.	do	Mar. 23, 1977	TA-W-1,928	Pocketbooks.

[FR Doc.76-10546 Filed 4-11-77;8:45 am]

[TA-W-1203]

BERN BRAE CLASSICS, INC.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1203: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on October 26, 1976 in response to a worker petition received on October 26, 1976 which was filed by the International Ladies' Garment Workers' Union on behalf of workers and former workers producing misses' slacks at the Philadelphia, Pennsylvania plant of Bern Brae Classics, Inc.

The Notice of Investigation was published in the FEDERAL REGISTER on November 19, 1976 (41 FR 51135). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Bern Brae Classics, Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The Department's investigation revealed that all of the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

All employment ceased in September 1976 when the plant was shut down.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales decreased 25.6 percent ond 11.1 percent in quantity and value, respectively, in the first six months of 1976 compared to the like period in 1975. All sales and production ceased when the plant was shut down in September 1976.

INCREASED IMPORTS

Imports of women's, misses' and children's slacks and shorts increased from 1971 to 1972. Imports decreased each year from 1972 through 1974, then increased 12.8 percent from 1974 to 1975 and further increased 13.1 percent in the first nine months of 1976 compared to the first nine months of 1975.

CONTRIBUTED IMPORTANTLY

Customers indicated that they reduced their purchases of misses' and juniors' slacks from Bern Brae Classics, Inc., and increased their purchases of imported slacks or bought from buying offices which imported misses', juniors' and women's slacks.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increased imports of women's and misses' slacks have contributed importantly to the total or partial separations of workers at the Philadelphia, Pennsylvania plan of Bern Brae Classics, Inc. In accordance with the provisions of the Act, I make the following certification:

All workers at the Philadelphia, Pennsylvania plant of Bern Brae Classics, Inc. who became totally or partially separated from employment on or after January 1, 1976 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 31st day of March 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.10564 Filed 4-11-77;8:45 am]

[TA-W-1417]

CECO CORP., SOUTHERN ELECTRIC STEEL DIVISION

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the result of TA-W-1417: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on December 14, 1976 in response to a worker petition received on December 14, 1976 which was filed by the United Steelworkers of America on behalf of workers and former workers producing concrete reinforcing bars at the Birmingham, Alabama plant of the Southern Electric Steel Company, a division of Ceco Corporation, Chicago, Illinois.

The Notice of Investigation was published in the FEDERAL REGISTER on January 4, 1977 (42 FR 897). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Southern Electric Steel Company, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met.

(1) that a significant number or proportion of the workers in the workers' firm, or an

appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) that sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) that articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) that such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that regardless of whether any of the other criteria have been met criterion (2) and (4) have not been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Employment of hourly production workers at the Southern Electric Steel Company declined 14.5 percent in 1975 compared to 1974 and 3.1 percent in 1976 compared to 1975. Employment of salaried workers increased 20.8 percent in 1975 compared to 1974 and 10.3 percent in 1976 compared to 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales of concrete reinforcing bars by the Southern Electric Steel Company declined 33.0 percent in 1975 compared to 1974 and then increased 17.4 percent in 1976 compared to 1975. Sales declined in the first quarter of 1976 compared to the first quarter of 1975 and then increased in each of the last three quarters of 1976 compared to the corresponding quarter of 1975.

Production of concrete reinforcing bars by the Southern Electric Steel Company declined 32.0 percent in 1975 compared to 1974 and then increased 14.2 percent in 1976 compared to 1975. Production declined in the first quarter of 1976 compared to the first quarter of 1975 and then increased in each of the last three quarters of 1976 compared to the corresponding quarter of 1975.

INCREASED IMPORTS

Imports of concrete reinforcing bars declined absolutely and relatively in 1972 compared to 1971 and in 1973 compared to 1972. Imports increased absolutely and relatively in 1974 compared to 1973 and then declined absolutely and relatively in 1975 compared to 1974. The ratio of imports to domestic shipments and consumption declined from 9.5 percent and 9.2 percent, respectively, in 1974 to 3.9 percent and 3.8 percent, respectively, in 1975. Imports increased absolutely and relatively in the first nine months of 1976 compared to the first nine months of 1975. The ratio of imports to domestic shipments and consumption increased from 4.4 percent and 4.3 percent, respectively, in 1975 to 4.8 percent and 4.6 percent, respectively, in the first six months of 1976.

CONTRIBUTED IMPORTANTLY

The Department's investigation revealed that customers of the Southern Electric Steel Company have not switched purchases from Southern Electric to imported steel. Customers indicated that they have either switched their purchases of concrete reinforcing bars from the Southern Electric Steel Company to other domestic sources or have reduced purchases due to declines in the construction industry.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with the concrete reinforcing bars produced by the Birmingham, Alabama plant of the Southern Electric Steel Division of Ceco Corporation did not contribute importantly to the total or partial separations of the workers of that plant.

Signed at Washington, D.C. this 31st day of March 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-10555 Filed 4-11-77;8:45 am]

[TA-W-1331]

CRANE CO.

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1331: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on November 30, 1976 in response to a worker petition received on November 30, 1976 which was filed by the United Steelworkers of America on behalf of workers and former workers of the Ambridge, Pennsylvania plant of Crane Company.

The Notice of Investigation was published in the FEDERAL REGISTER on December 21, 1976 (41 FR 55603). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Crane Company.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any of the other criteria have been met, the Department's investigation reveals that criterion (3) has not been met.

Crane Company is a large diversified manufacturing corporation that operates more than 30 plants and 80 warehouses in the United States and abroad. The products of Crane include fluid and pollution control equipment, building materials, steel products and aerospace equipment.

The Ambridge, Pennsylvania plant of Crane Company repairs worn or damaged valves manufactured by Crane Company or by Crane's competitors. After being repaired, the valves are returned to their owners.

The Department of Labor has already determined that the performance of services is not included within the term "articles" as used in Section 222(3) of the Act. See Notice of Negative Determination in Pan American World Airways, Incorporated (TA-W-153; 40 FR 54639).

The Ambridge, Pennsylvania plant of Crane Company performs the service of repairing valves. The plant is 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 services of the kind provided by the Ambridge, Pennsylvania plant of Crane Company are not "articles" within the meaning of Section 222 (3) of the Trade Act of 1974.

Signed at Washington, D.C. this 31st day of March 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-10563 Filed 4-11-77;8:45 am]

[TA-W-1356]

DE LAVAL TURBINES, INC.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1356: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on December 1, 1976 in response to a worker petition received on December 1, 1976 which was filed by the United Steelworkers of America on behalf of workers and

former workers producing worm gears and speed reducers at the Trenton, New Jersey plant of De Laval Turbines, Inc.

The Notice of Investigation was published in the FEDERAL REGISTER on January 4, 1977 (42 FR 874). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of De Laval Turbines, Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all four criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The Trenton plant produces worm gear sets and speed reducers. The production of speed reducers is integrated with the production of worm gear sets. There are no separately identifiable workers at the Trenton plant engaged in the production of speed reducers only.

Average annual employment of production workers at the Trenton, New Jersey plant declined 11.5 percent in the last quarter of 1975 compared to the same quarter in 1974. Average employment declined 21.0 percent in the first 11 months of 1976 compared to the first 11 months of 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales at the Trenton, New Jersey plant declined 37.9 percent in value in the fourth quarter of 1975 compared to the fourth quarter of 1974. Sales declined 14.9 percent in value in the first 9 months of 1976 compared to the first 9 months of 1975.

Production decreased 11.9 percent in value in the first 9 months of 1976 compared to the first 9 months of 1975.

INCREASED IMPORTS

Imports of gears increased in each year compared to the previous year from $10.3 million in 1971 to $51.2 million in 1975. Imports increased 7 percent in the first nine months of 1976 compared to the same period in 1975, from $37.1 million to $39.7 million.

The ratio of imports to domestic production of gears increased in each year compared to the previous year from 2.0 percent in 1971 to 4.4 percent in 1975. The ratio decreased from 4.2 percent in the first 9 months of 1975 to 3.5 percent in the first 9 months of 1976.

CONTRIBUTED IMPORTANTLY

Customers accounting for substantial declines in sales at the Trenton plant of De Laval indicated they have switched purchases to imported worm gears. The lower prices of the imports was given as the primary reason for the switch to the imported products.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with worm gears produced at the Trenton, New Jersey plant of De Laval Turbines, Incorporated contributed importantly to the total or partial separation of workers of the plant. In accordance with the provisions of the Act, I make the following certification:

All workers at the Trenton, New Jersey plant of De Laval Turbines, Incorporated, who became totally or partially separated from employment on or after November 1, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Trade Act of 1974.

Signed at Washington, D.C. this 31st day of March 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-10562 Filed 4-11-77;8:45 am]

[TA-W-1390]

DIXON-BARTLETT-LAMBRECHT, INC.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1390: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Bartlett-Lambrecht, Inc.

The investigation was initiated on December 8, 1976 in response to a worker petition received on that date which was filed on behalf of workers and former workers producing women's shoes at the Baltimore, Maryland plant of Dixon-Bartlette-Lambrecht, Inc.

The Notice of Investigation was published in the FEDERAL REGISTER on January 4, 1977 (41 FR 875). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from information and publications provided by officals of Dixon-Bartlett-Lambrecht, Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, The American Footwear Industries Association and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation reveals that all four criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Employment at the Baltimore, Maryland plant of Dixon-Bartlett-Lambrecht, Inc. declined 18 percent from 1974 to 1975. Employment decreased 7 percent from the second to the third quarter of 1976. Most production workers were laid off when the plant permanently halted production in November 1976.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Total production in pairs of women's shoes at Dixon-Bartlett-Lambrecht decreased 40 percent from 1974 to 1975. Production decreased 4 percent from the first to the second quarter of 1976, and decreased 19 percent from the second quarter to third quarter of 1976. The plant halted production in November 1976.

INCREASED IMPORTS

Imports of women's nonrubber, nonathletic footwear increased absolutely 2 percent from 1974 to 1975. The ratio of imports to domestic production increased 11 percent from 1974 to 1975. Total imports in the first three quarters of 1976 increased 17 percent, compared with the same period in 1975.

CONTRIBUTED IMPORTANTLY

Evidence developed in the investigation revealed that a significant proportion of customers of Dixon-Bartlett-Lambrecht, Inc. reduced purchases in favor of imports.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with women's shoes produced at Dixon-Bartlett-Lambrecht, Inc., Bal-

timore, Maryland contributed importantly to the total or partial separation of the workers of that company. In accordance with the provisions of the Act, I make the following certification:

All employees of Dixon-Bartlett-Lambrecht, Incorporated, Baltimore, Maryland, who became totally or partially separated from employment on or after June 12, 1976 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 31st day of March 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-10558 Filed 4-11-77;8:45 am]

GULF & WESTERN MFG., ET AL.

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to Section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than April 22, 1977.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than April 22, 1977.

The petitions field in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 29th day of March 1977.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner: union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Gulf & Western Manufacturing Co., Bonney Forge Division (workers).	Roselle, N.J.	Mar. 28, 1977	Mar. 24, 1977	TA-W-1,919	Forged steel pipe fittings.
Loree Footwear Corp. (USW).	Big Run, Pa.	do	Mar. 1, 1977	TA-W-1,920	Ladies' shoes.
Scranton Garment Manufacturing Co., Inc. (ACTWU).	Scranton, Pa.	do	Mar. 18, 1977	TA-W-1,921	Men's sportcoats.
Tony P. Fashions, Inc. (ILGWU).	Mohawk, N.Y.	do	Mar. 10, 1977	TA-W-1,922	Women's dresses.
Washington Wood Products, Inc. (workers).	Washington, N.J.	do	Mar. 22, 1977	TA-W-1,923	Stereo cabinets and luggage frames for suitcases.

[FR Doc.77-10549 Filed 4-11-77;8:45 am]

[TA-W-1383]

INTERNATIONAL SHOE CO.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1383: investigation regarding certification of eligibility to apply for adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on December 8, 1976 in response to a worker petition received on December 8, 1976 which was filed by the United Shoe Workers of America on behalf of workers and former workers producing women's shoes at the Searcy, Arkansas plant of the International Shoe Company.

The Notice of Investigation was published in the FEDERAL REGISTER on January 4, 1977 (42 FR 885). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the International Shoe Company, its customers, the 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 has revealed that all of the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Employment of production workers declined 11.2 percent from 1973 to 1974, declined 11.1 percent from 1974 to 1975 and then increased 18.1 percent from 1975 to 1976. Employment declined 2.9 percent in the last six months of 1976 compared to the same period of 1975. The average number of hours worked declined 6.8 percent from 1973 to 1974, declined 10.3 percent from 1974 to 1975, and increased 12.1 percent from 1975 to 1976. However, the number of hours worked declined 15.6 percent in the last six months of 1976 compared to the last six months of 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales data are not maintained for the plant, since all shoes are shipped to a central distribution location of International Shoe and stocked with shoes produced at other International Shoe plants.

Production at the Searcy, Arkansas plant declined 10.3 percent in quantity from 1973 to 1974, declined 30.0 percent from 1974 to 1975, and then increased 31.5 percent from 1975 to 1976. However, production declined 11.2 percent in the last six months of 1976 compared to the last six months of 1975.

INCREASED IMPORTS

Imports of women's and misses' nonrubber footwear, except athletic, increased absolutely and relatively when compared to domestic production in each year from 1971 to 1973, declined from 1973 to 1974, and then increased from

1974 to 1975. Imports increased absolutely from 131.1 millions of pairs in the first nine months of 1975 to 157.0 millions of pairs in the same period of 1976. The ratio of imports to domestic production declined from 108.3 percent in the first nine months of 1975 to 107.8 percent in the first nine months of 1976.

CONTRIBUTED IMPORTANTLY

Evidence developed during the course of the investigation revealed that retail customers of International Shoe shifted from domestic to import purchases of women's shoes from 1975 to 1976. The shift is attributed chiefly to the lower price of the imports.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with women's shoes produced at the Searcy, Arkansas plant of the International Shoe Company contributed importantly to the total or partial separation of the workers at that plant. In accordance with the provision of the Act, I make the following certification:

All workers engaged in employment related to the production of women's shoes at the Searcy, Arkansas plant of the International Shoe Company who became totally or partially separated from employment on or after July 1, 1976 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 31st day of March 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-10560 Filed 4-11-77;8:45 am]

[TA-W-1538]

LADY SUZANNE FOUNDATIONS, INC.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1538: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on December 30, 1976 in response to a worker petition received on December 30, 1976 which was filed by the International Ladies' Garment Workers' Union on behalf of workers and former workers producing brassieres at the Brooklyn, New York plant of Lady Suzanne Foundations, Incorporated.

The notice of investigation was published in the FEDERAL REGISTER on January 18, 1977 (42 FR 3374). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Lady Suzanne Foundations, Incorporated, its customers, the U. S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitively with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation revealed that all four of the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Employment of production workers at the plant increased 18.0 percent in 1975 compared to 1974 and declined 13.9 percent in 1976 compared to 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales of brassieres by Lady Suzanne increased 16.4 percent in 1975 compared to 1974 and declined 20.3 percent in 1976 compared to 1975.

Production increased 44.2 percent in 1975 compared to 1974 and decreased 52.2 percent in 1976 compared to 1975. Plant production ceased in November 1976.

INCREASED IMPORTS

Imports of Brassieres, Bra-lettes and Bandeaux increased each year, from 4.995 million dozens in 1971, to 6.921 million dozens in 1975; and increased from 4.988 million dozens in the first three quarters of 1975, to 6.405 million dozens in the same period of 1976.

CONTRIBUTED IMPORTANTLY

A representative sample of Lady Suzanne's major customers in 1975 and 1976 indicated that several of these customers have increased imports of brassieres, while decreasing their purchases from Lady Suzanne.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with brassieres produced at the Brooklyn, New York plant of Lady Suzanne Foundations, Incorporated contributed importantly to the total or partial separations of the workers engaged in the production of such brassieres at that plant. In accordance with the provisions of the Act, I make the following certification:

All workers at the Brooklyn, New York plant of Lady Suzanne Foundations, Incorporated who became totally or partially separated from employment on or after January 1, 1976 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 31st day of March 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-10553 Filed 4-11-77;8:45 am]

[TA-W-1183]

LOUIS BIRENBAUM

Notice of 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-1183: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on October 19, 1976 in response to a worker petition received on October 19, 1976 which was filed by the International Ladies' Garment Workers' Union on behalf of workers and former workers producing women's slacks and pant suits at Louis Birenbaum.

The notice of investigation was published in the FEDERAL REGISTER on November 5, 1976 (41 FR 48813). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Louis Birenbaum, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof, have increased either actual, or relative to domestic production, and

(4) That such increased imports have contributed importantly to the separation, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The Department's investigation revealed that all four criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Average plant employment of hourly production workers decreased 13.6 percent in 1975 compared to 1974. Average hours worked per week per worker decreased 6.2 percent in 1975 compared to 1974 and further decreased 1.2 percent in the first ten months of 1976 compared to the like period in 1975.

SALES OR PRODUCTION, OF BOTH, HAVE DECREASED ABSOLUTELY

Sales decreased 39.0 percent in value in 1975 compared to 1974 and further decreased 19.7 percent in the first ten months of 1976 compared to the same period of 1975. Production decreased 35.0 percent in quantity in 1975 compared to 1974 and further decreased 36.3 percent in the first ten months of 1976 compared to the like period in 1975.

INCREASED IMPORTS

Imports of women's, misses' and children's suits increased in every year since 1971 from 151,000 dozens to 412,000 dozens in 1975, an increase of 172.8 percent. Imports then declined from 314,000 dozens in the first nine months of 1975 to 308,000 dozens in the first nine months of 1976.

Imports of women's, misses' and children's slacks and shorts increased from 11,375,000 dozens in 1971 to 12,095,000 dozens in 1972, an increase of 6.3 percent. Imports decreased in each of the next two succeeding years to 8,923,000 dozens in 1974, before increasing in 1975 to 10,067,000 dozens, an increase of 12.8 percent. Imports further increased 13.1 percent in the first nine months of 1976 compared to the like period in 1975.

CONTRIBUTED IMPORTANTLY

Customers stated that they increased purchases of imports and decreased purchases from the company.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increased imports like or directly competitive with women's slacks and pant suits produced at Louis Birenbaum, Philadelphia, Pennsylvania contributed importantly to the total or partial separations of the workers of that company. In accordance with the provisions of the Act, I make the following certification:

All workers at Louis Birenbaum, Philadelphia, Pennsylvania who became totally or partially separated from employment on or after October 8, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 31st day of March 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-10565 Filed 4-11-77;8:45 am]

[TA-W-1367]

LUNKENHEIMER CO.

Certification Regarding Eligibility To Apply For Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1367: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on December 1, 1976 in response to a worker petition received on December 1, 1976 which was filed by the United Steelworkers of America on behalf of workers and former workers producing valves at the Cincinnati, Ohio plant of the Lunkenheimer Company.

The Notice of Investigation was published in the FEDERAL REGISTER on January 4, 1977 (42 FR 888). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Lunkenheimer Co., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all four criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Average annual employment of production workers at the Lunkenheimer Company, Cincinnati, Ohio plant declined 17 percent in 1976 compared to 1975. Average employment declined 19 percent in the fourth quarter of 1975 compared to the fourth quarter of 1974.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Annual sales at the Lunkenheimer Co., Cincinnati, Ohio plant decreased 19 percent in 1976 compared to 1975. Sales declined 28 percent in the fourth quarter of 1975 compared to the fourth quarter of 1974.

Annual production decreased 10 percent in 1976 compared to 1975. Production decreased 27 percent in the fourth quarter of 1975 compared to the fourth quarter of 1974.

INCREASED IMPORTS

Imports of valves and similar devices in terms of value increased each year from $56.5 million dollars in 1971 to $165.1 million in 1975. Imports further increased from $127.6 million in the first nine months of 1975 to $134.2 million in the first nine months of 1976.

The ratio of imports to domestic production increased from 4.0 percent in 1974 to 4.7 percent in 1975. The ratio of imports to production decreased from 4.9 percent in the first nine months of 1975 to 4.5 percent in the first nine months of 1976.

CONTRIBUTED IMPORTANTLY

Customers of the Lunkenheimer Company indicated that they have decreased their purchases from the Cincinnati plant and switched to lower priced imported valves.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with valves produced at the Cincinnati, Ohio plant of Lunkenheimer Company contributed importantly to the total or partial separation of workers of the plant. In accordance with the provisions of the Act, I make the following certification:

All workers at the Cincinnati, Ohio plant of Lunkenheimer Company, who became totally or partially separated from employment on or after November 1, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 31st day of March 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-10561 Filed 4-11-77;8:45 am]

[TA-W-1384]

MAX KIRMAYER AND SONS, INC.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1384: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on December 8, 1976 in response to a worker petition received on December 8, 1976

which was filed by the Amalgamated Clothing and Textile Workers Union on behalf of workers and former workers producing men's pants at the Brooklyn, New York plant of Max Kirmayer and Sons, Incorporated.

The notice of investigation was published in the FEDERAL REGISTER on January 4, 1977 (42 FR 889). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Max Kirmayer and Sons, Incorporated, its manufacturer, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all four of the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Employment of production workers declined 28.6 percent in 1975 compared to 1974. Separations occurred in the second quarter of 1976 and employment declined 11.1 percent in the last six months of 1976 when compared to the same period in 1975.

Average weekly hours of production workers declined 5.1 percent in the last six months of 1976 compared to the same period in 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Production at Max Kirmayer and Sons, Incorporated equal sales. Production of men's pants declined 30.1 percent in 1975 compared to 1974 and increased 15.5 percent in 1976 compared to 1975. Production declined 16.0 percent and 11.9 percent in the third and fourth quarters of 1976, respectively, when compared to the same quarters in 1975.

INCREASED IMPORTS

Imports of men's and boys' tailored suits have increased each year from 1.27 million units in 1971, to 3.10 million units in 1975, and increased from 2.35 million units in the first nine months of 1975, to 2.52 million units in the same period in 1976.

CONTRIBUTED IMPORTANTLY

The subject company produced about 95 percent of its pants in 1975 and 1976 under contract from a manufacturer which sells men's suits directly to the public from its factory outlet store. Competitors of this men's suit store, located in the same building, have purchased increased amounts of imported men's suits.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that imports like or directly competitive with men's pants produced at the Brooklyn, New York plant of Max Kirmayer and Sons, Incorporated, contributed importantly to the total or partial separations of the workers engaged in the production of such pants at that plant. In accordance with the provisions of the Act, I make the following certification:

All workers engaged in employment related to the production of men's pants at the Brooklyn, New York plant of Max Kirmayer and Sons, Incorporated who became totally or partially separated from employment on or after May 21, 1976 are certified eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 31st day of March, 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-10559 Filed 4-11-77;8:45 am]

[TA-W-1252]

MISS QUALITY, INC.

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, the Department of Labor herein presents the results of TA-W-1252: 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 9, 1976 in response to a worker petition received on November 9, 1976 which was filed by the International Ladies' Garment Workers' Union on behalf of former workers at the Hatboro, Pennsylvania, Philadelphia, Pennsylvania and New York, New York plants of Miss Quality, Inc.

The notice of investigation was published in the FEDERAL REGISTER on December 3, 1976 (41 FR 53093). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Miss Quality, Incorporated, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements fo Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that criterion two (2) and four (4) has not been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Employment of all production workers at the Hatboro and Philadelphia, Pennsylvania plants and the New York, New York facility increased 11.2 percent in 1975 compared to 1974 and declined 1.8 percent in 1976 compared to 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales equals production since garments are made to order. In 1974 dollar value, sales decreased 37.2 percent from 1974 to 1975 and increased 17.4 percent from 1975 to 1976.

INCREASED IMPORTS

Imports of children's dresses declined in each year from 1971, when imports totalled 1,378 thousand dozens, through 1974, when imports totalled 910 thousand dozens. U.S. imports increased to 949 thousand dozens in 1975. Imports declined from 698 thousand dozens in the first three quarters of 1975 to 665 thousand dozens in the first three quarters of 1976.

The ratio of imports of children's dresses to domestic production declined from 16.1 percent in 1971 to 13.4 percent and 11.4 percent, respectively, in 1972 and 1973. The ratio of imports to domestic production increased to 12.8 percent and 14.1 percent, respectively, in 1974 and 1975.

CONTRIBUTED IMPORTANTLY

A survey of customers purchasing children's dresses from Miss Quality indicated that these customers either do not purchase imported children's dresses or have decreased purchases of imported children's dresses. Customers indicated that they increased sales of Miss Quality's children's dresses and ensembles from 1975 to 1976.

CONCLUSION

After careful review of the facts obtained in the investigation, it is concluded that increases of imports of children's dresses have not contributed importantly to separations of workers at the Hatboro, Pennsylvania; Philadelphia, Pennsylvania and New York, New York facilities of Miss Quality, Inc. and that sales or production, or both, have not declined absolutely as required for certification under Section 222 of the Trade Act of 1974.

Signed at Washington, D.C. this 31st day of March 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-10551 Filed 4-11-77;8:45 am]

[TA-W-1391]

NATIONAL SUPPLY CO.

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1391: 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 15, 1976 in response to a worker petition received on November 15, 1976 which was filed by the United Steelworkers of America on behalf of workers and former workers producing wellhead control equipment at the Houston, Texas plant of National Supply Company, a division of Armco Steel Corporation.

The Notice of Investigation was published in the FEDERAL REGISTER on January 4, 1977 (42 FR 891). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from the United Steelworkers of America, National Supply Company, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any of the other criteria have been met, criterion (4) has not been met.

Prior to 1976, there were no known imports of wellhead control equipment. In late 1976 a single foreign producer began to export the product into the United States. Imports from that producer represent an estimated import penetration ratio of less than one percent.

The evidence developed in the Department's investigation reveals that industry sources believe that the import influence in this market is negligible.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that imports of wellhead control equipment like or directly competitive with those produced at the Houston, Texas plant of National Supply Company, a division of Armco Steel Corporation did not contribute importantly to separations, or threat thereof, or to decreased sales or production at such plant as required in Section 222 of the Trade Act of 1974. The petition should, therefore, be denied.

Signed at Washington, D.C., this 31st day of March 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-10557 Filed 4-11-77;8:45 am]

[TA-W-1228]

OPTICAL PRODUCTS DIVISION, AMERICAN OPTICAL CORP.

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1228: 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 8, 1976 in response to a worker petition received on that date which was filed by three workers on behalf of workers and former workers producing ophthalmic lenses at the Southbridge, Massachusetts plant of the Optical Products Division of the American Optical Corporation.

The Notice of Investigation was published in the FEDERAL REGISTER on November 23, 1976 (41 FR 51627). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the American Optical Corporation, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have deceased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that criteria one (1) and two (2) have not been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of hourly production workers declined 9.7 percent from 1974 to 1975. Employment increased 1.3 percent in the first three quarters of 1976 compared to the same period of 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Total sales declined 3.3 percent in value and 26.1 percent in quantity from 1974 to 1975. Sales then increased 12.9 percent in value and 15.9 percent in quantity during the January through September period of 1976, as compared to the same in 1975.

Production, in terms of quantity manufactured, declined 18.0 percent from 1974 to 1975. Production increased 54.8 percent in the fourth quarter of 1975 compared to the previous quarter. Production then increased 11.8 percent during the first nine months of 1976 compared to the first nine months of 1975.

INCREASED IMPORTS

Imports of opthalmic lenses, as expressed in thousands of pairs, increased absolutely while declining relatively from 1971 to 1972 and then increased absolutely and relatively from 1972 to 1973. Imports declined absolutely while increasing relatively from 1973 to 1974 before increasing absolutely and relatively from 1974 to 1975.

During the first nine months of 1976 imports increased 37.4 percent as compared to the first nine months of 1975. During the same period domestic production increased 10.3 percent. The ratios of imports to domestic production and consumption increased from 18.4 percent and 18.2 percent, respectively, in the January–September period of 1975 to 22.9 percent and 22.0 percent, respectively, in the same period of 1976.

CONTRIBUTED IMPORTANTLY

Imports of opthalmic lenses, remained in the area of 18 percent of domestic production from 1971 through 1974. In 1975 the ratio of imports to domestic production increased to 20.2 percent. This trend continued in the January through September period of 1976 when imports amounted to 22.9 percent of domestic production. The Department's investigation revealed that increased imported opthalmic lens purchases were due to changes in fashion and consumer's preference to oversize frames and lenses. The level of American Optical's production and employment was not influenced by this slight shift in the market penetration of imports. American Optical, in fact, increased its share of the domestic market during the 1975–1976 period.

The date the petition was filed in case was October 12, 1976, consequently only separations occurring on or after October 12, 1975 could be covered by a certification. The investigation revealed a general increase in employment occurred during the potential coverage period. Employment of hourly production workers increased 2.9 percent from the third quarter of 1975 to the fourth quarter.

Production, in terms of pairs of lenses manufactured and sales in terms of pairs of lenses sold increased by 54.8 percent and 41.1 percent, respectively, from the third quarter of 1975 to the fourth quarter of 1975. Company sales and production increased 15.7 percent and 11.8 percent, respectively, in the first nine months of 1976, compared to the first nine months of 1975. Average quarterly employment of hourly production workers increased in the second and third quarter of 1976 compared to the same quarters in 1975. Customers surveyed indicated that imports of opthalmic lenses are concentrated, primarily, in the lower priced single vision lenses and oversized plastic lenses. American Optical shifted sales and production emphasis to multifocal and specialty lense applications, which has contributed to the increased sales, production and employment in 1976.

CONCLUSION

After careful review of the fact obtained in the investigation, I conclude that a significant number or proportion of the workers at the Southbridge, Massachusetts plant of the Optical Products Division of the American Optical Corporation have not become totally or partially separated, nor are they threatened to become totally or partially separated, and that sales or production have not decreased as required by Section 222 of the Act. Therefore, certification of eligibility to apply for adjustment assistance is denied. Increases of imports like or directly competitive with opthalmic lenses produced at the Southbridge, Massachusetts plant of the Optical Products Division of the American Optical Corporation have not contributed importantly to the total or partial separations of the workers of that plant.

Signed at Washington, D.C. this 31st day of March 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-10556 Filed 4-11-77;8:45 am]

[TA-W-1684]

PORT FISHERIES

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1684: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on February 24, 1977 in response to a worker petition received on February 10, 1977 which was filed on behalf of workers and former workers providing services to shrimp boats at Port Fisheries, Port Isabel, Texas.

The notice of investigation was published inthe FEDERAL REGISTER on March 11, 1977 (42 FR 13613). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials at Port Fisheries and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely; and

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

If any of the above criteria is not satisfied, a negative determination must be made.

Port Fisheries services shrimp boats. The employees were engaged in employment related to servicing shrimp boats with ice, fuel, dock space, and the transport of shrimp. They performed no production function. Port Fisheries performs a service for shrimp boats, but produces no product.

Port Fisheries does not produce an article within the meaning of Section 222 (3) of the Act and this Department has already determined that the performance of services are not covered by the adjustment assistance program. See Notice of Determination in Pan American World Airways, Incorporated (TA-W-153, 40 FR 54639). Port Fisheries performs a service, providing fuel, ice, dock space, and the transport of shrimp to shrimp boats.

CONCLUSION

After careful review of the issues, I have determined that services of the kind provided by Port Fisheries, Port Isabel, Texas are not "articles" within the meaning of Section 222(3) of the Trade Act of 1974. The petition for trade adjustment assistance is, therefore, denied.

Signed at Washington, D.C. this 31st day of March 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-10552 Filed 4-11-77;8:45 am]

[TA-W-1209]

SIMONDS CUTTING TOOLS DIVISION WALLACE-MURRAY CORP.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1209: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on October 21, 1976 in response to a worker petition received on October 21, 1976 which was filed by the United Steelworkers of America on behalf of workers and former workers producing cutting tools at the Fitchburg, Massachusetts plant of Simonds Cutting Tools, Division of Wallace-Murray Corporation, New York, New York.

The notice of investigation was published in the FEDERAL REGISTER on November 19, 1976 (41 FR 51145). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Simonds Cutting Tools, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or

subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has determined that all four criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Average employment of production workers at the Fitchburg plant of Simonds increased 13 percent in 1974 from 1973 and decreased 33 percent in 1975 from 1974. Employment in the first 9 months of 1976 decreased 10 percent from the same period of 1975.

Average weekly hours worked by production workers at the Fitchburg plant declined 5 percent in 1975 from 1974 and increased 0.5 percent in the first 9 months of 1976 from the same period of 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Products produced at the Fitchburg plant can be separated into 3 SIC classifications—SIC 3423-Hand and Edge Tools, Except Machine Tools and Hand Saws (machine knives are 34232.56 and 34232-58), SIC 3425- Hand Saws and Saw Blades and SIC 3444-Sheet Metal Work.

Total sales of cutting tools by Simonds increased 10 percent in value in 1974 from 1973 and decreased 18 percent in 1975 from 1974. Sales in the first 9 months of 1976 increased 3 percent from the same period of 1975.

Total production of cutting tools at the Fitchburg plant increased 2 percent in value in 1974 from 1973 and 0.5 percent in 1975 from 1974. Production in the first 9 months of 1976 decreased 5 percent from the same period of 1975.

Production of machine knives (SIC 3423) at the Fitchburg plant of Simonds increased 17 percent in value in 1974 from 1973 and 15 percent in 1975 from 1974. Production in the first 9 months of 1976 decreased 17 percent from the same period in 1975. This category accounted for approximately 20 percent of production at Fitchburg.

Production of saws (SIC 3425) at the Fitchburg plant of Simonds remained virtually the same in value in 1973 and 1974 and decreased 2 percent in 1975 from 1974. Production in first 9 months of 1976 decreased 2 percent from the first 9 months of 1975. This category accounted for approximately 67 percent of production at Fitchburg.

Production of other cutting tools (SIC 3444) at the Fitchburg plant declined 10 percent in value in 1974 from 1973, 9 percent in 1975 from 1974 and 5 percent in the first 9 months of 1976 from the same period of 1975. This category accounted for approximately 12 percent of production at Fitchburg.

INCREASED IMPORTS

Imports of Hand Saws and Sawblades (SIC 3425) increased in value absolutely and relative to domestic production in 1972, 1973 and 1974 from the previous year and decreased absolutely from $24.5 million in 1974 to $19.4 million in 1975. Relatively, imports decreased from 10 percent of domestic production in 1974 to 9.6 percent in 1975. Imports in the first 9 months of 1976 increased to $17.2 million from $14.5 million in the first 9 months of 1975.

Imports of Machine Knives and Blades (SIC 3423) increased absolutely and relative to domestic production in each year from 1971 through 1975. Imports increased absolutely from $14.5 million in 1974 to $16.5 million in 1975 and relatively from 30.2 percent of domestic production in 1974 to 38.4 percent in 1975. Imports in the first 9 months of 1976 were $10.0 million compared to $9.6 million in the first 9 months of 1975.

CONTRIBUTED IMPORTANTLY

Customers surveyed have been decreasing purchases of saws and other hand cutting tools from Simonds in favor of less expensive imports. In order to remain competitive Simonds has transferred production both to lower wage areas in the U.S. as well as to foreign facilities.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with cutting tools produced at the Fitchburg, Massachusetts plant of Simonds Cutting Tools Division of the Wallace-Murray Corporation did contribute importantly to the total or partial separations of the workers of that plant. In accordance with the provisions of the Act, I make the following certification.

All workers of the Fitchburg, Massachusetts plant of Simonds Cutting Tools Division of the Wallace-Murray Corporation who became totally or partially separated on or after September 21, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 31st day of March 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-10545 Filed 4-11-77;8:45 am]

[TA-W-1189]

S. ROTHSCHILD AND CO., INC.

Notice of 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-1189: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on October 19, 1976 in response to a worker petition received on October 19, 1976 which was filed by the International Ladies' Garment Workers Union on behalf of workers and former workers producing girls' and misses' coats at the Philadelphia, Pennsylvania plant of S. Rothschild and Company, Incorporated.

The notice of investigation was published in the FEDERAL REGISTER on November 5, 1976 (41 FR 48816). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of S. Rothschild and Company, Incorporated, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or related to domestic production;

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all four criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of production workers declined 3.8 percent in 1975 compared to 1974, and further declined 15.2 percent in the first ten months of 1976 compared to the same period of 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Production at the Philadelphia plant of S. Rothschild and Company, Incorporated increased 0.1 percent in 1975 compared to 1974. Production declined 23.2 percent in the first ten months of 1976 compared to the first ten months of 1975.

INCREASED IMPORTS

Imports of women's, misses' and children's coats and jackets increased from 1,441,000 dozens in 1971 to 1,807,000 dozens in 1973. Imports then decreased in 1974 to 1,478,000 dozens, before increasing again to 1,517,000 dozens in 1975—an increase of 2.6 percent between 1974 and 1975. Imports also increased in the first three quarters of 1976 compared to the same period of 1975, from 1,109,000 dozens to 1,680,000 dozens—an increase of 51.5 percent.

CONTRIBUTED IMPORTANTLY

Customers of S. Rothchild and Company indicated that they increased pur-

chases of imported girls' and juniors' coats in 1976 compared to 1975, while decreasing purchases from the subject firm in the same period.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with girls' and juniors' coats produced at the Philadelphia, Pennsylvania plant of S. Rothchild and Company, Incorporated, contributed importantly to the total or partial separations of the workers of that plant. In accordance with the provisions of the Act, I make the following certification:

All workers at the Philadelphia, Pennsylvania plant of S. Rothchild and Company, Incorporated who became totally or partially separated from employment on or after January 18, 1976 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 31st day of March 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-10566 Filed 4-11-77;8:45 am]

[TA-W-1257]

ALPHA SHOE CO.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1257: 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, 1976 in response to a worker petition received on November 10, 1976 which was filed by workers formerly producing shoe uppers at the Alpha Shoe Company, Biddeford, Maine.

The Notice of Investigation was published in the FEDERAL REGISTER on December 3, 1976 (41 FR 53079). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from former officials of Alpha Shoe, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales, 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 although the first two criteria have been met, the third and fourth criteria have not been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Employment at the Biddeford plant began in May 1976 when the Alpha Shoe Company was opened. All workers were terminated on October 19, 1976, when the company closed.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales of uppers produced at Alpha Shoe began in May 1976. Production at Alpha Shoe was based on orders received. All production operations ceased on October 19, 1976, when the company was permanently closed.

INCREASED IMPORTS

Imports of leather shoe uppers are not separately identifiable in the official trade statistics. They are imported under TSUSA 791.2, "Leather Cut or Wholly or Partly Manufactured into Forms or Shapes Suitable for Conversion into Footwear." Industry analysts indicate that imports of leather footwear uppers account for less than five percent of the total volume of leather shoe uppers produced domestically.

CONTRIBUTED IMPORTANTLY

The Department's investigation revealed that the owner of the Alpha Shoe Company also operated Alpha Carbide, Incorporated, Brunswick, Main (TA-W-1256). Both companies were contractors, stitching uppers for women's footwear with customer supplied materials. Both companies serviced the same customers. Customers indicated that they did not buy imported shoe uppers and did not have contracts with foreign stitching firms. Customer contracts were terminated because Alpha Shoe and Alpha Carbide were suddenly and unexpectedly closed by their owner on October 19, 1976.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with the shoe uppers produced at the Alpha Shoe Company, Biddeford, Maine did not contribute importantly to the total or partial separations of the workers at that firm.

Signed at Washington, D.C., this 31st day of March 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-10725 Filed 4-11-77;8:45 am]

[TA-W-1275]

CARMEN 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-1275: 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 15, 1976 in response to a worker petition received on November 15, 1976 which was filed by the International Ladies' Garment Workers' Union on behalf of workers and former workers producing misses' slacks at the Philadelphia, Pennsylvania plant of Carmen J.

The notice of investigation was published in the FEDERAL REGISTER on December 3, 1976 (41 FR 53085). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Carmen J, its customers, the U.S. Department of Commerce, the International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The Department's investigation revealed that all of the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Average employment of production workers decreased 12.9 percent in 1975 compared to 1974 and remained at this level throughout the first nine months of 1976. The average number of workers decreased compared to the previous year in three out of four quarters from the last quarter of 1975 through the third quarter of 1976.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales decreased 8.8 percent in 1975 compared to 1974 and further decreased

4.0 percent in the first nine months of 1976 compared to the like 1975 period. In the second and third quarters of 1976 the average number of production workers and the average quarterly hours were significantly lower than for the same quarter of 1975.

INCREASED IMPORTS

Imports of women's, misses' and children's slacks increased 12.8 percent from 8,923 thousand dozen in 1974 to 10,067 thousand dozen in 1975 and further increased 13.1 percent the first nine months of 1976 compared to the like period in 1975.

CONTRIBUTED IMPORTANTLY

The primary manufacturer for whom Carmen J produced slacks shut down in September 1976. A large resident buying office for customers of this manufacturer and a large nationwide chain of women's specialty shops both reported large increases in imports of women's and misses' slacks in 1975 compared to 1974, and further increased purchases of imports of slacks in the first six months of 1976 compared to the like period in 1975.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increased imports of women's and misses' slacks have contributed importantly to the total or partial separations of workers at the Philadelphia, Pennsylvania plant of Carmen J. In accordance with the provisions of the Act, I make the following certification:

All workers at the Philadelphia, Pennsylvania, plant of Carmen J, who became totally or partially separated from employment on or after October 18, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 28th day of March 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-10726 Filed 4-11-77;8:45 am]

[TA-W-1293]

CINDERELLA SHOE CORP.

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-1293: 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 19, 1977 in response to a worker petition received on November 19, 1977 which was filed on behalf of workers and former workers producing women's footwear at Cinderella Shoe Corporation, San Lorenzo, Puerto Rico, a wholly owned subsidiary of Milton Shoe Company, Inc., Milton, Pennsylvania.

The notice of investigation was published in the FEDERAL REGISTER on December 3, 1976 (41 FR 53085). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Cinderella Shoe Corporation and Milton Shoe Company, Inc.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether the other criteria have been met, the investigation reveals that the first and second criteria have not been met.

Employment of production workers at Cinderella Shoe Corporation increased 91 percent in 1976 over 1975 and increased in each quarter of 1976 compared to 1975. Production by the firm increased 100 percent in 1976 compared to 1975.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that significant total or partial separations have not occurred and production by Cinderella Shoe Corporation has not declined as required for certification under section 222 of the Trade Act of 1974.

Signed at Washington, D.C., this 31st day of March 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-10727 Filed 4-11-77;8:45 am]

[TA-W-1287]

EBERHARD FABER, INC.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1287: 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 16, 1976 in response to a worker petition received on that date which was filed by the International Oil, Chemical and Atomic Workers Union on behalf of workers and former workers producing pencils, felt-tip markers, rubber bands, and erasers at the Wilkes-Barre, Pennsylvania plant of Eberhard Faber, Incorporated.

The Notice of Investigation was published in the FEDERAL REGISTER on December 3, 1976 (41 FR 53087). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Eberhard Faber, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation revealed that with respect to felt-tip markers criterion (2) has not been met, and with respect to pencils, rubber bands, and erasers, criterion (4) has not been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Average employment of production workers at the Wilkes-Barre plant of Eberhard Faber declined 24.6 percent from 1974 to 1975. Employment increased 3.0 percent in the first eleven months of 1976 compared to the same period in 1975. Average employment of salaried workers at the Wilkes-Barre plant declined 9.3 percent from 1974 to 1975 and then remained unchanged in the first eleven months of 1976 compared to the same period in 1975.

SALES OF PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Unit sales of felt-tip markers increased 19.9 percent from 1974 to 1975 and increased 1.8 percent from 1975 to 1976.

Unit sales of pencils increased 43.6 percent from 1974 to 1975 and declined 9.9 percent from 1975 to 1976.

Unit sales of rubber bands and erasers declined 23.8 percent from 1974 to 1975 and increased 43.0 percent from 1975 to 1976.

INCREASED IMPORTS

Imports of wood cased lead pencils increased from 1971 to 1972 and declined annually from 1972 through 1975. Imports declined from 189.8 thousand gross in 1974 to 135.6 thousand gross in 1975. In the first three quarters of 1976, imports increased to 152.0 thousand gross compared to 107.8 thousand gross imported in the same period in 1975. The ratio of imported pencils to domestic pencil production decreased from 1.6 percent in 1974 to 1.2 percent in 1975 and increased from 1.2 percent in the first three quarters of 1975 to 1.5 percent in the first three quarters of 1976.

Imports of marking pens increased in value from 1971 to 1972 and declined yearly from 1972 through 1975. Imports declined from $4.84 million in 1974 to $3.80 million in 1975. In the first three quarters of 1976, imports increased to $4.76 million compared to $2.66 million in the same period of 1975. The ratio of imports to domestic production declined from 3.7 percent in 1974 to 3.0 percent in 1975 and increased from 2.8 percent in the first three quarters of 1975 to 4.6 percent in the first three quarters of 1976.

Imports of erasers and rubber bands are not separately identifiable in the official trade statistics. They are included in TSUSA 774.25 and 774.6040: "Articles not Specifically Provided for, of Natural Rubber and Other." Industry analysts indicate that imports of erasers and rubber bands are negligible relative to domestic production.

CONTRIBUTED IMPORTANTLY

Customers who purchased pencils, felt-tip markers, rubber bands, and erasers from Eberhard Faber indicated that they bought imported felt-tip markers but did not buy imports of wood cased lead pencils, rubber bands, or erasers. Sales of felt-tip markers by Eberhard Faber, however, increased yearly from 1974 through 1976.

CONCLUSION

It is therefore concluded that imports of articles like or directly competitive with the pencils, felt-tip markers, rubber bands and erasers produced at the Wilkes-Barre, Pennsylvania plant of Eberhard Faber, Incorporated, did not contribute importantly to the total or partial separations of the workers at that plant.

Signed at Washington, D.C., this 31st day of March 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-10728 Filed 4-11-77;8:45 am]

Office of the Secretary

[TA-W-1290]

MAREMONT CORP.

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-1290: 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 17, 1976 in response to a worker petition received on that date which was filed by the Amalgamated Clothing and Textile Workers Union on behalf of workers and former workers producing military ordnance, military vehicle parts, and shock absorbers at the Saco, Maine plant of the Maremont Corporation.

The Notice of Investigation was published in the FEDERAL REGISTER on December 3, 1976 (41 FR 53093). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Maremont Corporation, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of 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 imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof, have increased either actual, or relative to domestic production, and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any of the other criteria have been met, criteria (2) and (4) have not been met.

The Saco, Maine plant is one of ten domestic and eight foreign facilities of the Maremont Corporation. Production in 1976 at the Saco, Maine plant was approximately 48 percent shock absorbers, 40 percent military ordnance and military vehicle parts and 12 percent miscellaneous. The shock absorbers are produced for the aftermarket under both Maremont's own label and labels of other firms.

The Department's investigation revealed that sales of military ordnance and military vehicle parts increased 5.6 percent in 1975 compared to 1974 and 14.7 percent in the first eleven months of 1976 compared to the same 1975 period. Production equals sales.

Company production of shock absorbers increased 3.5 percent in quantity and 53.9 percent in value for 1975 compared to 1974 and increased 31.0 percent in quantity and 35.1 percent in value for the first eleven months of 1976 compared to the like 1975 period.

The sole customer of military ordnance from the Maremont Corporation is the U.S. Government which uses its purchases for NATO. A Belgian firm won the new contract for military ordnance and it will begin to produce the military ordnance for NATO use by the Fall of 1977.

According to the U.S. Army Armament Command, there are presently no imports of military ordnance or military vehicle parts.

A major buyer of shock absorbers from the Saco, Maine plant accounting for 76.0 percent of the plant's output of shock absorbers in 1976, does not import shocks absorbers. Purchases of shock absorbers from the subject firm by this major customer remained virtually unchanged from 1975 to 1976.

The loss of Maremont's contract for M-60 type machineguns to a Belgian firm poses a direct threat to the employment of workers engaged in the production of M-60 machineguns; thus creating a situation in the future that may warrant coverage under the provisions of the Trade Act of 1974. To facilitate monitoring of this situation, the petitioners are urged to file a petition for adjustment assistance when in their view production or sales declines of machineguns related to actual increased imports have occurred.

CONCLUSION

After careful review of the facts obtained in the investigation I conclude that sales or production of military ordnance, military vehicle parts, and shock absorbers at the Saco, Maine plant have not decreased absolutely, and that imports of articles like or directly competitive with military ordnance, military vehicle parts, and shock absorbers have not contributed importantly to the total or partial separation of workers as required in section 222 of the Trade Act of 1974.

Signed at Washington, D.C., this 31st day of March 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-10729 Filed 4-11-77;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 9706; 812-3820]

AETNA VARIABLE ANNUITY LIFE INSURANCE CO., ET AL.

Application for an Order Approving Offers of Exchange and an Order of Exemption

APRIL 4, 1977.

Notice is hereby given that Variable Annuity Account B of Aetna Variable Annuity Life Insurance Company ("Account B"), Variable Annuity Account C of Aetna Variable Annuity Life Insurance Company ("Account C" and Variable Annuity Acount E of Aetna Variable Annuity Life Insurance Company ("Account E"), which are separate accounts of Aetna Variable Annuity Life Insurance Company, 151 Farmington Avenue, Hartford, CT 06156 ("Aetna Variable" or the "Company"), registered under the Investment Company Act of 1940 ("Act") as unit investment trusts, and Aetna Variable, a Connecticut life insurance company which serves as depositor for Accounts B, C and E (hereinafter collectively referred to as "Applicants") filed an application on June 12, 1975 and amendments thereto on February 3, 1976 and March 30, 1977 pursuant to Section 11 of the Act for an order approving certain offers of exchange and pursuant to section 6(c) of the Act for an order granting an exemption from section 27 (a)(3) of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein which are summarized below.

Among the variable annuity contracts offered by AEtna Variable are Group Variable Retirement Annuity Contracts, Group Unit Purchase Variable Annuity Contracts, and Group Variable Fund Retirement Contracts ("Group Contracts"). Group Variable Retirement Annuity Contracts participate in Account C and are designed to fund the benefits provided under annuity purchase plans adopted by public school systems and certain tax-exempt organizations for their employees which qualify for tax-deferred treatment under section 403(b) of the Internal Revenue Code ("Code"). Group Unit Purchase Variable Annuity Contracts participate in Account B and Group Variable Fund Retirement Contracts participate in Account E; these are designed for deferred compensation plans which are not entitled to tax-preferred treatment under subchapter D of the Code.

Under the Group Contracts, the deductions made from each purchase payment include a deduction for sales and administrative expenses. The deduction for such expenses is 7 percent of the total purchase payment in the case of a Group Variable Retirement Annuity Contract and 6 percent of the balance of the purchase payment, after any applicable charges for premium taxes or insurance riders, in the case of a Group Unit Purchase Variable Annuity Contract or a Group Variable Fund Retirement Contract.

Applicants state that from time to time AEtna Variable receives a Transferred Amount under a Group Contract, which is a specified amount of $5,000 or more accumulated under a previously established plan and transferred to AEtna Variable either in a lump sum or in scheduled installments over a period not exceeding one year. Hereafter, Applicants propose to issue separate Group Contracts for Transferred Amounts, whenever the total charges under such contracts would be less than the total charges currently applicable under the relevant Group Contract. The deductions for sales and administrative expenses under the Group Contracts which Applicants propose to use for Transferred Amounts would consist of a transaction fee of $75 per participant or such lesser pro-rata amount per participant as would produce a maximum fee of $1,000, and a percentage deduction from the balance (after deduction of the transaction fee and any applicable charges for premium taxes and insurance riders), as follows:

Balance:	*Deduction (percent)*
First $100,000	5
Next $100,000	3
Next $300,000	2
Next $500,000	1
Next $4,000,000	.5
Remainder	.25

Applicants state that whenever a Transferred Amount is to be received in scheduled installments, the deductions for sales and administrative expenses applicable to the total Transferred Amount would be determined in advance and deducted proportionately from the successive installments. Applicants further represent that amounts already held by AEtna Variable pursuant to other funding arrangements cannot be transferred to the Group Contracts used for Transferred Amounts.

Applicants assert that the liquidation of assets by a tax-benefited plan and the transfer of cash proceeds AEtna Variable as a Transferred Amount would, if done properly and timely, not result in any taxable event for the plan or participants, and would not cause termination and require the establishment of a new plan. Applicants represent that when an application to apply plan assets under a Transferred Amount provision is submitted, AEtna Variable will administratively take all steps possible to assure that there is no loss of continuity from a tax standpoint. Applicants also represent that AEtna Variable provides Group Contract owners with full disclosure of the possible tax ramifications of transfers.

Applicants assert that the economies contemplated in the exemption provided by Rule 22d-3 under Section 22(d) of the Act are available with respect to a Transferred Amount and have therefore concluded not to seek exemption from Section 22(d).

SECTION 27(a)(3)

Section 27(a)(3) of the Act provides that no registered investment company issuing periodic payment plan certificates and no depositor of or underwriter for such company may sell any such certificate if the amount of sales load deducted from any one of the first twelve monthly payments exceeds proportionately the amount deducted from any other such payment, or if the amount deducted from any subsequent payment exceeds proportionately the amount deducted from any other subsequent payment.

Rule 27a-2 under the Act exempts a registered separate account, and any depositor of or underwriter for such account, from section 27(a)(3) if the proportionate amount of sales load deducted from any payment during the contract period does not exceed the proportionate amount deducted from any prior payment during the contract period.

Applicants state that whenever a Group Contract is issued for a Transferred Amount, the proportionate amount of a deduction for sales and administrative expenses from a subsequent periodic purchase payment under a separate Group Contract issued in connection with the same plan would exceed the proportionate amount deducted from a Transferred Amount.

Applicants represent that the deduction for sales and administrative expense contained in the Transferred Amount provision represents their determination of the appropriate charge to be made in connection with any such payment; that they believe that economies of scale in sales and administrative effort will be achieved to an extent justifying the lower deduction for sales and administrative expenses; and, that under such circumstances, no purpose would be served by subjecting a substantial purchase payment attributable to funds accumulated under a pre-existing plan to the higher charge for sales and administrative expenses applicable to regular periodic purchase payments.

Applicants represent further that, since the deductions for sales expenses under the Group Contracts will not exceed the statutory limitation of 9% and do not involve a front-end load arrangement, they will not lead to the abuses intended to be curbed by section 27(a). Furthermore, Applicants assert that the circumstances in which the lower charge for sales and administrative expenses are applicable are sufficiently distinct to render unlikely the possibility that any person will be misled or confused.

Applicants assert that section 27(a)(3) should not be deemed applicable in these circumstances and that no exemption from section 27(a)(3) is necessary because the respective Group Contracts could be viewed as separate securities. However, to avoid any question on the matter, Applicants request an exemption from section 27(a)(3) of the Act to the extent deemed necessary to permit the reduced deductions for sales and administrative expenses under the Group Contracts described herein.

SECTION 6(c)

Section 6(c) of the Act authorizes the Commission by order upon application to

exempt any person, security or transaction or any class or classes of persons, securities or transactions, from any provisions of the Act and rules thereunder if 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 11

Section 11(a) of the Act makes it unlawful for any registered open-end investment company or principal underwriter therefor to make an offer to the holder of a security of such 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 anticipate that in some situations a payment in accordance with the Transferred Amount provision may be derived from funds previously invested in securities of other investment companies. Applicants represent that the sale of a Group Contract involves a sophisticated master applicant (usually an employer); and that AEtna Variable has procedures upon submission of a Transferred Amount application to minimize inappropriate switching of investments whenever the transfer would result in the liquidation of a variable annuity contract or policy of another insurance company and, that AEtna Variable is in the process of extending such procedures to any situation which would involve a transfer to AEtna Variable of the redemption proceeds of a prior investment in investment company shares.

Applicants assert that such transaction should not be viewed as involving an offer of exchange by Applicants intended to be covered by section 11 since Applicants will not accept a payment in the form of securities of other investment companies, will not process the conversion of securities of other investment companies held by the contract owner into cash to permit application of the proceeds as a purchase payment, and will not make arrangements with the issuers or underwriters of any investment company securities held by the contract—owner to facilitate the owner's change in investment. Applicants represent that, since any such change in investment will be made unilaterally by a contract—owner, Applicants will be neither effecting an exchange of investment company securities nor making an offer to exchange. However, in order to avoid any question being raised as to the possible application of section 11, Applicants request an order pursuant to section 11 approving the offering of its Group Contracts with the Transferred Amount provision.

Notice is further given that any interested person may, not later that April 28, 1977 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of 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 April 28, 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 notice of further developments 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.77–10690 Filed 4–11–77;8:45 am]

[Rel. No. 9714; 811–1203]

ALL AMERICAN FUND, INC.

Application Declaring Company Has Ceased To Be an Investment Company

APRIL 6, 1977.

Notice is hereby given that All American Fund, Inc. ("Applicant"), 9701 Wilshire Boulevard, Beverly Hills, California 90212, a Maryland corporation registered under the Investment Company Act of 1940 ("Act") as a diversified, open-end, management investment company, filed an application on January 14, 1977, and amendments thereto on February 18, 1977 and March 3, 1977, for an order of the Commission, pursuant to Section 8(f) of the Act, declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statements of the representations contained therein, which are summarized below.

Applicant states that, as a result of a complaint brought by the Commission on December 17, 1974, against Applicant's former investment adviser and certain other persons, Applicant was placed in receivership by order of the United States District Court for the Central District of California ("Court") on April 8, 1975. Applicant states further that Applicant's Court-appointed receiver ("Receiver"), pursuant to order of the Court entered on November 15, 1976, (1) transferred $65,000, in cash, of Applicant's assets to a Litigation Trust, in order to continue the prosecution of certain litigation for the benefit of Applicants' shareholders, and (2) on November 30, 1976, transferred $868,856, the then aggregate value of Applicant's net assets, to American Birthright Trust ("Birthright"), in exchange for shares of Birthright at their net asset value per share. Birthright is registered under the Act as a diversified, open-end, management investment company.

According to the application, such shares of Birthright were in turn distributed on a pro rata basis to the shareholders of Applicant. Applicant represents that, as of January 14, 1977, it had no liabilities and had assets of less than $400, which were retained to pay the anticipated expenses of dissolution. Applicant represents further that it does not have any current operations and has no plans or intentions to continue as either an investment company or a corporation. According to the application, Applicant will file a certificate of dissolution with the State of Maryland.

Section 8(f) of the Act provides, in part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and that, upon the taking effect of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than May 2, 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 Applicant at the address stated above. Proof of such service (by affidavit or, in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77–10697 Filed 4–11–77;8:45 am]

[Rel. No. 19971; 70-5975]

ALLEGHENY POWER SYSTEM, INC.

Proposal To Become Bonded as Surety to a State for Benefit of Its Subsidiary

APRIL 1, 1977.

Notice is hereby given that Allegheny Power System, Inc. ("Allegheny"), 320 Park Avenue, New York, New York 10022, a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act") designating Sections 12(b) and 12(f) of the Act as applicable to the proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

On November 30, 1976, Monongahela Power Company ("Monongahela"), a public utility subsidiary of Allegheny, filed an application for rate increases with the Public Service Commission of West Virginia. Monongahela originally requested that such rate increases become effective on December 30, 1976. On December 8, 1976, the Public Service Commission suspended the effective date of the proposed rate increases until April 28, 1977, and began an investigation into the reasonableness of the proposed rate revisions. The Public Service Commission provided in its December 8, 1976, order that Monongahela may begin applying the proposed new rates beginning April 28, 1977, provided Allegheny becomes bonded as surety to the State of West Virginia for prompt refund by Monongahela of all amounts Monongahela may collect or receive in excess of such rates and changes as may be finally fixed by the Public Service Commission. Accordingly, Allegheny proposes to become bonded as surety to the State of West Virginia in an amount and at an annual rate of interest to be determined by the Public Service Commission. The purpose of the proposed transaction is to enable Monongahela, as permitted by West Virginia law, to begin applying the new increased rates prior to completion of the Public Service Commission's investigation, hearing and decision with respect thereto. It is expected that the amount of the bond will not exceed $11,500,000, which is the estimated additional annual revenue that the new rates will provide. In the event the amount of the bond ordered by the Public Service Commission should exceed that amount, Allegheny will not execute the same until it has filed a post-effective amendment thereto, and this Commission has issued a further order with respect thereto.

The fees and expenses to be incurred in connection with the proposed transaction are estimated at $2,200. 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 April 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 the filing 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 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 or 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.77-10698 Filed 4-11-77;8:45 am]

[Rel. No. 34-13429; File No. SR-CBOE-1977-5]

CHICAGO BOARD OPTIONS 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 March 16, 1977, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

EXCHANGE'S STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

This filing is made in respect of a proposal by the Chicago Board Options Exchange, Incorporated ("CBOE") to modify the fixed point intervals at which exercise prices for call options on securities trading between 50 and 80 and above 200 are determined. Presently exercise prices are generally fixed at 5 point intervals for securities trading below 50, 10 point intervals for securities trading between 50 and 200, and 200, and 20 point intervals for securities trading above 200. Under the proposed modifications, these intervals for exercise prices would generally be fixed at 5 points for securities trading below 80. For securities trading above 80, the intervals for exercise prices would generally be fixed at 10 points. The CBOE may depart from this general practice when it believes the result would be in the best interest of the investing public to do so.

In order that interested persons may be afforded formal notice of, and an opportunity to comment upon, its request, the CBOE hereby elects, pursuant to clause (ii) of paragraph (a) of Rule 19b-4, to treat its request for the above modification as a "proposed rule change" under said Rule and to file such proposed rule change in accordance with the provisions of section 19(b)(2) of the Securities Exchange Act of 1934, as amended ("the Act").

EXCHANGE'S STATEMENT OF BASIS AND PURPOSE

The proposed rule change will enable the CBOE to modify the exercise price intervals which are established for options on securities trading between 50 and 80 and above 200.

The CBOE believes it is consistent with the protection of investors and the public interest, as set forth in section 6(b)(5) of the Act, that it modify the intervals at which exercise prices are set on options for securities trading between 50 and 80 and above 200. The setting of exercise prices ordinarily at 5 point intervals between 10 and 80, and 10 point intervals above 80, provides greater assurance to investors that there will, at all times, be an option series available for trading at an exercise price that approximates the market price of the underlying stock. This is in contrast to the present application of 10 point exercise price intervals between 50 and 80 which, for example, when the price of the underlying security reaches 54, precludes investors from buying or selling an option on that security other than one with an exercise price of 50 or 60. Similarly, the present application of the 20 point price interval above 200 leads to a result where, for example, when the price of the underlying security reaches 229, investors can only buy an option on that security with an exercise price of 220 or 240. The ability to open option series at prices which more closely approximate the market prices for underlying securities will afford public investors more opportunities to engage in hedging transactions, and thereby limit their risks. In addition to hedging transactions, there are numerous other public investor purchase and writing strategies which may be utilized as option series are opened at prices which are "at the market."

As option series are permitted to be opened at exercise prices which are closer to the market price of underlying securities, CBOE Market-Makers will be given greater opportunities to engage in spreading transactions. In respect of CBOE-listed options, many of the underlying stocks which trade in the 50-80 range tend not to be volatile. In addition, as an option moves out-of-the-money, i.e. if the price of the underlying security moves away from the exercise price of the option series, that option series may become restricted under CBOE Rule 4.17 and thus not available for trading. Thus, under the current exercise price interval of 10 points, there is a high likelihood that an option series with an exercise price in the 50-80 range which is more than 5 points out of the money may be illiquid or restricted and therefore not useful for spreading purposes.

Inability to spread or hedge decreases the liquidity of the market, and the bid/ask quote spread is likely to be wider in order to compensate Market-Makers

for the added risks involved. By facilitating the introduction of near-the-money option series in the 50–80 range, five point exercise price intervals will provide more liquid option series for spreading purposes, decrease the risk to Market-Makers of carrying sizeable positions, and enable Market-Makers to quote tighter markets. Similar effects can be anticipated with 10 point exercise price intervals in series above 200. Increased ability to reduce their risks through hedging will contribute to the Market-Makers' performance of their obligations to maintain fair and orderly markets. Consequently, competition and participation among CBOE Market-Makers will intensify and thereby afford the public investor increased access to narrow, continuous, two-sided markets.

The CBOE believes that the proposed modifications in strike price intervals will not result in an undue proliferation of option series since the series opened at the modified intervals would frequently be substitutes for, rather than additions to, series opened further out of the money. The CBOE has investigated the expansionary implications of the proposed 5 point exercise price interval at exercise prices between 50 and 80 on both the CBOE and other exchanges. That study shows that for 1976 the substitution of 5 point for 10 point exercise price intervals for options with an exercise price between 50 and 80 would have resulted in a net increase in the total number of options series listed on all options exchanges of approximately 4.7%.

The increase in the number of option series resulting from a reduction of the exercise price interval above 200 from 20 points to 10 points would be minimal since there is only one class of options (IBM) with an exercise price above 200.

It is the CBOE's belief that the proposed modification in the exercise price intervals, as described above, will enable public investors as well as Market-Makers to more effectively limit the risk of their transactions and widen the number of strategies available in those options whose underlying securities are trading between 50 and 80 and above 200 as well as provide greater liquidity to the CBOE marketplace.

Comments were not solicited with respect to the proposed rule change.

The CBOE believes that no burden on competition will be imposed by modifying the intervals in the exercise prices of options as described above.

On or before May 17, 1977, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and all written submission 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 May 12, 1977.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

APRIL 4, 1977.

[FR Doc.77-10691 Filed 4-11-77;8:45 am]

[Release No. 13424; SR-CBOE-76-25]

CHICAGO BOARD OPTIONS EXCHANGE, INC.

Order Approving Proposed Rule Change

APRIL 1, 1977.

On December 17, 1976, the Chicago Board Options Exchange, Incorporated ("CBOE") LaSalle at Jackson, Chicago, Illinois 60604, 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 to amend several sections of its Rule 17 concerning disciplinary jurisdiction and procedures.

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. 13119, (December 29, 1976)) and by publication in the FEDERAL REGISTER (42 FR 1548 (January 7, 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 proposed rule change filed with the Commission on December 17, 1976, 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.77-10703 Filed 4-11-77;8:45 am]

[Release No. 19972; 70-5996]

CONNECTICUT LIGHT AND POWER CO.

Proposed Issuance and Sale of First Mortgage Bonds at Competitive Bidding

APRIL 1, 1977.

Notice is hereby given that The Connecticut Light and Power Company ("CL&P"), Selden Street, Berlin, Connecticut 06037, a public-utility subsidiary company of Northeast Utilities, a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Section 6(b) of the Act and Rule 50 promulgated thereunder as applicable to the following proposed transaction. All interested parties are referred to said application, which is summarized below, for a complete statement of the proposed transaction.

CL&P proposes to issue and sell, at competitive bidding, up to $45 million principal amount of its First and Refunding Mortgage __% Bonds, Series DD, due May 1, 2007. The interest rate, which shall be a multiple of ⅛ of 1%, and the price, exclusive of accrued interest, to be paid to CL&P, which will be not less than 99% nor more than 102.75% of the principal amount thereof, will be determined by competitive bidding. The bonds will be issued under the Indenture of Mortgage and Deed of Trust dated as of May 1, 1921, between CL&P and Bankers Trust Company, Trustee, as supplemented and amended from time to time, and as to be further supplemented by a supplemental indenture to be dated May 1, 1977. The supplemental indenture provides, among other things, that bonds shall not be redeemed at the applicable general redemption price prior to May 1, 1982, if such redemption is for the purpose of or in anticipation of refunding such bonds through the use, directly or indirectly, of funds borrowed by the company at an effective interest cost of less than the effective interest cost of the bonds.

The net proceeds from the sale of the bonds will be used by CL&P primarily to replay a portion of the company's short-term borrowings estimated to total $70,000,000 at the time of such sale. Such short-term borrowings were applied to finance CL&P's 1976–1977 construction program.

A statement of the fees and expenses incurred or to be incurred in connection with the proposed transactions will be supplied by amendment. The approval of the Connecticut Public Utilities Control Authority is required for the issuance of the bonds. It is represented that no other 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 April 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 which he de-

sires 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 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.77-10699 Filed 4-11-77;8:45 am]

[Rel. No. 19973; 70-5997]

EASTERN UTILITIES ASSOCIATES, ET AL.

Issue and Sale of Common Stock

APRIL 5, 1977.

Notice is hereby given that Eastern Utilities Associates ("EUA"), P.O. Box 2333, Boston, Massachusetts 02107, a registered holding company, and two of its electric utility subsidiary companies, Brockton Edison Company ("Brockton") 36 Main Street, Brockton, Massachusetts 02403, and Montaup Electric Company ("Montaup"), P.O. Box 391, Fall River, Massachusetts 02722, have filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act") designating Sections 6, 7, 9(a), 10, 12(c), 12(d), and 12(f) of the Act and Rules 42(b)(2), 43(a), 44(a), and 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

EUA proposes to issue and sell up to 600,000 shares of its common stock (par value $5.00) by competitive bidding. EUA proposes to apply the net proceeds from such sale to the purchase, at their par value of $25.00 per share, of the maximum number of shares of Brockton common stock ("Brockton Stock") so purchasable, rounded to the next higher integral multiple of 1,000, up to a maximum of 475,000 shares or a maximum aggregate par value of $11,875,000. To the extent that the net proceeds to EUA are less than the amount required for the purchase of the Brockton Stock, the deficiency will be supplied from EUA's treasury. EUA proposes to pledge the Brockton Stock to The First National Bank of Boston as Trustee under EUA's Indenture and Deed of Trust dated as of October 1, 1953, as supplemented, securing EUA's Collateral Trust Bonds.

Brockton proposes to issue and sell the Brockton Stock at par to EUA and to apply the proceeds to the purchase, at their par value of $100.00 per share, of the maximum number of shares of Montaup common stock ("Montaup Stock") so purchasable, rounded to the next higher integral multiple of 1,000, up to a maximum of 119,000 shares or a maximum aggregate par value of $11,900,000. To the extent that the proceeds to Brockton are less than the amount required for the purchase of the Montaup Stock, the deficiency will be supplied from Brockton's treasury. Brockton proposes to pledge the Montaup Stock to State Street Bank and Trust Company under Brockton's Indenture of First Mortgage and Deed of Trust dated as of September 1, 1948, as supplemented and modified, securing Brockton's First Mortgage and Collateral Trust Bonds.

Montaup proposes to issue and sell the Montaup Stock at par to Brockton and to apply the proceeds to reduce its outstanding short-term debt to banks. At the time of the sale of the Montaup Stock it is expected that Montaup will have approximately $20,000,000 in outstanding short-term debt to banks.

It is stated that the Department of Public Utilities of the Commonwealth of Massachusetts has jurisdiction over various aspects of the proposed transactions, that the Public Utilities Control Authority of the State of Connecticut will be asked to waive any jurisdiction it might have over the proposed transactions and that no other state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transactions. Fees and expenses to be incurred in connection with the proposed transaction will be filed by amendment.

Notice is further given that any interested person may, not later than May 2, 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 applicants-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 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.77-10694 Filed 4-11-77;8:45 am]

[Rel. No. 9707; 812-4113]

EQUITABLE VARIABLE LIFE INSURANCE CO., ET AL.

Application For Exemption

APRIL 4, 1977.

Notice is hereby given that Equitable Variable Life Insurance Company ("EVLICO"), a New York stock life insurance company, Separate Account I of EVLICO ("Account"), an open-end diversified management investment company registered under the Investment Company Act of 1940 ("Act"), The Equitable Life Assurance Society of the United States ("Equitable"), 1285 Avenue of the Americas, New York, New York 10019 (812-4113), a New York mutual life insurance company which is the parent of EVLICO (hereinafter collectively referred to as "Applicants"), filed an application on March 29, 1977, pursuant to Section 6(c) of the Act for an order of exemption from Section 27(f) of the Act and Rules 27f-1, 27d-1, and 27d-2 thereunder in connection with the issuance of EVLICO variable life insurance contracts in exchange for certain fixed life insurance policies issued by Equitable. 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.

The Account is a separate investment account to which assets are allocated from time to time to support benefits payable under EVLICO's variable life insurance contracts. For purposes of the Act, the Account is deemed to be an issuer of periodic payment plan certificates, and EVLICO also may be deemed to be an issuer of periodic payment plan certificates. Equitable and EVLICO are the investment advisers and principal underwriters of the Account.

Two types of variable life insurance contracts providing for the allocation of assets to the Account have been registered under the Securities Act of 1933, and EVLICO has commenced selling the contracts in certain states. In connection with the sale of the contracts, Applicants applied for and were granted certain exemptions from requirements of the Act. See Investment Company Act Release No. 8992 (October 16, 1975) (File No. 812-3824).

Applicants anticipate that owners of Equitable fixed life insurance policies may wish to obtain EVLICO variable

life insurance contracts, a product that may not have been available at the time of their purchase or which may be, because of changes in their circumstances, better suited to their needs. For this purpose EVLICO and Equitable have agreed that certain Equitable permanent fixed life insurance policies may be exchanged for the Variable Whole Life Insurance contract issued by EVLICO ("VLI contract").

Applicants state that the exchange privilege to owners of the fixed policies will have the features and characteristics described in the application and summarized below. The VLI contract will have premiums based on the same issue age and classification of risk as the fixed policy, with the face amount (and death benefit at the time of exchange) generally equal to the face amount of the fixed policy. The exchange will be subject to appropriate adjustment with the exchanging policyowner that will recognize the respective cash value levels of the fixed policies and the VLI contracts.

Sales and administrative costs incurred by EVLICO under a VLI contract issued on exchange will be less than those incurred under a new purchase of a VLI contract and EVLICO will reduce the corresponding charges to the exchanging policyowner. The agent, who will have received commissions under the fixed policy prior to exchange, will receive commissions only on future premiums paid under the VLI contract at the commission level based on the VLI contract duration as measured from the register date of the fixed policy. No sales commission will be payable on the cash value transferred from the fixed policy and applied under the VLI contract at exchange and, therefore, no sales load charge will be made. The sales load percentage charged on premiums paid under the VLI contract after exchange will be at the level applicable to the VLI contract duration as measured from the register date of the fixed policy. In most cases EVLICO will not ask for evidence of insurability at exchange and, therefore, the exchanging policyowner will not be charged for the usual first year administrative charge deducted from premiums. EVLICO will absorb any state premium tax due in connections with an exchange.

The exchanging policyowner will receive from EVLICO a basic amount equal to the difference between (a) the tabular cash value of the fixed policy and (b) 103% of the tabular cash value of the VLI contract, if positive, and will pay to EVLICO such difference, if negative. The 3% charge is designed to cover, on an average basis, (a) the accumulated amount of risk charge not collected prior to exchange for the minimum death benefit guarantee and (b) the accumulated amount of charges not collected prior to exchange for mortality and expense risks and other contingencies. A risk charge for the minimum death benefit guarantee, at the rate of 0.4% of the tabular cash value applied under the VLI contract issued on exchange is at the same rate and for the same purpose as the risk charge deducted from a VLI contract premium under a new purchase. Applicants state that this charge is made in order to make up for the insufficiency in the risk charge which the exchanging contractowner will be charged by EVLICO during the years after the exchange, which results from the fact that the 0.4% rate of charge in the years after exchange will be applied to a premium paid which is based on the exchanging contractowner's original issue age rather than his attained age at the time of exchange. A charge for mortality and expense risks and other contingencies, at the rate of 2.6% of the tabular cash value applied under the VLI contract issued on exchange is for the same purpose as the 0.5% annual charge made against the Account's assets for EVILICO's assumption of mortality and expense risks and other contingencies. Exchanging policyowners enter the pool at older ages than those on which the contract premiums are based. Applicants claim that EVLICO requires this charge on exchange to take account of the fact that prior to exchange the Account held no assets relating to the VLI contract against which the annual charge could have been levied, and under the pooling of mortality risk principle such charge is not intended to cover such risks and other contingencies on a year-to-year basis, but rather is intended to cover such risks and other contingencies on an aggregate basis over the lifetime of all insureds covered by VLI contracts. Applicants further state that after an exchange the annual charge for mortality and expense risks and other contingencies against the Account's assets under the VLI contract will be lower than anticipated in setting the VLI contract premium structure because the cash value (and assets supporting contract reserves) at exchange will be based on a VLI contract with the death benefit equal to the face amount.

If an exchange takes place between policy anniversaries the exchanging policyowner will be charged for the difference at exchange between the actual cash value and the tabular cash value of the VLI contract, if positive, and will receive credit for such difference, if negative. The exchanging policyowner will receive credit for the cash value of all dividend credits in effect under the fixed policy at exchange. If there is an outstanding loan under the fixed policy being exchanged which the policyowner elects to carry over to the VLI contract, the policyowner will pay, if necessary, an amount so that the indebtedness carried over from the fixed policy will be no more than 75% of the cash value of the VLI contract.

The exchange adjustments will be calculated based on the Separate Account Index, as defined in the VLI contract, next computed after all written requirements for the exchange are received at EVLICO's Administrative Office. Where a collection from the exchanging policyowner is required, EVLICO will "freeze" the exchange amount for a period of up to ten days to provide sufficient time for remittance of payment. The exchange will be effected as of the date payment of any exchange amount is received by EVLICO.

Any amount owing to the exchanging policyowner by EVLICO on exchange will be paid by an EVLICO check payable to such policyowner and will be delivered with the VLI contract. Any amount owing to EVLICO by such policyowner will be received by the agent unless payment is mailed to EVLICO. All such payments must be by check made payable to EVLICO. The agent will be required promptly to transmit to EVLICO checks received from the policyowner and to keep a record of checks received.

Each of EVLICO's and Equitable's officers, employees, and commission agents is covered under a general blanket bond of $1 million with a $50,000 deductible clause. The operations of both Equitable and EVLICO, including receipt and processing of amounts paid under their life insurance policies or contracts are regulated by the New York Insurance Department and under New York Insurance Law EVLICO may not abandon the obligations to VLI contractowners until they have been fully discharged.

Under the right of withdrawal provision of the VLI contract issued on exchange the contractowner may elect to return the VLI contract and request either: (1) A refund of the sum of the Exchange Amount, as shown in the endorsement to the VLI contract, and all premiums paid in addition thereto, or (2) the reissuance of the fixed policy and the reversal of all financial adjustments that were made to effect the exchange. The notice of right of withdrawal form will be so modified. Equitable and EVLICO will each undertake to guarantee the performance of all obligations of the other to refund amounts to exchanging contractowners who have exercised the right of withdrawal and Equitable will undertake to reissue fixed policies to such contractowners who request such reissuance pursuant to the withdrawal right. Except as noted in the application, the notice of right of withdrawal period and procedures will be the same as for VLI contracts issued as a new purchase.

Rules 6e–2 and 6c–3: Rules 6e–2 and 6c–3 under Sections 6(e) and 6(c), respectively, of the Act, exempt certain variable life insurance separate accounts and their investment advisers and principal underwriters from specified sections of the Act and rules thereunder. Applicants submit that pursuant to Rule 6c–3 the Account, as a registered investment company under the Act which meets the requirements of paragraph (a) of Rule 6e–2, and EVLICO and Equitable as investment advisers and principal underwriters of the Account, are exempt from the provisions of the Act and rules thereunder specified in Rule 6e–2(b), except the registration requirements, under the same conditions as a separate account claiming exemptions under Rule 6e–2.

Applicants claim that generally the proposed issuance of EVLICO variable

life insurance contracts in exchange for fixed policies of Equitable falls within the exemptions from those sections of the Act specified in Rule 6e–2(b) which would otherwise be applicable thereto. To the extent that such proposed issuance of EVLICO variable life insurance contracts does not come within such exemptions, Applicants seek the exemptions requested herein.

Section 22(d) of the Act, in pertinent part, makes it unlawful for a registered investment company, its principal underwriter and dealers to sell its redeemable securities except at a current public offering price described in the company's prospectus. Rule 22c–1, in pertinent part, makes it unlawful for a registered investment company, its principal underwriter, and dealers to sell its redeemable securities except at a price based on the current net asset value which is next computed after receipt of an order to purchase.

Section 27(c)(2), in pertinent part, prohibits a registered investment company, or a depositor or underwriter for such company, from selling periodic payment plan certificates unless the proceeds of all payments (other than sales load) are deposited under and are held pursuant to an indenture or agreement with a trustee or custodian as prescribed in Section 26(a). Applicants claim that the issuance of the VLI contracts in exchange for fixed policies issued by Equitable are within the exemptions from Section 22(d) and Rule 22c–1 promulgated under Section 22(c) and Section 27(c)(2), to the extent provided in paragraphs (b)(12)(ii) and (b)(13)(iii) of Rule 6e–2.

Section 27(f) and Rule 27f–1: Section 27(f), in pertinent part, provides that a periodic payment plan certificateholder may surrender his certificate and receive payment of the sum of the value of his account and an amount equal to the difference between the gross payments made and the net amount invested. Rule 27f–1, in pertinent part, sets forth the form of notice of withdrawal right. Applicants claim that the "refund" of the sum of the Exchange Amount and all premiums paid in addition thereto in accordance with the right of withdrawal provision of the VLI contract issued on exchange is within the exemptions from Section 27(f) and Rule 27f–1 to the extent provided in Rule 6e–2(b)(13)(viii).

Applicants request an exemption from Section 27(f) and Rule 27f–1 to permit the exchanging contractowner to elect, in the exercise of his right of withdrawal, to request the reissuance of the fixed policy and the reversal of all financial adjustments that were made to effect the exchange, and to permit the use of the modified notice of right of withdrawal reflecting the exchanging contractowner's rights of withdrawal. Applicants submit that it is appropriate to permit such election, as the contractowner will be receiving a "refund" of what he actually gave up for the VLI contract, i.e., his fixed policy. Applicants further submit that if he were limited to receiving a cash refund, he would, upon cancellation of the VLI contracts, be without insurance coverage he might need when he may be uninsurable. Even if he could purchase a new insurance policy he would have to pay the higher premium rates applicable to his then attained age. Applicants assert that Form N–27I–2 is inappropriate for VLI contracts issued in exchange for a fixed policy to the extent that the description of the refund of payments to be received by the exchanging contractowner deviates from the refund to be received by a purchaser of a new VLI contract, and that the proposed modified notice of right of withdrawal is consistent with forms presently acceptable to the Commission.

Rules 27d–1 and 27d–2: Rule 27d–1, in pertinent part, contains the reserve requirements applicable to refunds payable to periodic payment plan certificateholders who exercise the withdrawal right pursuant to Section 27(f). Applicants claim that the undertaking by EVLICO and Equitable complies with all provisions of Rule 27d–2 and is within the exemption granted from Rule 27d–1 to the extent provided in Rule 6e–2(b)(13)(vi) and to the extent that the undertaking guarantees the performance of the obligations of EVLICO and Equitable to refund amounts to exchanging contractowners of VLI contracts who have exercised the right of withdrawal.

Applicants request an exemption from Rules 27d–1 and 27d–2 to permit Equitable to undertake directly the obligation to reissue fixed policies to exchanging contractowners who exercise the rights of withdrawal and request such reissuance without establishing a reserve in accordance with Rule 27d–1. Applicants submit that because EVLICO does not have available a fixed life insurance policy for this purpose, it is inappropriate for EVLICO to guarantee Equitable's obligation to reissue such policies in accordance with Rule 27d–2. Applicants further assert that Equitable's direct undertaking of such obligation is a procedure which will afford complete protection to exchanging contractowners.

Section 6(c): Section 6(c) of the Act, in pertinent part, provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security or transaction, or any class or classes of persons, securities or transactions, from any provision 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.

Applicants assert that the exemptions requested in this application are 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 within the meaning of Section 6(c) thereof.

Notice is further given that any interested person may not later than April 28, 1977, at 5:30 p.m., submit to the Commission in writing a request for 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 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 April 28, 1977, unless the Commission thereafter order disposing of the application will be the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77–10700 Filed 4–11–77;8:45 am]

[Rel. No. 9708; 812–4103]

KEYSTONE CUSTODIAN FUNDS, INC., ET AL.

Application For Order For Modification of Two Prior Orders

APRIL 4, 1977.

Notice is hereby given that Keystone Custodian Funds, Inc. ("Keystone"), a Delaware corporation, as trustee of each of nine trusts; namely, Keystone Custodian Funds, Series B–1, B–2, B–4, K–1, K–2, S–1, S–2, S–3, and S–4 ("Funds"), each registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified management investment company, The Keystone Company of Boston ("Keystone-Boston"), a Delaware corporation, and Cornerstone, Financial Services, Inc. ("Cornerstone"), a Delaware corporation (collectively "Applicants"), 99 High Street, Boston, Massachusetts 02104, have filed an application for an order pursuant to Section 6(c) of the Act, modifying two prior orders (Investment Company Act Release Nos. 4361 and 7643) of the Commission (the "Prior Orders"), to extend the time within which shareholder approval of the underwriting contracts between Keystone and Keystone-Boston, between Keystone and Cornerstone and between Keystone and Nomura Securities Co., Ltd., must be obtained, from May 1, 1977, to and including July 15, 1977. 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.

The Prior Orders exempted Keystone, Keystone-Boston and Cornerstone from the provisions of Section 15(b)(1) of the Act on condition that the principal underwriting contracts between Keystone and Keystone-Boston and between Keystone and Cornerstone, and any future contracts of the type required by Section 15(b) of the Act so entered into, shall continue in effect with respect to any of the Funds only so long as the continuance is specifically approved at least every three years by either written approval of the holders of a majority of the outstanding shares of each of the Funds, or by vote of a majority of such outstanding shares cast in person or by proxy at a meeting called for such purpose. If the requested Prior Orders had not been granted, such approval would be required annually. The exemption was not operative with respect to any approval required from and after December 31, 1980.

The underwriting contracts dated May 1, 1974, between Keystone and Keystone-Boston and between Keystone and Cornerstone and the underwriting contract dated February 1, 1973, relating solely to the sale of Keystone Custodian Fund, Series S-4 shares in Japan between Keystone and Nomura Securities Co., Ltd., of Tokyo, Japan, were duly approved by shareholders of the Funds on April 16 and 18, 1974, pursuant to the Prior Orders, as modified by an order dated March 28, 1974 (Investment Company Act Release No. 8283). Substantial changes in the ownership of the voting stock of Keystone on December 31, 1976, may be deemed to have effected a change in the control of Keystone which would be treated as an "assignment" within the meaning of the Act of the aforementioned 1974 underwriting contracts between Keystone and its wholly-owned subsidiary underwriters, Keystone-Boston and Cornerstone. Accordingly, the 1974 underwirting contracts were replaced with identical new underwriting contracts dated December 31, 1976, between the same parties. Applicants believe and have been advised by counsel that it was not necessary to obtain approval of shareholders of the Funds of the 1976 underwriting contracts before they were entered into because they believe that such contracts were covered by the Prior Orders of the Commission as future contracts of the type required by Section 15(b) of the Act so entered into.

Applicants believe that, under the Prior Orders, as modified by the order dated March 28, 1974, the current requisite shareholder approval of the underwriting contracts must be obtained on or before May 1, 1977. Applicants state that a number of other matters are also being submitted to the shareholders of the Funds, including inter alia, a plan to combine two of the Funds with a change in the investment objectives of the surviving Fund; a change in the investment policy of the remaining eight Funds and cognate changes in their Trust Agreements; and also certain other changes in the Trust Agreements of all of the Funds. Applicants believe that, under the circumstances, each of the Funds may not receive its requisite shareholder approval by May 1, 1977. Applicants further state that failure to obtain such approval by May 1, 1977, might make future sales of shares impossible and thus have a serious adverse effect on Keystone and the Funds. Accordingly, Applicants request that the time within which such approvals must be obtained be extended from May 1, 1977, to and including July 15, 1977.

Section 6(c) of the Act provides, in part, that the Commission may conditionally or unconditionally exempt any person or transaction from any provisions of the Act if 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.

Notice is further given that any interested person may, not later than April 28, 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 issues 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 case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule O-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 notice of further developments 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.77-10701 Filed 4-11-77;8:45 am]

[Release No. 9709; 812-4102]

MASSACHUSETTS MUTUAL LIFE INSURANCE CO. AND MASSMUTUAL INCOME INVESTORS

Filing of Application

APRIL 5, 1977.

Notice is hereby given that Massachusetts Mutual Life Insurance Company, 1295 State Street, Springfield, Massachusetts 01111 ("Insurance Company"), a mutual life insurance company organized under the laws of the Commonwealth of Massachusetts, and MassMutual Income Investors, Inc. ("Fund"), a company registered under the Investment Company Act of 1940 (the "Act") as a diversified, closed-end, management investment company (collectively, "Applicants"), filed an application on March 7, 1977, and an amendment thereto on March 30, 1977, for an order (1) pursuant to Section 17(d) of the Act and Rule 17d-1 thereunder permitting the Insurance Company and the Fund to purchase $8,000,000 principal amount and $2,000,000 principal amount, respectively, of a new issue of 9¼% 25 year First Mortgage Bonds ("Bonds") of Ohio Electric Company ("Ohio Electric"), at 100% of the principal amount thereof plus accrued interest, and (2) pursuant to Section 17(b) of the Act exempting from the provisions of Section 17(a) of the Act the sale by the Insurance Company to the Fund of $2,000,000 principal amount of the Bonds at 100% of the principal amount thereof plus accrued interest, in the event the Insurance Company has purchased the aggregate $10,000,000 principal amount of such Bonds prior to the Commission's issuance of the requested order pursuant to Section 17(d) of the Act and Rule 17d-1 thereunder permitting the joint purchase of the Bonds. 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 state that the Insurance Company serves as investment adviser to the Fund. They further state that Ohio Electric is issuing at direct placement $200,000,000 aggregate principal amount of the Bonds, described above, and that the Insurance Company has been offered for purchase $10,000,000 aggregate principal amount of the Bonds. According to the application, Ohio Electric, a wholly-owned subsidiary of Ohio Power Company ("Ohio Power"), which is a subsidiary of American Electric Power Company ("American Electric"), has represented the purpose of the issue of the Bonds to be for the partial repayment of $300,000,000 of bank debt of Ohio Electric which was incurred in financing the construction of the electric generating plant which it owns and operates. Applicants state that: (1) The Bonds will be secured by a first mortgage lien on substantially all property now owned or hereafter acquired by Ohio Electric; (2) the Bonds will provide for fixed sinking fund payments beginning in 1978; and (3) under a power agreement, all of the output of Ohio electric's plant is sold to Ohio Power, and payments provided for by that agreement are sufficient to enable Ohio Electric to pay all its operating and other expenses, including interest and amortization on borrowings.

Applicants state that neither the Insurance Company nor the Fund holds any securities of Ohio Electric or Ohio Power, although the Insurance Company holds $900,000 principal amount of 6% sinking fund debentures due March 1, 1996, and 1,406 shares of 4½% cumulative preferred stock issued by Appala-

chian Power Company, a subsidiary of American Electric, and the Fund holds $550,000 principal amount of 8⅜% first mortgage bonds due April 1, 2000, issued by Indiana and Michigan Electric Company, another subsidiary of American Electric. In addition, Applicants state that the Insurance Company owns $1,248,000 principal amount of 3¾% first mortgage bonds due January 1, 1982, issued by Ohio Valley Electric Corporation, 37.8% of the voting securities of which are owned by three subsidiaries of American Electric, and that the Insurance Company comanages a pension fund which holds $100,000 principal amount of 10¼% first mortgage bonds due June 1, 1982, issued by Indiana and Michigan Electric Company, another American Electric subsidiary.

Section 2(a)(3) of the Act defines an "affiliated person" of an investment company to include the investment adviser thereof. Applicants state that, as investment adviser to the Fund, the Insurance Company is an affiliated person of the Fund. Section 17(d) of the Act and Rule 17d–1 thereunder, taken together, provide, in part, that it is unlawful for an affiliated person of a registered investment company, acting as principal, to effect any transaction in which such registered investment company is a joint participant, without the permission of the Commission. Rule 17d–1 provides, in part, that in passing upon applications for orders granting such permission, the Commission will consider: (1) Whether the participation of the investment company in such transaction on the basis proposed is consistent with the provisions, policies and purposes of the Act, and (2) the extent to which such participation is on a basis different from or less advantageous than that of other participants. Therefore, Applicants request an order of the Commission pursuant to Section 17(d) of the Act and Rule 17d–1 thereunder permitting the purchase by the Insurance Company and the Fund of $8,000,000 principal amount and $2,000,000 principal amount, respectively, of the Bonds to be issued by Ohio Electric.

Section 17(a) of the Act provides, in part, that it is unlawful for any affiliated person of a registered investment company, acting as principal, knowingly to sell any security to such registered investment company. Section 17(b) of the Act generally provides that, upon application, the Commission shall exempt a proposed transaction from the provisions of Section 17(a) of the Act if evidence establishes that the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned, and that the proposed transaction in consistent with the policy of the registered investment company concerned and with the general purposes of the Act. Applicants request an order of the Commission pursuant to Section 17(b) of the Act exempting from the provisions of Section 17(a) of the Act the possible sale by the Insurance Company to the Fund of $2,000,000 principal amount of the Bonds at 100% of the principal amount thereof plus accured interest, in the event that the Insurance Company purchases the entire $10,000,000 principal amount of the Bonds prior to receipt of the order pursuant to Section 17(d) of the Act and Rule 17d–1 thereunder that Applicants have requested. Applicants state that any such sale by the Insurance Company to the Fund would occur as soon as practicable after receipt of the requested order pursuant to Section 17(b) of the Act; provided, however, that (1) such order is received within three months after the date the Insurance Company acquires the Bonds, and (2) the Fund will not be obligated to purchase any of the Bonds from the Insurance Company, and will not purchase any of such Bonds, unless contemporaneously with the purchase a majority of the "non-interested" directors of the Fund approves the transaction. According to the application, if the requested order is not received, the entire $10,000,000 principal amount of the Bonds will be retained for investment by the Insurance Company.

Applicants assert that: (1) In the judgment of the Insurance Company the Bonds are an attractive investment for the Fund; (2) despite their shorter maturity, the Bonds provide a higher yield than that of publicly held bonds which have been issued by Ohio Power, the parent of Ohio Electric; (3) the Insurance Company believes that the interest coverages of Ohio Electric and Ohio Power are satisfactory and improving and that their capitalization ratio is in line with that of the industry; and (4) an adequate supply of fuel for Ohio Electric's plant is available.

Applicants state that, although the Insurance Company and the Fund hold securities of subsidiaries of American Electric, this fact has had no material effect on the independence of the advice of the Insurance Company that the Bonds are an attractive investment for both the Insurance Company's general account and for the Fund. They also state that the Fund's purchase of the Bonds has been approved by unanimous vote of its board of directors including all of its "non-interested" directors.

Applicants state that it is appropriate for the Insurance Company to share with the Fund, on the basis proposed, the $10,000,000 aggregate principal amount of the Bonds which the Insurance Company has been offered. According to the application, the Fund is subject to an investment policy that it invest at least 75% of its total assets in one or more of five categories of high-grade, interest-bearing, publicly traded debt securities, and that, in addition, the Fund is subject to the restriction that it not invest more than 25% of its assets in certain types of securities of lower ratings or in restricted securities. Applicants state that, based upon the Fund's present size and portfolio, an additional $24,608,000 could be invested in the latter 25% category. However, Applicants state that they believe it would be inadvisable for 20% of such amount to be invested in one restricted debt security, as would be the case if the Fund and the Insurance Company each purchased one-half of the $10,000,000 aggregate principal amount of the Bonds offered to the Insurance Company. Accordingly, Applicants state their belief that it would be advisable for the Fund to acquire only $2,000,000 of the Bonds, as they propose.

Applicants submit that to make available to the Fund the investment opportunity presented by the Bonds is consistent with the provisions, policies, and purposes of the Act and that the participation of the Fund will not be on a basis less advantageous than that of the other participants who are purchasing the Bonds. Applicants also submit that: (1) The terms of the proposed sale by the Insurance Company to the Fund are reasonable and fair and would not involve overreaching by either Applicant, and (2) such proposed transaction is consistent with the policy of the Fund.

Notice is further given that any interested person may, not later than April 29, 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 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 said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-10689 Filed 4-11-77;8:45 am]

[Release No. 34-13406; File No. SR-MSE-77-4]

MIDWEST STOCK EXCHANGE, INC.

Self-Regulatory Organizations, Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94–29, 16 (June 4, 1975), notice is hereby given that on March 3, 1977, the

above mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

EXCHANGE'S STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

Additions italicized, Deletions Bracketed

NOTE.—The amendments proposed herein are further changes from amendments proposed in a separate filing pursuant to Rule 19b-4 numbered SR-MSE-76-26, which filing, is relating to the trading of put options, is presently pending.

Rule 7 of Article XL is hereby amended as follows:

RESTRICTION OF OUT-OF-THE-MONEY OPTIONS

Rule 7(a) Subject to the provisions of paragraph (b) through (c), no member on behalf of a customer or for its own account, shall enter any order for an opening transaction (purchase or writing) in any call options contract as to which: (1) The exercise price is more than $5.00 above the closing price of the underlying stock *if the stock is traded principally on a national securities exchange or where the stock is traded principally in the over-the-counter market, the mean between the final representative bid and asked quotation, for the underlying stock*, on the last previous day on which the underlying stock was traded, and (ii) the closing price of the option on the Exchange was less than $.50 per unit of trading on the last previous day on which the option was traded; and no member, on behalf of a customer or for his own account, shall enter any order for an opening transaction (purchase or writing) in any put option contract as to which: (1) The exercise price is more than $5 below the closing price of the underlying [security in the primary market] *stock if the stock is traded principally on a national securities exchange or where the stock is traded principally in the over-the-counter market, the mean between the final representative bid and asked quotation, for the underlying stock* on the last previous day on which the underlying security was traded, and (2) the closing price of the option on the Exchange was less than $.50 per unit of trading on the last previous day on which the option was traded.

(b) No change.

(c) No change.

* * * Interpretations and Policies:

.01 It is contemplated that the authority given in paragraph (c)(ii) to make exceptions, modifications or additions will be applied primarily when an unusual intraday trading movement in the price of the options or the *price of or representative quotations for the* underlying stock is such that the Chairman of the Options Floor Procedure Committee determines that the prior day's [close] *closing price or final representative quotations* should no longer be decisive as to the application of this Rule.

.02 No change.

.03 *Over-the-counter market refers to the market which is reflected in the National Association of Securities Dealers Automated Quotation System (NASDAQ).*

Rule 3 of Article XLI is hereby amended as follows:

APPROVAL OF UNDERLYING SECURITIES

Rule 3. The underlying securities of option contracts listed on the Exchange shall be approved for Exchange transactions by the Board of Governors (or the Executive Committee). In approving underlying securities, the Board shall promulgate guidelines relative to the following factors:

(a) The underlying securities of option contracts listed on the Exchange shall have, in the absence of exceptional circumstances, the following characteristics:

(i) A minimum of 8,000,000 shares which shall be owned by persons other than those required to report their stock holdings under Section 16(a) of the Securities Exchange Act of 1934; *and*,

(ii) A minimum of 10,000 shareholders; and,

(iii) Trading volume (on all markets on which the stock is traded) of at least 2,000,000 shares per year in each of the two previous calendar years; and,

(iv) The market price per share of the underlying security shall have been at least $10.00 each business day of the six calendar months preceding the date of selection as measured by the lowest closing price recorded in any market on which the underlying security traded on each of the subject days.

(b) Underlying securities shall *either* be duly listed and registered on a national securities exchange or, *shall be designated as "OTMC Margin Stock" pursuant to Regulation T under the Securities Exchange Act of 1934;* and,

(c) The list of approved securities shall be representative of issuers engaged in a wide variety of business activities.

Rule 1 of Article XLII is hereby amended as follows:

TRADING ROTATIONS

Rule 1. No change.

* * * Interpretations and Policies:

.01 Trading rotations may be employed at the opening and at the close of the Exchange each business day. For each class of option contracts that have been approved for trading, the opening and closing rotation when employed shall be conducted by the Order Book Official acting in such class of options. The rotations shall be conducted in the following manner:

(a) Opening Rotations. The opening rotation in each class of options shall if employed be held promptly following the opening of the underlying security. As a rule, an Order Book Official acting in more than one class of options should open them in the same order in which opening transactions are reported in the underlying securities. In conducting each such opening rotation, the Order Book Official should first open the one or more series of options of a given class having the nearest expiration, then proceed to series of options having the next most distant expiration, and so forth, until all series have been opened.

Except as otherwise provided by the Options Floor Procedure Committee, if both puts and calls covering the same underlying security are traded, the Order Book Official shall determine which type of option should open first, and may alternate the opening of put series and call series or may open all series of one type before opening any series of the other type, depending on current market conditions.

In the event an underlying security *which is listed on an exchange* has not opened *or current representative quotations are not available through the NASDAQ system for an underlying security which is principally traded in the over-the-counter market,* within a reasonable time after 9:00 A.M. (Chicago Time), the Order Book Official acting in option contracts on such security shall report the delay to an Options Floor Official and an inquiry shall be made to determine the cause of the delay. The opening rotation for option contracts in such security shall be delayed until *either* the underlying security *which is listed on an exchange* has opened *or until current representative quotations are available for the underlying security which is principally traded in the over-the-couter market, unless the chairman of the Options Floor Procedure Commitee, or in his absence* two *Options* Floor Officials, determine that the interests of a fair and orderly market are best served by opening trading in the option contracts.

(b) Closing Rotations. The closing rotations if employed shall be commenced at the close of trading hours on the Options Floor of the Exchange with all Order Book Officials proceeding concurrently in the following manner. Taking each class of option contracts in which he is acting in turn, each Order Book Official should close the one or more series of each class having the nearest expiration; he should then proceed to close in the same order, those series of each class having the next most distant expiration; and so forth, until all series have been closed. Except as otherwise provided by the Options Floor Procedure Committee, if both puts and calls covering the same underlying security are traded, the Order Book Official shall determine the order of closing each series of such puts and calls in light of the current market conditions, the same as provided in paragraph (a) for opening rotations.

Rule of Article XLII is hereby amended as follows:

TRADING HALTS AND SUSPENSIONS

Rule 2. No change.

* * * Interpretations and Policies:

.01 In the event that in an underlying stock *which is listed on an Exchange* has not opened *or, in the case of underlying stock principally traded in the over-the-counter market, the representative quotations through the NASDAQ system are not available,* within a reasonable time after 9:00 A.M. (*Chicago Time*) the Order Book Officials shall report the delay to an Options Floor Official assigned to his zone and appropriate steps shall be taken to determine the cause for the delay. The opening of trading in such options shall be delayed until *either* the underlying stock *which is listed on an exchange* has opened *or until current representative quotations are available for the underlying stock which is principally traded in the over-the-counter market* unless the chairman of the Options Floor [trading], *Procedure* Committee, or in his absence at least two Options Floor Officials, shall determine that the interest of a fair and orderly market are best served by opening trading in such options.

.02 No change.

Rule 4 of Article XLV is hereby amended as follows:

RESPONSIBILITIES OF FLOOR BROKERS

Rule 4(a) No change.

(b) Contingency order or one-cancels-the-other order. A Floor Broker handling a contingency order or a one-cancels-the-other order that is dependent upon the price *of, or the representative quotation for,* the underlying security shall be responsible for satisfying the dependency requirement on the basis of the last reported price *of, or the representative quotation for,* the underlying security that is generally available on the Floor of the Exchange at any given time. Unless mutually agreed by the members involved, an execution or non-execution that results shall not be altered by the fact that such price, *or the representative quotation,* is subsequently found to have been erroneous.

(c) No change.

* * * Interpretations and Policies:

.01 No change.
.02 No change.

Rule 6 of Article XLVII is hereby amended as follows:

OBLIGATIONS OF MARKET MAKERS

Rule 6(a) No change.
(b) No change.
(i) No change.
(ii) Bidding no more than $1 lower and/or offering no more than $1 higher than the last preceding transaction price for the particular option contract. However, this standard shall not ordinarily apply if the *representative bid or offer for underlying OTC stocks,* or price per share (or other unit of trading) of the underlying *Exchange listed stock* [security] has changed by more than $1 since that last preceding transaction for the particular option contract.
(c) No change.
(d) No change.

* * * Interpretations and Policies:

No change.

EXCHANGE'S STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

The principal purpose of the proposed rule changes is to permit selected securities that are traded in the over-the-counter market and are not listed on any national securities exchange to serve as underlying stocks for options traded on MSE. (These are referred to herein as "OTC underlying Stock"). Prior to reflecting the proposed rule changes, under MSE's rules each underlying stock in respect of options traded on MSE must itself be duly listed and registered on a national securities exchange. The purpose of each particular rule change that is proposed therein may be explained as follows:

ARTICLE XL, RULE 7

It is proposed to amend Article XL, Rule 7 and Interpretation .02 thereunder to provide that for purposes of imposing restrictions on certain transactions in out-of-the-money options covering OTC underlying stock, the mean between the final representative bid and asked quotation on NASDAQ will be utilized as the current market price of the underlying stock.

ARTICLE XLI, RULE 3

The proposed amendment to Rule 5.3 would permit MSE to select for options trading underlying securities that are designated as "OTC Margin Stock" pursuant to Regulation T, provided that such stock meets all of the other requirements which presently pertain to the selection of underlying stock.

ARTICLE XLII, RULE 1.—INTERPRETATION .01

It is proposed to amend this Interpretation to provide that the opening rotation of options covering OTC underlying stocks shall commence each trading day following the availability of representative quotations on NASDAQ. Further, it is proposed to amend this Interpretation to allow the Chairman of the Options Floor Procedure Committee to determine whether or not the open options trading under the circumstances described therein, so as to be consistent with the procedure set forth in Interpretation .01 of Rule 2 of Article XLII.

ARTICLE XLII, RULE 2

This rule is proposed to be amended to permit the Chairman of the Options Floor Procedure Committee or in his absence two Floor Officials, to delay the opening in an option covering an OTC underlying stock whenever current representative quotations for the underlying security are not available.

ARTICLE XLV, RULE 4

It is proposed to amend this rule which describes various contingency orders that are dependent upon the market price of underlying stocks, to provide that in the case of options covering OTC underlying stocks, such contingency orders will depend upon representative quotations for the underlying stocks in the over-the-counter market.

ARTICLE XLVII, RULE 6

The proposed amendment to this rule reflects that in the case of options covering OTC underlying stocks, changes in the representative bid or offer for the underlying stock serve to determine the circumstances under which a market maker may change his option quotation by more than $1.00.

The Midwest Stock Exchange believes that it is consistent with the standards of the Act designated for the protection of investors and the public interest to select as underlying stocks for options transactions certain of the most widely held and actively traded stocks that are traded in the over-the-counter market and are not listed on any national securities exchange. The introduction of MSE Options on OTC stock will provide the public with the same benefits provided with respect to the options provided by MSE on Exchange listed stocks. Additionally, inasmuch as the NASD has announced its intention to provide standardized options on OTC stocks, the entry of the MSE into this field will be consistent with the competitive mandate of the Securities Reform Act of 1975. Section 12(f) of the 1975 Act provided the ability of Exchanges to trade OTC stocks, as one means of encouraging the development of a National Market System. It is clear that providing the MSE permission to trade options on OTC stocks will be a further step in this direction.

Although formal comments have not been solicited or received, opinions informally expressed to MSE have been in support of the proposal to extend options trading to selected OTC underlying stocks.

The proposed rule changes will impose no burden on competition.

On or before May 17, 1977, or within such longer period: (i) As the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding, or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or (B) institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before May 3, 1977.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

MARCH 25, 1977.

[FR Doc.77-10706 Filed 4-11-77;8:45 am]

[Rel. No. 34-13431; File No. SR-MSE-77-6]

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 March 25, 1977, the above-mentioned self-regulatory organizations filed with the Securities and Exchange Commission a proposed rule change as follows:

EXCHANGE'S STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

Pursuant to Rule 19b-4A, the Midwest Stock Exchange, Incorporated proposes to expand its options program by increasing the number of authorized call options traded on underlying stock from 20 to 40.

EXCHANGE'S STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

The purpose of this proposal is to increase competition with other exchanges, improve the financial structure of the Exchange, increase the availability of options trading to the public, and to accommodate the business needs of our members and those market makers who have committed capital to Exchange or intend to commit additional capital.

On December 8, 1976, the Securities and Exchange Commission approved the initial proposal of the Midwest Stock Exchange to engage in options trading, and in so doing, found the proposal con-

sistent with the requirements of the Securities Exchange Act of 1934 and section 6, in particular, dealing with national securities exchanges. This proposal is an extension of the initial proposal and is consistent therewith.

Comments have neither been solicited nor received.

The proposed rule change will impose no burden on competition.

On or before May 17, 1977, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the abovementioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and sohuld be submitted on or before May 12, 1977.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

APRIL 5, 1977.

[FR Doc.77-10692 Filed 4-11-77;8:45 am]

[Release No. 13428; File No. SR-OCC-75-7]

OPTIONS CLEARING CORP.

Order Approving Rule Change Submitted To Accommodate Issuance of Put Option Contracts and Clearance and Settlement of Put Transactions and Exercises

APRIL 4, 1977.

On December 23, 1975, The Options Clearing Corporation ("OCC"), 6150 Sears Tower, Chicago, Illinois 60606, submitted pursuant to Rule 19b-4 under the Securities Exchange Act of 1934 (the "Act"), a proposed rule change relating to the issuance of put option contracts and the clearance and settlement of put transactions and exercises.

In accordance with section 19(b) of the Act and Rule 19b-4 thereunder, the proposed rule change was published in the FEDERAL REGISTER, 41 FR 4987 (February 3, 1976), and the public was invited to submit comments until February 24, 1976. Notice of the filing and an invitation for comments also appeared in Securities Exchange Act Release No. 12049 (January 27, 1976). No letters of comment were received.

The OCC submission incorporated by reference proposed rule changes pertaining to put option transactions set forth in previous rule filings concerning the settlement of exercised option contracts through a designated clearing corporation (File No. OCC-76-7, approved with respect to call option contracts in Securities Exchange Act Release No. 12857 (October 4, 1976) 41 FR 44903 (October 13, 1976)) and the automatic exercise of certain in-the-money option contracts (File No. OCC-76-10, approved with respect to call option contracts in Securities Exchange Act Release No. 13155 (January 12, 1977), 42 FR 3914 (January 21, 1977)).

The Commission has reviewed the OCC submission and finds that the proposed rule change 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-OCC-75-7 be, and hereby is, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-10702 Filed 4-11-77;8:45 am]

[Rel. No. 13432; SR-PHLX-76-23]

PHILADELPHIA STOCK EXCHANGE, INC.

Order Approving Proposed Rule Change

APRIL 5, 1977.

On December 30, 1976, the Philadelphia Stock Exchange, Inc. ("PHLX"), 17th Street and Stock Exchange Place, Philadelphia, Pennsylvania 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 to provide an automatic execution system for limit orders up to 299 shares in securities traded under the system.

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. 13171, (January 14, 1977)) and by publication in the FEDERAL REGISTER (42 FR 5161 (January 27, 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 proposed rule change filed with the Commission on December 30, 1976, 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.77-10693 Filed 4-11-77;8:45 am]

[Release No. 13412; File No. SR-PHLX 77-2]

PHILADELPHIA STOCK EXCHANGE, INC.

Self-Regulatory Organizations, Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on March 23, 1977, the abovementioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

PHLX' STATEMENT OF TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The Philadelphia Stock Exchange, Inc. (PHLX) proposes a By-Law Amendment relating to the affiliation of the Exchange President with wholly-owned corporate subsidiaries of the Exchange. The text of the proposed amendment follows. Brackets indicate deletions; italics indicate new material:

By-Law 7-4: The President shall be appointed by the Board of Governors to serve at its pleasure and for such compensation as it may fix. During his incumbency he shall be a member of the Board of Governors, but he shall not be a general partner of a member firm [or] nor an officer, director or voting stockholder of a member corporation other than [Stock Clearing Corporation of Philadelphia] *one admitted as a corporate entity under the provisions of Article XII of the By-Laws.*

PHLX' STATEMENT OF BASIS AND PURPOSE

Present By-Law 7-4 states, inter alia, that the President of the Exchange, shall not be an officer, director or voting stockholder of a member corporation other than Stock Clearing Corporation of Philadelphia. At the time of the By-Law's adoption in 1965, the Clearing Corporation was the only existing corporate subsidiary of the Exchange which was a member.

By Law 12-3 provides that a corporation may be admitted to membership in the Exchange provided it is incorporated in Pennsylvania and all its capital stock is owned by the Exchange. This is the only type of organization which can hold a membership in its own corporate name. In all other types of organizations a natural person holds the membership for their benefit. The purpose of 12-3 was to accommodate the membership of the Clearing Corporation and simplify its admissions process because of the Exchange's knowledge of its own subsidiary.

Philadelphia Options Corporation (POC) has recently been incorporated under the laws of Pennsylvania as a wholly-owned subsidiary of the Exchange and admitted as a corporate member under By-Law 12-3. Its principal purpose will be to act as correspondent broker and agent in the clearance

and settlement of listed options transactions through the Options Clearing Corporation. POC will be a registered broker-dealer, and will hold such exchange and clearing corporation memberships as will enable it to perform its functions.

It appears appropriate to allow the Exchange President to be an officer or director of any wholly-owned Exchange subsidiary in addition to the Stock Clearing Corporation of Philadelphia with which he has always been affiliated. Accordingly, the proposed amendment will allow him to be an officer or director of a member corporation admitted as a corporate entity under the provisions of Article XII of the By-Laws, i.e., a Pennsylvania Corporation which is a wholly-owned subsidiary of the Exchange such as Stock Clearing Corporation or POC.

The proposed amendment, as an organizational change, is consistent with the Exchange's obligation under Section 6(b)(1) to comply with and to enforce compliance by its members with the Act and the rules of the Exchange.

No comments have been received from members on the proposed amendment.

No burden on competition will be imposed by the proposed amendment.

The PHLX does not consent to an extension of time periods specified in Section 19(b)(2) of the Act.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file six 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 file number references in the caption above and should be submitted on or before May 3, 1977.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

MARCH 30, 1977.

[FR Doc.77-10705 Filed 4-11-77;8:45 am]

[Release No. 34-13421; File No. SR-PHLX-77-4]

PHILADELPHIA STOCK EXCHANGE, INC.

Self-Regulatory Organizations; Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on March 29, 1977, the above mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

PHLX' STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The proposed rule change, relating to fidelity bond coverage requirements as set forth in Rule 705 of the Philadelphia Stock Exchange, Inc., gives recognition to the special circumstances under which certain broker/dealers operate by requiring a broker/dealer operating pursuant to subparagraph (a)(2) of Rule 15c3-1 to carry bond coverage in an amount not less than $25,000 or 50% of the coverage required of broker/dealers which carry accounts for non-members; specifically exempts member organizations whose business is solely that of a specialist, floor broker or registered trader; more clearly shows the coverage required; clarifies the coverage required by member organizations computing net capital under the alternative method set forth in paragraph (f) of Rule 15c3-1 and amends the treatment afforded self-insurance for purpose of computing net capital.

PHLX' STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

3. The purpose of the proposed rule change is to give recognition to the special circumstances under which certain broker/dealers operate by requiring the maintenance of bond coverage in a manner consistent with that of other Exchanges and to provide for the inclusion of certain technical and clarifying provisions.

4.(a) The basis under the Act for the proposed rule change is provided under Section 6(b)(5), which section requires an exchange to have rules which are not designed to permit unfair discrimination between brokers or dealers. Such proposed rule change will give recognition to the special circumstances under which certain broker/dealers operate in a manner similar to that provided in fidelity bond rules of other exchanges and Rule 15c3-1 under the Securities Exchange Act of 1934.

5. Comments were not solicited or received from members of or participants in the Exchange or others.

6. In view of the substantial similarity between the proposed rule change, the rules of other exchanges, Rule 15b10-11 under the Securities Exchange Act of 1934 and Article III: Section 32 of the Rules of Fair Practice of the National Association of Securities Dealers, Inc., it is the opinion of this Exchange that such proposed rule change imposes no burden on competition.

On or before May 17, 1977, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted within on or before May 3, 1977. For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

APRIL 1, 1977.

[FR Doc.77-10704 Filed 4-11-77;8:45 am]

[Rel. No. 9713; 812-4107]

SECURITY BENEFIT LIFE INSURANCE CO. AND SBL VARIABLE ANNUITY ACCOUNT

Application Approving Offers of Exchange and Exemption

APRIL 6, 1977.

Notice is hereby given that Security Benefit Life Insurance Company ("SBL"), a Kansas mutual life insurance company and SBL Variable Annuity Account ("VAA"), 700 Harrison Street, Topeka, Kansas 66636, a separate account of SBL registered as a unit investment trust under the Investment Company Act of 1940 ("Act") (hereinafter collectively referred to as "Applicant"), filed an application on March 14, 1977 and amendments thereto on March 31, and April 6, 1977, pursuant to Section 11 of the Act for an order approving certain offers of exchange and pursuant to Section 6(c) of the Act for an order exempting Applicants from the provisions of Sections 26(a) and 27(c)(2) of the Act and for an order exempting Applicants from the provisions of Sections 22(e), 27(c)(1) and 27(d) of the Act to the extent necessary to permit compliance by Applicants with certain provisions of the Education Code of the State of Texas. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

The VAA was established by SBL on November 8, 1968, pursuant to the provisions of the Kansas Statutes. SBL sells Variable Annuity Contracts ("Variable Contracts") designed to provide retirement annuity benefits for (i) employees of corporate employers who have adopted retirement plans meeting the requirements of Section 401(a) of the Internal Revenue Code of 1954, as amended (the "Code") or annuity purchase plans meeting the requirements of Section 403(a) of the Code, (ii) employees of public educational institutions and organizations exempt from taxation under Section 501(c)(3) as tax deferred annuity contracts pursuant to provisions of Section 403(b) of the Code, and (iii) individuals who qualify for the purchase of individual retirement savings programs under Section 408 of the Code. All Variable Contracts have combined fixed

and variable benefits. The contractowner makes payments to SBL, which deducts sales and administrative expenses. The balance of such payments are allocated to the VAA, or, at the direction of the contractowners, to SBL's general account. Payments allocated to the VAA represent, at the option of the contractowner, Variable Accumulation Units of Series E Variable Contracts, Series I Variable Contracts or Series B Variable Contracts. Assets equivalent to reserves for Series E Variable Contracts are invested in shares of Security Equity Fund, Inc., assets equivalent to reserves for Series I Variable Contracts are invested in shares of Security Investment Fund, Inc., and assets equivalent to reserves for Series B Variable Contracts are invested in shares of Security Bond Fund, Inc.

Security Equity Fund, Inc., Security Investment Fund, Inc. and Security Bond Fund, Inc. (the "Funds") are registered as diversified, open-end management investment companies under the Act. Security Management Company, Inc., a wholly-owned subsidiary of SBL, serves as investment adviser of the Funds and owns all of the outstanding stock of Security Distributors, Inc., the principal underwriter of the Funds. SBL is the depositor of VAA.

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 busines 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 Section 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 Section 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 Section 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 (i) redemption values under Variable Contracts issued to participants in the Program subsequent to the date of such exemptive order and (ii) redemption values under Variable Contracts issued prior thereto but attributable to payments made subsequent to the date of such 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 Variable 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 Variable Contracts, as well as requiring each participant, as a part of the determination that the sale of these Variable 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 Variable Contract when it is issued. In addition, SBL will review all sales literature that is to be used in conjunction with the sales of these Variable Contracts for the existence of material representations that are inconsistent with the restrictions to be placed on these Variable 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)

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.

SECTION 11

Section 11(a) of the Act provides that it shall be unlawful for any registered open-end investment company or any

principal underwriter therefor to make or cause to be made an offer to the holder of a security of such 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.

In reliance upon an order of the Commission permitting an offer of exchange pursuant to Section 11 of the Act (Investment Company Act Release No. 9261, April 26, 1976), the applicants offer to owners of any one of the three series of Variable Contracts the right to exchange all or any part of their units for units of the other two series of Variable Contracts at any time during the accumulation period, but not more often than once a year, with one additional exchange within not less than 90 days prior to retirement without regard to the one-year limitation. All such exchanges are made on the basis of the relative net asset values of the respective units, which are equal to the net asset values of their respective underlying Fund shares at the time such exchanges are made. At present there is no exchange privilege once payments under the Variable Contracts have commenced.

Applicants proposed that subsequent to April 29, 1977, such exchange privilege be expanded so that the owner of one of the three series of Variable Contracts will have the right to elect to exchange all or any part of his units for units of either of the other two series of Variable Contracts at any time during the accumulation period, but not more often than once every 30 days within one additional election permitted within not less than 30 days prior to the maturity date of the Variable Contracts. Applicants represent that there is no additional sales charge with respect to the presently permitted exchange of units of one series of Variable Contract during the accumulation period and Applicants represent that there will not be a sales charge with respect to the proposed exchanges. It is intended, however, that an administrative fee of $10 per exchange will be assessed against the new units for all exchanges other than the first such exchange elected in each contract year and the additional exchange permitted not less than 30 days prior to the maturity date. All such exchanges will be on the basis of the relative net asset values of the units which are equal to the net asset values of their respective underlying Fund shares, with an adjustment for the administrative fee, if applicable.

Applicants also propose that subsequent to April 29, 1977 such exchange privilege be further expanded so that the owner of units of one of the three series will have the right to elect to exchange all or any part of his units for units of either of the other two series at any time after Variable Contract annuity payments have commenced, but not more often than once each calendar year. Any such exchange would not be permitted during the five-day interval prior to and including any annuity payment date. Applicants represent that there will not be any additional sales charge with respect to the proposed exchanges. No administrative fee will be charged on exchanges after the commencement of annuity payments.

After the annuity starting date, the value of the amount to be transferred will be based on the present value of the remaining payments due, reflecting the attained age of the annuitant and mortality and interest assumptions. The present value must be equal to or greater than the minimum reserve required by State insurance law. As to the amount transferred, the contractowner will receive periodic payments thereafter based on the investment experience of the newly selected series.

Applicants assert that the proposed exchanges during the accumulation period and after commencement of annuity payments are not different in principle, so far as application of Section 11 of the Act is concerned, from the present exchanges during the accumulation period. Additional opportunities to make exchanges between shares of underlying Funds which have different investment objectives will provide Variable Contract owners with increased flexibility to change their retirement programs as their needs and circumstances change from time to time, without additional sales charge and in some instances without any administrative charge.

Applicants further assert that the Funds, Security Investment Management Company, Inc., and Security Distribution, Inc. have been notified of the application for exemption with respect to transfer provisions and have no objections thereto. The Funds retain the right subsequently to not countenance such frequent transfers, in which event Applicants will restrict this right in accordance with the Funds' determination and will notify all participants and interested parties. Applicants agree to be bound by any subsequent rule or regulation if adopted by the Commission relating to exchanges.

Applicants therefore request an order under Section 11 of the Act to permit offers of exchange as described above, subject to the limitations hereinbefore specified.

SECTIONS 26(a) AND 27(c)(2)

Section 27(c)(2) of the Act prohibits a registered investment company, or a depositor or underwriter for such company, from selling periodic payment plan certificates unless the proceeds of all payments, other than the sales load, are deposited with a trustee or a custodian having the qualifications prescribed or a Section 26(a)(1) and held under an indenture or agreement containing, in substance, the provisions required by Sections 26(a)(2) and 26(a)(3) of the Act for a unit investment trust. Section 26(a)(2) requires the trustee or custodian to segregate and hold in trust all securities and cash of the trust, places certain restrictions on charges which may be made against the trust income and corpus, and excludes from expenses which the trustee or custodian may charge against the trust any payments to the depositor or principal underwriter other than a fee, not exceeding such reasonable amount as the Commission may presribe, for providing bookkeeping and other administrative services delegated to them by the trustee or custodian. Section 26(a)(3) governs the circumstances under which the trustee or custodian may resign.

Applicants request an exemption from the provisions of Sections 26(a) and 27(c)(2) so that the proceeds of all payments under the Variable Contracts may be held by SBL rather than by a custodian or trustee as required under the Act and so that the VAA may be administered directly by SBL in the manner described in the VAA prospectus. Applicants represent that the custodianship is unnecessary in this instance because of the manner in which the Variable Contracts will be administered and extensive state regulation of SBL. Net purchase payments under the Variable Contracts will be invested only in shares of the Funds, whose assets are held by a custodian meeting the requirements of Section 26(a) of the Act. The ownership of Fund shares by the VAA will be held in an open account so that such ownership will only be indicated on the books of the respective Fund and the VAA and will not be evidenced by transferable stock certificates. SBL is subject to extensive supervision and control by the Kansas Commissioner of Insurance, and the Insurance Commissioners of each state in which the Variable Contracts are sold. Under Kansas law and the terms of the Variable Contracts, the assets of the VAA are not chargeable with liabilities arising out of any other business conducted by SBL. Obligations arising under the Variable Contracts are legally binding obligations of SBL. SBL has combined capital and surplus in excess of $350 million, and its officers and employees are covered by a fidelity bond in the amount of $2,000,000. For these reasons, Applicants assert that such existing regulation of SBL affords substantially the same protection contemplated by the provisions of Section 26(a) and Section 27(c)(2) of the Act. Applicants have consented that any order granting the requested exemption from Sections 26(a) and 27(c)(2) may be subject to the conditions that: (1) the charges to investors for administrative services shall not exceed such reasonable amounts as the Commission may prescribe, jurisdiction being reserved to the Commission for such purpose, and (2) that the payment of sums and charges out of the assets of the VAA shall not be

deemed to be exempted from regulation by the Commission by reason of the requested order, provided that Applicants' consent to this condition shall not be deemed to be a concession to the Commission of authority to regulate the payment of sums and charges out of such assets other than charges for administrative services, and Applicants reserve the right, in any proceeding before the Commission or in any suit or action in any court, to assert that the Commission has no authority to regulate the payment of such other sums and charges.

Notice is further given that any interested person may, not later than April 28, 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 April 28, 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 orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-10695 Filed 4-11-77;8:45 am]

[Release No. 9712; 812-3985]

WARNER BROS., INC.

Application for Order Declaring Company Is not an Investment Company or Is Exempt

APRIL 5, 1977.

Notice is hereby given that Warner Bros., Inc. ("Applicant"), 4000 Warner Boulevard, Burbank, California 91522 (812-3985), a Delaware corporation and a wholly-owned subsidiary of Warner Communications, Inc. ("Communications"), has filed an application on July 7, 1976 and amendments thereto on October 8[1] and December 15, 1976 (1) for an order, pursuant to Section 3(b)(2) of the Investment Company Act of 1940 ("Act"), declaring that Applicant is primarily engaged in a business or businesses other than that of investing, reinvesting, owning, holding, or trading in securities, or (2) in the alternative, for an order, pursuant to Section 6(c) of the Act, exempting Applicant from all the provisions of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Section 3(a)(3) of the Act defines an investment company as any issuer which is engaged, or proposes to engage, in the business of investing, reinvesting, owning, holding, or trading in securities, and owns or proposes to acquire investment securities having a value exceeding 40 per centum of the value of such issuer's total assets (exclusive of Government securities and cash items) on an unconsolidated basis.

The application states that, on July 1, 1976, Communications effected a restructuring of loan arrangements under which Communications, Applicant and two other subsidiaries of Communications had been the borrowers and Communications was the guarantor of each of the loans to such subsidiaries. It is stated that the effect of the loan restructuring was to make Applicant primarily liable on one direct loan to it and to transform Communication's obligations into a guaranty of the obligations of Applicant on such loan. According to the application, in anticipation of the loan restructuring, Communications contributed to Applicant all of the issued and outstanding capital stock of Warner Properties Corp. ("Properties") which makes Properties a direct subsidiary of Applicant and a sub-subsidiary of Communications. Applicant asserts that on June 30, 1976, Properties owned a portfolio of investment securities having a market value somewhat less than $165 million, which portfolio when added to a portfolio of investment securities held by a sub-subsidiary of Applicant gave Applicant, through such subsidiaries, a portfolio of investment securities having a market value somewhat less than $209 million on June 30, 1976. Applicant states that this portfolio of investment securities constituted approximately 40 percent of its assets on an unconsolidated basis.

The application has been made pursuant to Section 3(b)(2) of the Act, or, in the alternative, pursuant to Section 6(c) of the Act, because Applicant wishes the assurance available from an order of exemption that it will not be considered to be an investment company as defined in Section 3(a)(3) of the Act if additional investment securities are purchased or if values of investment securities increase thereby causing Applicant to own investment securities having a value exceeding 40 percent of the value of its total assets (exclusive of Government securities and cash items) on an unconsolidated basis.

Section 3(b)(2) of the Act excepts from the definition of an investment company in Section 3(a)(3) of the Act any issuer which the Commission finds and by order declares to be primarily engaged in a business or businesses other than that of investing, reinvesting, owning, holding, or trading in securities, either directly or (a) through majority-owned subsidiaries or (b) through controlled companies conducing similar types of businesses. Section 6(c) of the Act provides, in pertinent part, that the Commission, by order upon application, may conditionally or unconditionally exempt any person or class of persons from any or all 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.

It is represented that Applicant, directly and through wholly-owned subsidiaries, is an operating company principally engaged in the entertainment business. The application states that Applicant is engaged in the motion picture business which includes the production and financing of, and theatrical distribution of, feature motion pictures produced by Applicant or by others. According to the application, Applicant is also engaged in the television business which includes the distribution of feature films, cartoons and television series to networks and television stations, the production and distribution of "made-for-television" movies and program series. The application represents that Applicant is also engaged in the recorded music business and the music publishing business.

It is asserted in the application that Communications is not an investment company, as defined by the Act, notwithstanding that Applicant's consolidated total assets represent more than 50% of Communications' consolidated total assets. Communications owns more than 10% of the outstanding voting securities of Applicant, and therefore, pursuant to Section 3(c)(1) of the Act, the shareholders of Communications may be deemed to be the beneficial holders of Applicant's securities.

Applicant asserts that there is and has been no holding out by Communications or by Applicant to the shareholders of Communications or to the general public that Applicant is an investment company. The 1975 Annual Report (the "Report") of Communications states that the investment portfolio of Communications was accumulated initially through the investment of cash from the sale of operating entities and later through the

[1] Applicant's amendment of October 8, 1976, requested a temporary exemption, pursuant to Sections 6(c) and 6(e) of the Act, from the provisions of Sections 7, 8, 10(a), 13(a)(2), 17(f), 17(g), 17(h), 18, 20(a), 23, 30 (except subsection (f) thereof), 31, and 32, and from the rules and regulations thereunder, from September 3, 1976 until the Commission acted upon the application under Sections 3(b)(2) and 6(c) of the Act. On November 10, 1976, a notice (Investment Company Act Release No. 9520) of the amendment was issued giving interested persons until December 6, 1976, to request a hearing on the amended application. No requests for hearing having been received, an order (Investment Company Act Release No. 9580) was issued on December 22, 1976, granting the temporary exemption request by Applicant.

investment of excess cash flow from operations and debt obtained at favorable rates. According to the Report, the existence of Communications' investment portfolio provides substantial liquidity and additional flexibility for financial planning. It is stated in the Report that, philosophically, management of Communications does not view the retention of a securities portfolio as a basic corporate policy, but, rather, it regards the portfolio as a source of capital for purchase of an operating company or companies in areas in which management's capabilities can be utilized, or for major investment in its current businesses should new opportunities arise. The application states that the investment in marketable securities is treated by Communications as a cash item, readily available but not immediately needed for working capital.

It is represented in the Report that Communications does not presently intend to materially increase the total investment in the portfolio from current levels. Applicant asserts that, in fact, Communications has reduced the investment portfolio by over $50 million between July 7 and December 15, 1976, in order to maintain a balance between its consolidated indebtedness and equity, which balance had been affected by the issuance of approximately $16,800,000 of debentures by a subsidiary in connection with the acquisition of Atari, Inc. and by the issuance of approximately $71,500,00 of subordinated debentures by Communications in connection with an exchange offer. It is submitted that, based upon the foregoing, investors have not bee invited to acquire the securities of Communications or Applicant in reliance on the income that may be realized on the investment portfolio. Applicant represents that, for the six months ended June 30, 1976, income from the investment portfolio was approximately $2,926,000 or approximately 21% of Applicant's unconsolidated pretax income and less than 7% of Applicant's consolidated pretax income.

Applicant represents that its portfolio of investment securities is managed under the direction of two officers of Communications who employ two full time assistants to help them in managing the portfolio. It is asserted that, from time to time, professional investment advisers have rendered services to the two officers, and in 1976, an investment advisory firm was retained for the first time. It is stated that these two officers spend a substantial portion of their time managing the portfolio but that it is not their primary employment responsibility.

On the basis of the foregoing statements, Applicant submits that (1) it is primarily engaged, directly and through wholly-owned subsidiaries, in a business other than that of investing, reinvesting, owning, holding or trading in securities and therefore requests that the Commission so find and by order declare, and (2) it is 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 for the Commission to exempt Applicant from all the provisions of the Act.

Notice is further given that any interested person may, not later than April 29, 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 Applicant at the address stated above. Proof of such service (by affidavit or, in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-10696 Filed 4-11-77;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

CANADIAN STANDARD BROADCAST STATION

Notification List

List of new stations, proposed changes in existing stations, deletions, and corrections in assignments of Canadian standard broadcast stations modifying the assignments of Canadian broadcast stations contained in the Appendix to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting, January 30, 1941.

Canadian list No. 362, Mar. 15, 1977

Call letters	Location	Power (in kilowatts)	Antenna	Schedule	Class	Antenna height (feet)	Ground system: Number of radials	Ground system: Length (feet)	Proposed date of commencement of operation
		850 kHz							
CFJC...	Kamloops, British Columbia, N. 50°38'34" W. 120°27'28" (change of antenna radiation pattern).	10D/5N...	DA-2	U	III	.....	.....	.....	EIO Mar. 15, 1978.
		560 kHz							
CHCM..	Marystown, Newfoundland, N. 47°09'26" W. 55°14'37" (change of antenna radiation pattern).	10.....	DA-N ND-D-180.5	U	III	.....	.....	.....	Do.
		800 kHz							
CBQ....	Thunder Bay, Ontario, N. 48°18'38" W. 89°21'30" (change of antenna radiation pattern).	10D/5N...	DA-1	U	II	.....	.....	.....	Do.
		850 kHz							
(New)..	Corner Brook, Newfoundland (delete immediately).....	10.....	DA-1	U	II	.....	.....	.....	
		850 kHz							
(New)..	St. John's, Newfoundland, N. 47°36'00" W. 52°49'55".....	25.....	DA-2	U	II	.....	.....	.....	Do.
		1280 kHz							
(New)..	Rimouski, Quebec, N. 48°24'15" W. 68°29'26".....	10.....	DA-N ND-D-189.7	U	II	.....	.....	.....	Do.
		1530 kHz							
CJLP...	Disraeli, Quebec, N. 45°54'28" W. 71°20'33" (increase in antenna height and radiation).	1D/.25N...	*ND-136*	U	IV	200	120	425	EIO, June 24, 1977.
		1540 kHz							
(New)..	Meadow Lake, Saskatchewan, N. 54°09'30" W. 108°27'08" (correction to province).	1D/.25N...	ND-182	U	IV	150	120	317(av.)	EIO, Jan. 19, 1978.
		1480 kHz							
CKPT..	Peterborough, Ontario, N. 44°16'13" W. 78°17'23" (now in operation).	10D/5N...	DA-2	U	III	.....	.....	.....	
		1470 kHz							
CFOX...	Pointe Claire, Quebec, N. 45°20'03" W. 73°35'36" (P.O. 10D/5N, 1470 kHz, DA-2 N. 45°23'00" W. 73°45'45") (parameters notified in lists 154 and 172 now in operation. 50 kW proposal still under consideration).	50.....	DA-1	U	III	.....	.....	.....	EIO, Mar. 15, 1978.
		1510 kHz							
CJRS...	Sherbrooke, Quebec, N. 45°21'05" W. 71°57'30".....	50D/10N...	DA-2	U	II	.....	.....	.....	Do.

WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.77-10533 Filed 4-11-77;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 712-6; OPP-66030]

BONIDE CHEMICAL CO., ET AL.

Cancellation of Registrations of Pesticide Products Containing 2(p-tert-Butylphenoxy)-1-Methylethyl-2'-Chloroethyl Sulfite

The following registrants have asked the Environmental Protection Agency (EPA) to cancel the registrations of the specified pesticide products which contain the active ingredient 2(*p-tert*-butylphenoxy)-1-methylethyl-2'-chloroethyl sulfite.

Registrant	Product	EPA registration No.	Date of cancellation request
Bonide Chemical Co., 2 Wurz Ave., Yorkville, N.Y. 13495	Improved rose dust.	4-127	Nov. 29, 1976
FMC Corp., Agricultural Chemical Division, 100 Niagara St., Middleport, N.Y. 14105.	Niagaramite spray.	279-873	Nov. 15, 1976
Nott Manufacturing Co., Pleasant Valley, N.Y. 12569	Tri-Ogen	358-88	Nov. 12, 1976
Woods Industries, Crop King Chemical, P.O. Box 1016, Yakima, Wash. 98907.	Elemite 15-W	682-63	Dec. 28, 1976
Potomac Rose Society, 4719 Brandywine St. NW., Washington, D.C. 20016.	Aramite 15-W	1711-16	Feb. 1, 1977
Science Products Co., Inc., 5801 North Tripp Ave., Chicago, Ill. 60646.	do	2125-4	Nov. 16, 1976
Good-Life Chemicals, Inc., P.O. Box 687, Effingham, Ill. 62401	Bagworm spray	4931-50	Do.

Cancellation shall be effective on June 13, 1977, unless the registrants or an interested person with the concurrence of the registrants, request that the registrations be continued in effect.

The Agency has determined that the distribution, sale, and use of existing stocks of these products would not be inconsistent with the purposes of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973, 89 Stat. 751, 7 U.S.C. 136(a) et seq.), and would not have an unreasonable adverse effect on the environment. Therefore, pursuant to section 6(a)(1) of FIFRA, the distribution, sale, and use of existing stocks of the products by persons other than the registrants shall be permitted after the effective date of cancellation, *Provided*, That the pesticide is used consistent with labeling approved by EPA.

Requests approved by the registrants that the registrations of these products be continued, and any other comments concerning this action, may be submitted in triplicate to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, Rm. 401, East Tower, 401 M St. SW., Washington, D.C. 20460. Comments should bear a notation indicating both the subject and the OPP document control number (OPP-66030). Any comments or other documents filed regarding this notice of cancellation will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4 p.m. Monday through Friday.

(Sec. 6(a)(1), FIFRA, as amended (86 Stat. 973, 89 Stat. 751, 7 U.S.C. 136(a) et seq.).)

Dated: April 5, 1977.

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

[FR Doc.77-10571 Filed 4-11-77;8:45 am]

FEDERAL DEPOSIT INSURANCE CORPORATION

[26551]

PRIVACY ACT OF 1974

Notice of New Systems and Changes to Existing Systems of Records

Pursuant to the requirements of the Privacy Act of 1974, 5 U.S.C. 552a(e), 88 Stat. 1896, 1899-1900, the Federal Deposit Insurance Corporation ("FDIC") published, on October 6, 1975, final notice of thirteen systems of records maintained by the FDIC (40 FR 46288). On December 3, 1975, the FDIC published notice of one additional system of records, thereby increasing its total number of systems to fourteen (40 FR 56479).

Since that time, the FDIC has discovered various needed changes in its systems of records. The FDIC has found that one system, the "Employee Confidential Statements of Employment and Financial Interests," is encompassed by the Civil Service Commission's published notice of its systems of records (See 41 FR 42158). In order to avoid duplication and the resulting confusion to the public, this system is, therefore, being withdrawn from the FDIC's published notice of systems of records.

While most of the needed changes to the FDIC systems of records are minor, the FDIC is proposing for publication in the FEDERAL REGISTER two new systems of records and two principal new uses for information contained in previously published systems of records. To avoid a piecemeal approach to the amendment of its systems of records, and to make the changes more understandable to the public at large, the FDIC is proposing to republish its entire systems of records. Until these republished systems of records become effective, the current systems will remain in effect.

The first new system is the "Medical Records and Emergency Contact Information System." This system was inadvertently overlooked when the FDIC originally published its systems of records. The system contains information compiled in the course of an FDIC employee's visit to the nurse's station of the Health Unit for medical aid. The information contained in this system is accessed only by the nurse and her substitute, and is maintained in order to aid the nurse in prescribing medical treatment.

The second system represents a proposed new system and it is titled the "Municipal Securities Principals and Representatives System." For many years participants in the offer and sale of municipal securities were exempted from regulation under the securities laws. In 1975, Congress changed this with the addition of a new Section 15B of the Securities Exchange Act of 1934 (15 U.S.C. 786-4). The amendments established a Municipal Securities Rulemaking Board ("MSRB"), and vested it with authority to promulgate rules for the municipal securities industry. However, the MSRB does not have authority to enforce its rules. This authority is distributed among several agencies, and the FDIC is responsible for enforcing compliance by insured State-chartered banks that are not members of the Federal Reserve System, and any subsidiaries, departments or divisions thereof, which are municipal securities dealers. 15 U.S.C. 78r. Under the amendments to the Securities Exchange Act, the MSRB is directed to promulgate rules regarding persons associated with municipal securities dealers as either municipal securities prinicipals or representatives. Pursuant to this directive, the MSRB requires each municipal securities dealer to obtain certain background information on individuals who are currently, or are seeking to be, associated with the dealer. The FDIC proposes to require each dealer, which is under FDIC supervision, to file with the FDIC a form explaining the background information for each person associated with the dealer as a municipal securities principal or representative. The "Municipal Securities Principals and Representatives System" will be the result of the data collection. In addition to using this system for its own enforcement, the FDIC, along with the Comptroller of the Currency and the Board of Governors for the Federal Reserve System for their respectively supervised dealers, would forward the information to the National Association of Securities Dealers ("NASD") for computer processing. The NASD currently maintains data on personnel in the securities industry, and it is expected that portions of disciplinary and qualification data supplied by the bank regulatory agencies will be interfaced with the existing NASD securities personnel data bank. Under this arrangement, the FDIC would have access to disciplinary, qualification and employment information on

individuals who have moved between banking institutions or between banking institutions and general securities firms or nonbank municipal securities dealers. Access to such information would assist the FDIC in determining if a person is qualified to act as a municipal securities principal or representative. The FDIC also would provide a municipal securities dealer, for which the FDIC is the appropriate regulatory agency, with any disqualifying information contained in the system about a person seeking to be associated with the dealer as a principal or representative.

In addition to these new systems, there are two new routine uses for information contained in certain of the existing FDIC systems of records. The first of these will allow disclosure to the Civil Service Commission of personnel related records necessary to fulfill its program management responsibilities. In order to permit this disclosure, it is necessary for the Corporation to amend the routine use of each of its personnel related systems to provide for transmission to the Commission of personnel information necessary for its government-wide studies of personnel management. The second new use will allow disclosure to a Congressional office in response to any inquiry from that office regarding the individual initiating that inquiry. This routine use is in order to assure that the Corporation's notices do not have the effect of denying individuals the benefit of Congressional assistance which they may request. It will be permitted only where the individual has initiated the inquiry in question.

Interested persons are invited to submit written data, views, or arguments regarding the proposed notices to the Office of the Executive Secretary, Federal Deposit Insurance Corporation, Washington, D.C. 20429, on or before May 12, 1977.

By order of the Board of Directors, March 3, 1977.

ALAN R. MILLER,
Executive Secretary.

SYSTEMS OF RECORDS MAINTAINED BY THE FEDERAL DEPOSIT INSURANCE CORPORATION

30-64-0001 Attorney-Legal Intern Applicant System. (This system is subject to exemption pursuant to 12 CFR § 310.13(b), to the extent it contains information provided by confidential sources.)
30-64-0002 Bank and Proposed Bank Irregularity Record System. (This system is subject to exemption pursuant to 12 CFR § 310.13(a), to the extent it contains material compiled for law enforcement purposes.)
30-64-0003 Board of Directors' Actions System.
30-64-0004 Changes in Bank Control Ownership Records.
30-64-0005 Consumer Complaint and Inquiry Records.
30-64-0006 [Reserved]
30-64-0007 Employee Education System.
30-64-0008 [Reserved]
30-64-0009 Examiner Training and Education Records. (This system is subject to exemption pursuant to 12 CFR § 310.13(c).)
30-64-0010 Graduate Fellowship Applications.
30-64-0011 Legal Compliance and Enforcement Records. (This system is subject to exemption pursuant to 12 CFR § 310.13(a), to the extent it contains material compiled for law enforcement purposes.)
30-64-0012 Payroll and Employee Financial Records.
30-64-0013 Savings Bond Payroll Deduction System.
30-64-0014 Travel Voucher System.
30-64-0015 Unofficial Personnel System.
30-64-0016 Municipal Securities Principals and Representatives System.
30-64-0017 Medical Records and Emergency Contact Information System.

30-64-0001

System name:

Attorney, Legal Intern Applicant System, FDIC.

System location:

Office of the General Counsel, FDIC, 550 17th Street, N.W., Washington, D.C. 20429.

Categories of individuals covered by the system:

Applicants for the position of attorney or legal intern with the General Counsel's office of the FDIC.

Categories of records in the system:

Contains correspondence from the applicants and individuals whose names were provided by the applicants as references, applicants' resumes, application forms, and, in some instances, comments of individuals who interviewed applicants.

Authority for maintenance of the system:

Sec. 9 of the Federal Deposit Insurance Act (12 U.S.C. 1819).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Disclosure of information may be made: (1) in requesting information of individuals or concerns whose names were supplied by the applicant as references and/or past or present employers; (2) to the Civil Service Commission concerning pay, benefits, retirement deductions, and other information necessary for the Commission to carry out its government-wide personnel management functions; (3) to a Congressional office from the record of an individual in respone to an inquiry from the Congressional office made at the request of the individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

File folders.

Retrievability:

Indexed by name.

Machine 2

Safeguards:

Maintained in locked metal file cabinets.

Retention and disposal:

Records of unsuccessful applicants are retained two years after their submission; records of successful applicants are retained four years after the successful applicant leaves the employ of FDIC.

System manager(s) and address:

General Counsel, Legal Division, FDIC, 550 17th Street, N.W., Washington, D.C. 20429.

Notification procedure:

Executive Secretary, Records Unit, FDIC, 550 17th Street, N.W., Washington, D.C. 20429.

Record access procedures:

Same as "Notification" above.

Contesting record procedures:

Same as "Notification" above.

Record source categories:

The information is obtained from the applicants, references supplied by the applicants, current and/or former employers of the applicants, and FDIC employees who interviewed the applicants.

Systems exempted from certain provisions of the act:

Pursuant to section 310.13(b) of the FDIC's Rules and Regulations, investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Corporation employment may be withheld from disclosure to the extent that disclosure of such material would reveal the identity of a source who furnished information to the Corporation under a promise of confidentiality.

30-64-0002

System name:

Bank and Proposed Bank Irregularity Record System—FDIC.

System location:

Operations Branch, Division of Bank Supervision, FDIC, 550 17th Street, N.W., Washington, D.C. 20429.

Categories of Individuals covered by the system:

Directors, officers and employees of FDIC insured banks who have been involved in reported irregularities. Directors and officers of noninsured banks and organizers of proposed banks which have applied for Federal deposit insurance and who have been involved in reported irregularities. Customers of FDIC insured State nonmember banks, and other individuals, who have been involved in reported irregularities at such banks. In addition, the system may contain information on individuals who have been the subject of background checks designed to uncover irregularities bearing on these

individuals fitness to be directors, officers, or employees of the banks or to control its management. These individuals may include the following: directors, officers and employees of FDIC insured banks; directors and officers of uninsured banks and organizers of proposed banks which have applied for Federal deposit insurance; and controlling shareholders of banks endeavoring to gain control over FDIC insured banks.

Categories of records in the system:

Contains interagency correspondence, intra-agency memoranda and reports of investigation. May contain newspaper clippings. May contain Federal or State criminal law enforcement agency investigatory and/or arrest and conviction reports.

Authority for maintenance of the system:

Secs. 5, 6, 9, 18 and 19 of the Federal Deposit Insurance Act (12 U.S.C. 1815, 1816, 1819, 1828, 1829).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

(1) In the event that information contained in this system indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records may be referred to the appropriate agency, whether Federal or State, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto; (2) In the event of litigation, the appropriate records may be presented to the appropriate court, magistrate, or administrative tribunal as evidence, or to counsel for the presentation of evidence and/or in the course of discovery; (3) Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of the individual; (4) Disclosure may be made to the bank affected by a discovered irregularity.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained on file cards and in file folders.

Retrievability:

Indexed by name.

Safeguards:

Indexed cards and file folders are maintained in lockable metal cabinets.

Retention and disposal:

Permanent retention with periodic review of contents of record and destruction, by shredder, of excess or outdated information.

System manager(s) and address:

Director, Division of Bank Supervision, FDIC, 500 17th Street, N.W., Washington, D.C. 20429.

Notification procedure:

Executive Secretary, Records Unit, FDIC, 550 17th Street, N.W., Washington, D.C. 20429. Inquiries must provide the full name of the inquirer. All inquiries must include a notarized statement attesting to the identity of the inquirer.

Record access procedures:

Same as "Notification" above.

Contesting record procedures:

Same as "Notification" above.

Record source categories:

FDIC insured banks and applicants for Federal deposit insurance; Federal and State banking supervisory authorities; Newspapers; Federal and State criminal law enforcement and prosecutorial agencies.

Systems exempted from certain provisions of the act:

Pursuant to section 310.13(a) of the FDIC's Rules and Regulations, investigatory material compiled for law enforcement purposes, concerning irregularities involving officers, directors, employees, customers, or other individuals at FDIC insured banks; directors and officers of noninsured banks; or organizers of proposed banks which have applied for Federal deposit insurance, is exempted from the accounting provisions of section 310.10(d)(2) of the FDIC's Rules and Regulations and may be withheld from disclosure to the extent that such disclosure may interfere with the investigation and preparation of any civil, criminal, or administrative law enforcement proceedings. Federal criminal law enforcement investigatory reports maintained as part of this system may be the subject of exemptions imposed by the originating agency pursuant to 5 U.S.C. 552a(j)(2).

30-64-0003

System name:

Board of Directors' Actions System, FDIC.

System location:

Office of the Executive Secretariat, FDIC, 550 17th Street, N.W., Washington, D.C. 20429.

Categories of individuals covered by the system:

Individuals who have been subject to administrative actions by the FDIC Board of Directors.

Categories of records in the system:

Contains minutes of the FDIC Board of Directors' meetings, intra-agency memoranda, orders of the Board of Directors, and correspondence with the subject individual.

Authority for maintenance of the system:

Sec. 2, 8, and 19 of the Federal Deposit Insurance Act (12 U.S.C. 1812, 1818, 1829); Sec. 506 of the Federal Records Act of 1950 (44 U.S.C. 3101).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of the individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Card file index and minute ledger.

Retrievability:

Card files indexed alphabetically by name.

Safeguards:

Card files are stored in lockable metal filing cabinets, minute ledgers are stored in vault.

Retention and disposal:

Permanent.

System manager(s) and address:

Executive Secretary, Records Unit, FDIC, 550 17th Street, N.W., Washington, D.C. 20429.

Notification procedure:

Same as the above.

Record access procedures:

Same as the above.

Contesting record procedures:

Same as the above.

Record source categories:

Intra-agency records.

Systems exempted from certain provisions of the act:

None.

30-64-0004

System name:

Changes in Bank Control Ownership Records, FDIC.

System location:

Operations Branch, Division of Bank Supervision, FDIC, 550 17th Street, NW., Washington, D.C. 20429.

Categories of individuals covered by the system:

Individuals who have been involved in the change of bank control or ownership in FDIC insured banks and/or have obtained loans from insured banks, when such loans are secured by 25 percent or more of the outstanding stock of an insured bank.

Categories of records in the system:

Contains the name of the individual seller or purchaser of shares of stock, the number of shares of stock involved and outstanding, the name of the bank whose

control has changed, the purchase price of the stock, the names of beneficial owners if the shares are registered in another name, the total number of shares owned by the seller, purchaser, or beneficial owner both before and after the transaction. In the case of loans, contains the name and location of the lending bank, the name and address of the borrower, the amount of the loan and the name of the bank issuing the stock securing the loan and the number of shares securing the loan.

Authority for maintenance of the system:

Sec. 7(j) of the Federal Deposit Insurance Act (12 U.S.C. 1817(j)).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

(1) The name of the bank whose control has changed, the seller and purchaser, and the number of shares involved may be distributed to periodicals for publication; (2) In the event that the system of records indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred to the appropriate agency, whether Federal or State, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto; (3) In the event of civil, criminal, or administrative law enforcement proceedings, the relevant records may be disclosed to the appropriate court and/or counsel for purposes of discovery and the development of the proceedings; (4) Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of the individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained in file folders and on index cards.

Retrievability:

Indexed by name.

Safeguards:

Maintained in lockable metal filing cabinets.

Retention and disposal:

Permanent retention.

System manager(s) and address:

Director, Division of Bank Supervision FDIC, 550 17th Street, N.W., Washington, D.C. 20429.

Notification procedure:

Executive Secretary, Records Unit, FDIC, 550 17th Street, N.W., Washington, D.C. 20429.

Record access procedures:

Same as "Notification" above.

Contesting record procedures:

Same as "Notification" above.

Record source categories:

The bank in which control has changed and the bank which makes a loan secured by 25 percent or more of the outstanding voting stock of an insured bank.

Systems exempted from certain provisions of the act:

None.

30-64-0005

System name:

Consumer Complaint and Inquiry Records—FDIC.

System location:

Office of Bank Customer Affairs, FDIC, 550 17th Street, N.W., Washington, D.C. 20429.

Categories of individuals covered by the system:

Consumers who have filed complaints or inquiries concerning activities and practices of FDIC insured banks.

Categories of records in the system:

Contains consumers names and the nature of their complaints or inquiries. Contains correspondence and record of other communications between the FDIC and the customer, and may contain correspondence between the FDIC and the bank in question and/or Federal or State bank supervisory authorities. May contain copies of supporting documents supplied by the complainant and intra-agency memoranda.

Authority for maintenance of the system:

Sec. 202 of Title II of the Federal Trade Improvement Act (15 U.S.C. 57a (f)); Sec. 8 of the Federal Deposit Insurance Act (12 U.S.C. 1818).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

(1) Since records are compiled and used for investigation and resolution of consumer inquiries and complaints, disclosure may be necessary to the institution which is the subject of the complaint; (2) Resolution of the complaint or inquiry may also require disclosure limited to the name of the inquirer and the nature of the inquiry, to third party sources during the course of the investigation; (3) Transmittal may be made to the Federal or State supervisory authority that has direct supervision over the financial institution that is the subject of the complaint; (4) In the event that the system of records indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system may be referred to the appropriate agency, whether Federal or State, charged with the responsibility of investigating or prosecuting such violations or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto; (5) In the event of civil, criminal or administrative proceedings, the relevant records may be disclosed to the appropriate court and/or counsel for purposes of discovery and the development of the procedings; (6) Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of the individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained in file folders and on computer discs and tapes.

Retrievability:

Indexed by name.

Safeguards:

Maintained in lockable metal filing cabinets; computer tapes and discs are accessed only by authorized personnel.

Retention and disposal:

Records are retained for three years after resolution or answer of the complaint and then correspondence files are destroyed by shredder, computer tapes and discs are erased.

System manager(s) and address:

Director, Office of Bank Customer Affairs, FDIC, 550 17th Street, N.W., Washington, D.C. 20429.

Notification procedure:

Executive Secretary, Record Unit, FDIC, 550 17th Street, N.W., Washington, D.C. 20429.

Record access procedures:

Same as "Notification" above.

Contesting record procedures:

Same as "Notification" above.

Record source categories:

The information is obtained from the individual on whom the record is maintained; institutions that are the subject of the complaint; the appropriate agency, whether Federal or State, with supervisory authority over the institution; congressional offices that may initiate the inquiry; and other third party sources mentioned in "Routine use" above.

Systems exempted from certain provisions of the act:

None.

30-64-0007

System name:

Employee Education System—FDIC.

System location:

Office of Education, FDIC, 550 17th Street, N.W., Washington, D.C. 20429.

Categories of individuals covered by the system:

All present and former FDIC employees.

Categories of records in the system:

Contains the educational history of employees prior to their employment with the FDIC, and educational progression of employees while employed by the FDIC, Information includes employee's schools of attendance, courses completed or enrolled in, dates of attendance, tuition fees and expenses, and may include per diem and travel expenses.

Authority for maintenance of the system:

Sec. 9 of the Federal Deposit Insurance Act (12 U.S.C. 1819); Exec. Order No. 9397, "Numbering System for Federal Accounts Relating to Individual Persons" (Nov. 22, 1943).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Disclosure may be made to: (1) the Civil Service Commission concerning pay, benefits, retirement deductions, and other information necessary for the Commission to carry out its government-wide personnel management functions; (2) to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of the individual; (3) to educational institutions for purposes of enrollment and verification of employee attendance and performance.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

File folders and computer discs.

Retrievability:

File folders—alphabetically by name; computer discs—social security number.

Safeguards:

File folders are stored in lockable metal cabinets, computer discs are accessed by only authorized personnel.

Retention and disposal:

Permanent retention.

System manager(s) and address:

Director, Office of Employee Relations, FDIC, 550 17th Street, N.W., Washington, D.C. 20429.

Notification procedure:

Executive Secretary, Records Unit, FDIC, 550 17th Street, N.W., Washington, D.C. 20429.

Record access procedures:

Same as "Notification" above.

Contesting record procedures:

Same as "Notification" above.

Record source categories:

The information is obtained from the employee on whom the record is maintained and the training institution in which the employee is enrolled.

Systems exempted from certain provisions of the act:

None.

30-64-0009

System name:

Examiner Employment, Training, and Education Records—FDIC.

System location:

Division of Bank Supervision Training Center, FDIC, 1701 N. Fort Myer Drive, Arlington, Virginia 22209.

Categories of individuals covered by the system:

FDIC assistant examiners who have been candidates for determination of progress to become a commissioned bank examiner (Progress Evaluation Candidates). FDIC examiners who attend, or have attended, graduate schools of banking (Graduate School of Banking Students).

Categories of records in the system:

Progress Evaluation Candidates—contains a statement of the candidate's education, home address, date and place of birth, and experience, a Report of Evaluation of a Progress Evaluation Panel, the consolidated findings of each Progress Evaluation Panel member, the candidate's case studies, basic work papers, and responses, and, in the case of an unsuccessful candidate, the candidate's complete work papers and responses, as well as the individual findings of each Progress Evaluation Panel member.

Graduate School of Banking Students—contains the student's name, enrollment data, record of attendance, record of completion or graduation and general correspondence between the FDIC and the student's school of ennrollment.

Authority for maintenance of the system:

Sec. 10(b) of the Federal Deposit Insurance Act (12 U.S.C. 1820(b)).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Disclosure may be made to: (1) the Civil Service Commission concerning pay, benefits, retirement deductions, and other information necessary for the Commission to carry out its government-wide personnel management functions; (2) to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of the individual; (3) to educational institutions for purposes of enrollment and vertification of employee attendance and performance.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

All categories are stored in file folders.

Retrievability:

All categories are indexed by name.

Safeguards:

All categories are maintained in lockable metal filing cabinets.

Retention and disposal:

Progress Evaluation Candidates records maintained two years for the successful candidate and then destroyed by shredder, records of unsuccessful candidate retained until the candidate's successful completion or until the candidate leaves the FDIC's employ. Graduate School of Banking student records are permanently retained.

System manager(s) and address:

Director, Division of Bank Supervision, FDIC, 550 17th Street, N.W., Washington, D.C. 20429.

Notification procedure:

Executive Secretary, Records Unit, FDIC, 550 17th Street, N.W., Washington, D.C. 20429. Inquirers must provide their full name and identify the category or categories of which they are inquiring.

Record access procedures:

Same as "Notification" above.

Contesting record procedures:

Same as "Notification" above.

Record source categories:

Progress Evaluation Candidates—the candidate, the candidate's personnel record, and members of the candidate's Progress Evaluation Panel. Graduate School of Banking Students—the student, the student's school, and the student's personnel record.

Systems exempted from certain provisions of the act:

Pursuant to section 310.13(c) of the FDIC's Rules and Regulations, testing material used solely to assess individual qualifications for appointment or promotion, the disclosure of which would compromise the objectivity or fairness of the testing, evaluation or examination process, may be withheld from disclosure.

30-64-0010

System name:

Graduate Fellowship Applications—FDIC.

System location:

Division of Management Systems and Economic Analysis, FDIC, 550 17th Street, N.W., Washington, D.C. 20429.

Categories of individuals covered by the system:

Applicants for FDIC fellowships for graduate study in banking, finance and economics.

Categories of records in the system:

Contains correspondence from applicants and from individuals whose names were provided by the applicants as references, application forms, applicants' grade transcripts, samples of written

work, and, in some instances, comments of individuals who interviewed applicants.

Authority for maintenance of the system:

Section 9 of the Federal Deposit Insurance Act (12 U.S.C. 1819); Sec. 506 of the Federal Records Act of 1950 (44 U.S.C. 3101).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Disclosure of information on the applicant may be made: (1) in requesting information of individuals or concerns whose names were supplied by the applicant as references and/or past or present employers; (2) to the Civil Service Commission concerning pay, benefits, retirement deductions, and other information necessary for the Commission to carry out its government-wide personnel management functions; (3) to a Congressional office from the record of the individual in response to an inquiry from the Congressional office made at the request of the individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

File folders.

Retrievability:

Indexed by name.

Safeguards:

Maintained in metal file cabinets with a combination lock.

Retention and disposal:

Supporting documents in applications of unsuccessful applicants are retained for 3 years after their review and then destroyed, applications of unsuccessful candidates and complete files of fellowship winners are retained indefinitely.

Systems manager(s) and address:

Director, Division of Management Systems and Economic Analysis, FDIC, 550 17th Street, N.W., Washington, D.C. 20429.

Notification procedure:

Executive Secretary, Records Unit, FDIC, 550 17th Street, N.W., Washington, D.C. 20429.

Record access procedures:

Same as "Notification" above.

Contesting record procedures:

Same as "Notification" above.

Record source categories:

Information is obtained from the applicants, references supplied by the applicants, college documents, current and/or former employers, and FDIC employees who interviewed the applicants.

Systems exempted from certain provisions of the act:

None.

30-64-0011

System name:

Legal Compliance and Enforcement Records—FDIC.

System location:

Office of the General Counsel, FDIC, 550 17th Street, NW., Washington, D.C. 20429.

Categories of individuals covered by the system:

Directors or officers of FDIC insured State nonmember banks who have been the subject of an indictment, information or complaint for a felony involving dishonesty or breach of trust. Directors or officers of FDIC insured State nonmember banks who are suspected of committing violations of law, rule or regulation, or of a final cease-and-desist order, or of committing acts, omissions or practices constituting a breach of fiduciary duty. Individuals who have sought FDIC consent to serve as an officer, director, or employee of an FDIC insured State nonmember bank after having been convicted of a crime involving dishonesty or breach of trust.

Categories of records in the system:

Contains the indictment, information, or complaint filed against the subject individual, and any court order or resolution of such indictment, information, or complaint. Contains newspaper clippings on subject individuals. Contains affidavits of the subject individual and bank employees. Contains intra-agency memoranda and general correspondence between the FDIC and the subject individual and/or his/her attorney. Contains final administrative orders issued by the FDIC.

Authority for maintenance of the system:

Secs. 8 and 19 of the Federal Deposit Insurance Act (12 U.S.C. 1818, 1829).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

(1) In the event that the system of records indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system may be referred to the appropriate agency, whether Federal or State, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto; (2) In the event of civil, criminal or administrative proceedings, the relevant records may be disclosed to the appropriate court, magistrate, or administrative tribunal as evidence, or to counsel for the presentation of evidence and/or in the course of discovery; (3) Disclosure may be made to a Congressional Office from the record of an individual in response to an inquiry from the Congressional Office made at the request of the individual.

Policies and practices for storing, retrieving accessing, retaining, and disposing of records in the system:

Storage:

Maintained in a file folder and on computer discs.

Retrievability:

Indexed by name.

Safeguards:

Maintained in lockable metal filing cabinets in a secured room; computer discs are accessed by only authorized personnel.

Retention and disposal:

Permanent retention.

System manager(s) and address:

General Counsel, Legal Division, FDIC, 550 17th Street NW., Washington, D.C. 20429.

Notification procedure:

Executive Secretary, Records Unit, FDIC, 550 17th Street NW., Washington, D.C. 20429. Inquirers must provide their full name and the name of the bank with which they were associated. Inquiries must include a notarized statement attesting to the individual's identity.

Record access procedures:

Same as "Notification" above.

Contesting record procedures:

Same as "Notification" above.

Record source categories:

Information is obtained from the individual on whom the record is maintained, the employer of the individual, newspaper articles, and individuals interviewed during the investigation. Federal and State prosecuting authorities and Federal and State financial institution supervisory authorities are also sources of information.

Systems exempted from certain provisions of the act:

Pursuant to section 310.13(a) of the FDIC's Rules and Regulations, investigatory material compiled as a part of this system for law enforcement purposes is exempted from the accounting provision of section 310.10(d)(2) of the FDIC's Rules and Regulations and may be withheld from disclosure, to the extent that such disclosure may interfere with the investigation and preparation of any civil, criminal or administrative law enforcement proceedings.

30-64-0012

System name:

Payroll and Employee Financial Records, FDIC.

System location:

Accounting and Budget Branch, FDIC, 1709 New York Ave., N.W., Washington,

D.C. 20429 and the appropriate FDIC Regional Office for employees working out of field offices. (See Appendix A for the location of FDIC Regional Offices).

Categories of individuals covered by the system:

All current and former FDIC employees.

Categories of records in the system:

Consists of various forms and computer retrievable data which disclose employee: mailing address and home address; rate and amount of pay, leave, and hours worked, and leave balances; life insurance, health insurance and retirement deductions; tax exemptions; and payroll deduction authorizations.

Authority for maintenance of the system:

Section 9 of the Federal Deposit Insurance Act (12 U.S.C. 1819); Exec. Order 9397, "Numbering System for Federal Accounts Relating to Individual Persons" (Nov. 22, 1943).

Routine uses of records maintained in the system, including categories of users and purposes of such uses:

(1) Information developed from these records is routinely provided to State, City, and Federal income tax authorities, including, at the Federal level, the Internal Revenue Service and the Social Security Administration, and, to other recipients, as authorized by the employee, including the United States Treasury Department, savings institutions, insurance carriers and charity funds; (2) Records are periodically made available for inspection to auditors employed by the General Accounting Office; (3) Relevant records in this system of records may be referred, as a routine use to the appropriate agency, whether Federal or State, charged with the responsibility of investigating or prosecuting any violation of law, rule or regulation; (4) In the event of litigation, relevant records may be presented to the appropriate court, magistrate, or administrative tribunal as evidence or to counsel for the presentation of evidence and/or in the course of discovery; (5) Disclosure may be made to the Civil Service Commission concerning pay, benefits, retirement deductions, and other information necessary for the Commission to carry out its government-wide personnel management functions; (6) Disclosure may be made to a Congressional Office from the record of an individual in response to an inquiry from the Congressional Office made at the request of the individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

File folders, record cards and computer discs.

Retrievability:

File folders and records cards indexed by name; computer discs are indexed by social security number.

Safeguards:

File folders and record cards are stored in lockable metal cabinets; computer discs are accessed only by authorized personnel.

Retention and disposal:

Year-end trial balances (the individual earnings record) are retained during the employment and then transferred to the Federal Records Center, where the records are maintained indefinitely. Deduction authorizations and documents used to develop the records are retained for the period of use and up to an additional three years after which they are disposed of by shredding or burning.

System manager(s) and address:

Controller, Office of the Controller, FDIC, 550 17th Street, N.W., Washington, D.C. 20429.

Notification procedure:

Executive Secretary, Records Unit, 550 17th Street, N.W., Washington, D.C. 20429.

Record access procedures:

Same as "Notification" above.

Contesting record procedures:

Same as "Notification" above.

Record source categories:

The information is obtained from the employee on whom the record is maintained.

Systems exempted from certain provision of the act:

None.

30-64-0013

System name:

Savings Bond Payroll Deduction Systems, FDIC.

System location:

Accounting and Budget Branch, FDIC, 1709 New York Ave., NW., Washington, D.C. 20429.

Categories of individuals covered by the system:

All current and former FDIC employees who have authorized payroll deductions for the purchase of United States Savings Bonds.

Categories of records in the system:

Consists of the name and address of the employee; the amount of the employee's salary to be withheld; the denomination of bond to be purchased; the series of the bond; the owner's name, address and social security number; the designated co-owner or beneficiary, and their social security number.

Authority for maintenance of the system:

Section 9 of the Federal Deposit Insurance Act (12 U.S.C. 1819); Exec. Order 9397, "Numbering System for Federal Accounts Relating to Individual Persons" (Nov. 22, 1943).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Disclosure may be made to: (1) the United States Treasury Department for the preparation of savings bonds; (2) to the Civil Service Commission concerning pay, benefits, retirement deductions, and other information necessary for the Commission to carry out its government-wide personnel management function; (3) to a Congressional office from the record of an individual in response to an inquiry from the Congressional Office made at the request of the individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

File folders, index cards, and computer discs.

Retrievability:

File folders and record cards are indexed by name; computer discs are indexed by social security number.

Safeguards:

File folders and record cards are stored in lockable metal cabinets; computer discs are accessed only by authorized personnel.

Retention and disposal:

Records are retained for two years and then destroyed.

System manager(s) and address:

Controller, Office of the Controller, FDIC, 550 17th Street, NW., Washington, D.C. 20429.

Notification procedure:

Executive Secretary, Records Unit, FDIC, 550 17th Street, N.W., Washington, D.C. 20429.

Record access procedures:

Same as "Notification" above.

Contesting record procedures:

Same as "Notification" above.

Record source categories:

The information is obtained from the employee on whom the record is maintained.

Systems exempted from certain provision of the act:

None.

30-64-0014

System name:

Travel Voucher System, FDIC.

System location:

Accounting and Budget Branch, FDIC, 550 17th Street NW., Washington, D.C. 20429.

Categories of individuals covered by the system:

FDIC employees who travel on official business.

Categories of records in the system:

Contains records relating to employee's claims for reimbursement of official travel expenses including travel authorizations, advances, and vouchers showing amounts claimed, exceptions taken as a result of audit, advance balances applied, and amounts paid.

Authority for maintenance of the system:

Sec. 10(a) of the Federal Deposit Insurance Act (12 U.S.C. 1820(a)); Travel Expense Act of 1949 (5 U.S.C. 5701-5709); Exec. Order 9397, "Numbering System for Federal Accounts Relating to Individual Persons" (Nov. 22, 1943).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

(1) Records are periodically made available for inspection to auditors employed by the General Accounting Office; (2) In the event that information contained in this system of records indicates a violation or potential violation of the law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, or State, charged with the responsibility of investigating, or prosecuting such violation or charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto; (3) In the event of litigation, the records may be presented to the appropriate court, magistrate, or administrative tribunal as evidence or to counsel for the presentation of evidence and/or in the course of discovery; (4) Disclosure may be made to the Civil Service Commission concerning pay, benefits, retirement deductions, and other information necessary for the Commission to carry out its government-wide personnel management function; (5) Disclosure may be made to a Congressional Office from the record of an individual in response to an inquiry from the Congressional Office made at the request of the individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

File folders and computer discs.

Retrievability:

Files indexed by name; computer discs by social security number.

Safeguards:

File folders stored in a lockable room; computer discs are accessed by only authorized personnel.

Retention and disposal:

Records are maintained for seven years, then file folders are shredded and computers discs are erased.

System manager(s) and address:

Controller, Office of the Controller, FDIC, 550 17th Street, N.W., Washington, D.C. 20429.

Notification procedure:

Executive Secretary, Records Unit, FDIC, 550 17th Street, NW., Washington, D.C. 20429.

Record access procedures:

Same as "Notification" above.

Contesting record procedures:

Same as "Notification" above.

Record source categories:

The information is obtained from the employee on whom the record is maintained.

Systems exempted from certain provisions of the act:

None.

30-64-0015

System name:

Unofficial Personnel System, FDIC.

System location:

Personnel Branch, FDIC, 1709 New York Avenue, N.W., Washington, D.C. 20429. In addition records are maintained at the Division or Office levels in the FDIC Washington Office and at the FDIC Regional Offices. (See Appendix A for the location of FDIC Regional Offices.)

Categories of individuals covered by the system:

All current and former FDIC employees.

Categories of records in the system:

This system consists of personnel-related records that are maintained in addition to those kept in the Official Personnel folder pursuant to the Federal Personnel Manual Suppl. 296-31, Table 8, Sec. 1. (The records contained in the Official Personnel Folder are covered, with regard to the Privacy Act of 1974, by the Civil Service Commission's published "General Personnel Records," C.S.C./Gov.-3, notice.) This system contains records of various types. They are: (1) records maintained in the Washington and regional offices which may contain information on individuals relating to: birthday; Social Security Number; past and present salaries, grades, and position titles; home address and telephone number; emergency contacts, addresses and telephone numbers; employment history; original applications, resume, and letters of reference; statement of bank loans and stock ownership; record of equipment and material issued to the individual, record of leave and time-and-attendance; written notes or memoranda on employee performance; Counseling; and data documenting reasons for personnel actions, decisions, or recommendations made about an employee; (2) parking permit records containing information (name, address, and type of automobile) about FDIC employees who have applied for (or are members of the applicants' carpool) a parking permit in the FDIC's Washington Office garage; (3) American Red Cross blood donor records containing information including donors name, Social Security Number, date of birth, age, sex, home address and phone number, whether the donation was accepted, and whether the Red Cross would recruit the donor again for blood; (4) FDIC personnel awards including information supporting the employee's nomination for one of these awards; and (5) dental insurance records including information on earnings, number and name of dependents, sex, birth date, home address, and Social Security Number.

Authority for maintenance of the system:

Sec. 9 of the Federal Deposit Insurance Act (12 U.S.C. § 1819); Sec. 506 of the Federal Records Act of 1950 (44 U.S.C. § 3101).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

With regard to category (1) above, the records are primarily maintained to be used by the employee's supervisor for preparation of general personnel actions; however, in the case of categories (1), (2), and (4) disclosure may be made, where relevant:

(a) to financial and credit institutions for loan and credit "reference" purposes (solely to verify the employee's employment with the FDIC, date of employment, and pay grade);

(b) to the Civil Service Commission in the event of any grievance procedures;

(c) to the Civil Service Commission concerning pay, benefits, retirement, deductions, and other information necessary for the Commission to carry out its government-wide personnel management functions;

(d) in the event of litigation, to the appropriate court, magistrate, or administrative tribunal as evidence, or to counsel for the persentation of evidence and/or in the course of discovery;

(e) to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of the individual;

(f) to State authorities regarding reasons for a former employee's separation from FDIC service, where the inquiry is made pursuant to the former employee's application for unemployment compensation;

(g) to Federal and State regulatory agencies, for reasons related to FDIC business, as to the temporary work location at FDIC bank examiners.

In the case of category (3) above, disclosure may be to the American Red Cross from the information contained in the blood donor records. Disclosure may be made, in the case of category (5) above, to the dental insurance carrier in support of a claim for dental insurance benefits.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained on file cards and in file folders.

Retrievability:

Indexed alphabetically by name.

Safeguards:

Maintained in lockable metal cabinets.

Retention and disposal:

Records are destroyed when no longer relevant to the purpose for which they were compiled and maintained. Generally, records are destroyed when the employee no longer works in the Division or Office which compiled and maintained the information. Parking permit records are kept for one year and then destroyed. American Red Cross blood donor records are kept for four years and then destroyed.

System manager(s) and address:

Director, Office of Employee Relations, FDIC, 550 17th Street NW., Washington, D.C. 20429, for Corporation level records. For FDIC Division or Office levels, the Head of the appropriate Division or Office; for FDIC Regional Offices, the Regional Director. (See Appendix A for the location of FDIC Regional Offices); For Parking Permit Records, the Controller, Office of the Controller, FDIC, 550 17th Street N.W., Washington, D.C. 20429.

Notification procedure:

Executive Secretary, Records Unit, FDIC, 550 17th Street NW., Washington, D.C. 20429.

Record access procedures:

Same as "Notification" above.

Contesting record procedures:

Same as "Notification" above.

Record source categories:

Individuals to whom the records pertain; their immediate supervisors or persons at other supervisory levels; other fellow employees.

Systems exempted from certain provisions of the act:

None.

30-64-0016

System name:

Municipal Securities Principals and Representatives System—FDIC.

System location:

Operations Branch, Division of Bank Supervision, FDIC, 550 17th Street NW., Washington, D.C. 20429. Records stored in computerized files are maintained off premises on a contract basis with the National Association of Securities Dealers, 1735 L Street NW., Washington D.C. 20036.

Categories of individuals covered by the system:

Persons who are or seek to be municipal securities principals or municipal securities representatives associated with municipal securities dealers which are FDIC insured State banks, not members of the Federal Reserve System, or are a subsidiary, a department, or a division of such bank.

Categories of records in the system:

These records may contain identifying information as well as educational, employment, and disciplinary information, if any, and, where applicable, information regarding termination of employment of individuals covered by the system. Identifying information includes name, addresses, date and place of birth, and may include social security account number.

Authority for maintenance of the system:

Sections 15B, 23 and 32(a) of the Securities Exchange Act of 1934, as amended (15 U.S.C. § 78), and Section 2 of the Federal Reports Act of 1942 (44 U.S.C. § 3501).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Information in these records may be used: (1) To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to the appropriate governmental authority, whether Federal, State, local, or foreign, or a self-regulatory organization, as defined in Section 3(a)(26) of the Securities Exchange Act of 1934 (15 U.S.C. § 78c(a)(26)); (2) To refer, in the event of litigation, whether civil, criminal, or regulatory in nature, to the appropriate court, magistrate, or administrative law judge as evidence, or to counsel for the presentation of evidence and/or in the course of discovery; (3) To assist in any proceeding in which the Federal securities or banking laws are in issue or a proceeding involving the propriety of a disclosure of information contained in the information, in which the FDIC or one of its past or present employees is a party; (4) To disclose to a Federal, State, local, or foreign governmental authority or a self-regulatory organization if necessary in order to obtain information relevant to a Federal Deposit Insurance Corporation inquiry concerning a person who is or seeks to be associated with a municipal securities dealer described in *Categories of individuals covered by the system* as a municipal securities principal or representative; (5) To respond to a request from a Federal, State, local, or foreign governmental authority or a self-regulatory organization for information in connection with the issuance of a license or other benefit to the extent that such information is relevant and necessary; (6) To disclose to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual; (7) To disclose to a registered dealer, a registered broker or a registered municipal securities dealer that is a past or present employer of an individual that is the subject of a record, or to which such individual has applied for employment, for purposes of identity verification or for purposes of investigating the qualifications of the subject individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Records are maintained in file folders and on computer discs.

Retrievability:

Indexed by name.

Safeguards:

File folders are stored in locked metal cabinets and computer discs are accessed only by authorized personnel.

Retention and disposal:

Permanent retention with periodic review of contents of record and destruction of excess and dated information.

System manager and address:

Director, Division of Bank Supervision, FDIC, 550 17th Street, NW., Washington, D.C. 20429.

Notification procedure:

Executive Secretary, Records Unit, FDIC, 550 17th Street, NW., Washington, D.C. 20429. Inquirers must provide the full name, date, and place of birth of the inquirer. Inquirers may be required to include a notarized statement attesting to identity.

Record access procedures:

Same as *Notification* above.

Contesting records procedures:

Same as *Notification* above.

Record source categories:

Individuals on whom the records are maintained as well as municipal securities dealers described in *Categories of individuals covered by the system* and Federal, State, local, and foreign governmental authorities and self-regulatory agencies which regulate the securities industry.

System exempted from certain provisions of the Act:

None.

30-64-0017

System name:

Medical Records and Emergency Contact Information System—FDIC.

System location:

Health Unit, FDIC, 550 17th Street, N.W., Washington, D.C. 20429.

Categories of individuals covered by the system:

Medical records of the employee, including the date of visit to the Health Unit, the diagnosis, and the treatment administered. Attached to this record is a separate sheet containing the name and telephone number of the person to contact in the event of an emergency involving the employee.

Authority for maintenance of the system:

Sec. 9 of the Federal Deposit Insurance Act (12 U.S.C. § 1819); Sec. 506 of the Federal Records Act of 1950 (44 U.S.C. § 3101).

Routine uses of records maintained in the system, including categories of users and the purpose of such uses:

No disclosure (including intra-agency disclosure) of information contained in the medical files is made without the prior written consent of the employee concerned. In the event of an emergency, the emergency contact would be notified.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

On 8" x 10" cards with a separate emergency contact sheet attached to it.

Retrievability:

Indexed alphabetically by name.

Safeguards:

Kept in lockable metal cabinets in the nurses' office of the Health Unit. Only the nurse and substitute nurse are allowed access to the files. The Health Unit is locked whenever the nurse is absent.

Retention and disposal:

Kept for the duration of the employees tenure with the FDIC, and for 5 years thereafter, then destroyed.

System manager(s) and address:

Director, Office of Employee Relations, 550 17th Street, N.W., Washington, D.C. 20429.

Notification procedure:

Executive Secretary, Records Unit, FDIC, 550 17th Street, N.W., Washington, D.C. 20429.

Record access procedure:

Same as "Notification" above.

Contesting record procedures:

Same as "Notification" above.

Record source categories:

The medical records are compiled by the employee and the nurse during the course of visits to the Health Unit for treatment. The information on the emergency contact sheet is supplied by the employee.

Systems exempted from certain provision of the Act:

None.

APPENDIX A: FEDERAL DEPOSIT INSURANCE CORPORATION REGIONAL OFFICES

Atlanta Regional Office, FDIC, 2 Peachtree Street, N.W., Suite 3030, Atlanta, Georgia 30303.
Boston Regional Office, FDIC, 2 Center Plaza, Room 810, Boston, Massachusetts 02108.
Chicago Regional Office, FDIC, Sears Tower, 233 S. Wacker Drive, Suite 6116, Chicago, Illinois 60606.
Columbus Regional Office, FDIC, 37 West Broad Street, Suite 600, Columbus, Ohio 43215.
Dallas Regional Office, FDIC, 300 North Ervay Street, Suite 3300, Dallas, Texas 75201.
Madison Regional Office, FDIC, 1st Wisconsin Plaza, 1 South Pinckney Street, 8th Floor, Madison, Wisconsin 53703.
Memphis Regional Office, FDIC, 165 Madison Avenue, Suite 1010, Memphis, Tennessee 38103.
Minneapolis Regional Office, FDIC, 730 Second Avenue, South, Suite 266, Minneapolis, Minnesota 55402.
New York Regional Office, FDIC, 345 Park Avenue, 21st Floor, New York, New York 10022.
Omaha Regional Office, FDIC, 1700 Farnam Street, Suite 1200, Omaha, Nebraska 68102.
Philadelphia Regional Office, FDIC, 5 Penn Center Plaza, Suite 2901, Philadelphia, Pennsylvania 19103.
Richmond Regional Office, FDIC, 908 E. Main Street, Suite 435, Richmond, Virginia 23219.
St. Louis Regional Office, FDIC, 720 Olive Street, Suite 2009, St. Louis, Missouri 63101.
San Francisco Regional Office, FDIC, 44 Montgomery Street, Suite 3600, San Francisco, California 94104.

[FR Doc.77-10525 Filed 4-11-77;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. ER77-269]

CONNECTICUT LIGHT AND POWER CO.

Notice of Transmission Agreement

APRIL 6, 1977.

Take notice that on March 23, 1977, The Connecticut Light and Power Company (CL&P tendered for filing a proposed rate schedule with respect to Transmission Agreement dated March 1, 1977 between (1) CL&P, The Hartford Electric Light Company (HELCO) and Western Massachusetts Electric Company (WMECO) and (2) Middleton Light Department.

CL&P states that the Transmission Agreement provides for a transmission service to MLD during the period from March 1, 1977 to April 30, 1977.

CL&P also states that the transmission charge rate is a monthly rate equal to one-twelfth of the annual average cost of transmission service on the Northeast Utility system determined in accordance with Section 13.9 (Determination of Amount of Pool Transmission Facilities (PTF) Costs) of the New England Power Pool (NEPOOL) Agreement and the uniform rules adopted by the NEPOOL Executive Committee, multiplied by the number of kilowatts which MLD is entitled to receive.

CL&P requests an effective date of March 1, 1977 for the Transmission Agreement.

HELCO and WMECO have filed certificates of concurrence in this docket.

CL&P states that copies of this rate schedule have been mailed or delivered to CL&P, Hartford, Connecticut; HELCO, Hartford, Connecticut; WMECO, West Springfield, Massachusetts and MLD, Middleton, Massachusetts.

CL&P further states that the filing is in accordance with Section 35 of the Commission's Regulations.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedures (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 20, 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 proceedings. 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.77-10686 Filed 4-11-77;8:45 am]

[Docket No. ER77-273]

ILLINOIS POWER CO.

Notice of Tariff Change

APRIL 6, 1977.

Take notice that Illinois Power Company (Illinois) on March 30, 1977 tendered for filing proposed changes in the following of its FPC rate schedules:

Rate Schedule FPC No. 52, applicable to Clinton County Electric Cooperative, Inc.
Rate Schedule FPC No. 53, applicable to Corn Belt Electric Cooperative, Inc.
Rate Schedule FPC No. 54, applicable to Farmers Mutual Electric Co.
Rate Schedule FPC No. 55, applicable to Illinois Valley Electric Cooperative, Inc.
Rate Schedule FPC No. 56, applicable to McDonough Power Cooperative
Rate Schedule FPC No. 57, applicable to Monroe County Electric Cooperative, Inc.
Rate Schedule FPC No. 58, applicable to Southwestern Electric Cooperative, Inc.
Rate Schedule FPC No. 59, applicable to Tri-County Electric Cooperative, Inc.
Rate Schedule FPC No. 60, applicable to Western Illinois Power Cooperative, Inc.

Illinois indicates that the proposed changes would increase revenues from jurisdictional sales and service by approximately $2,490,000 based on the twelve month period ended August 31, 1976. Illinois also indicates that in addition, the proposed changes would replace the existing fuel price adjustment clause with a clause conforming to Section 35.14 of the Commission's Regulations.

Illinois states that with the present rates it earned a rate of return of only 4.89 percent on electric sales to these customers during the twelve months ended August 31, 1976 and that continuing increases in cost of capital, labor and materials and supplies are expected to further reduce the Company's earnings. Illinois states that the electric rate changes made by this filing are necessary to more fully provide compensation for these increasing costs. The Company proposes that the increased rates effective on June 1, 1977 as agreed to by the Company and each of its nine electric cooperative customers.

Copies of the filing were served upon the Company's electric cooperative ju-

risdictional customers, the Association of Illinois Electric Cooperatives, and the Illinois Commerce Commission, Springfield, Illinois.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., 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 should be filed on or before April 20, 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.77-10677 Filed 4-11-77;8:45 am]

[Docket No. ER77-237]

KANSAS GAS AND ELECTRIC CO.

Notice of Changes in Rates

APRIL 6, 1977.

Take notice that Kansas Gas and Electric Company (Kansas) on March 30, 1977 tendered for filing proposed changes in its Federal Power Commission Electric Service Tariff No. 101.

Kansas indicates that the filing is Service Schedule D, Interim Power Service which provides electric power and accompanying energy to be supplied June 1, 1977 through May 31, 1978 to Central Telephone and Utilities as a result of the installation of a specific 630 mW steam electric generating unit identified as La Cygne Unit No. 2. Kansas also indicates that it desires to sell 60 mW of capacity to Central Telephone and Utilities to reduce its excess reserves.

Copies of the filing were served upon Central Telephone and Utilities Corporation and the Utilities Division of the State Corporation Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with paragraph 1.8 and 1.10 of the Commission's rules and practice of procedure (18 CFR 1.8, 1.10). Such petitions or protests should be filed on or before April 20, 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.77-10685 Filed 4-11-77;8:45 am]

[Docket No. ES77-27]

MONTANA-DAKOTA UTILITIES CO.

Notice of Application

APRIL 5, 1977.

Take notice, that on March 28, 1977, Montana-Dakota Utilities Company (Applicant), a corporation organized under the laws of the State of Delaware and qualified to do business in the States of Minnesota, Montana, North Dakota, South Dakota and Wyoming, with its principal business office at Bismarck, North Dakota, filed an application with the Federal Power Commission, pursuant to Section 204 of the Federal Power Act, seeking an order authorizing the issuance of up to $30,000,000 of promissory notes that will be issued as ordinary unsecured promissory notes or as commercial paper (both forms of promissory notes being hereinafter sometimes referred to as the "Notes"). The Notes will be dated as of the respective dates of their issue, which will not be later than December 31, 1978, and in no event will any of such Notes be due later than December 31, 1979.

The notes issued as ordinary unsecured promissory notes will be issued to commercial banks and will bear interest at the best rate for bank loans available to comparable companies on the dates such notes are issued. Such notes issued directly to the purchasing commercial banks will be due not more than one year after the dates of their respective issue.

The notes issued in the form of commercial paper will bear interest at the prevailing commercial paper rates for Prime—1 companies. The notes issued in the form of commercial paper will be issued to A. G. Becker & Co., Inc. or other recognized investment bankers in an amount not exceeding $10,000,000 at any one time and will be issued at a discount which will not be in excess of the discount rate per annum prevailing at the dates of issuance for commercial paper of comparable quality and like maturities. Applicant proposes to sell commercial paper only so long as the discount which will not be in excess of such commercial paper does not exceed the equivalent cost of borrowings from commercial banks on the date of sales. The commercial paper will have varying maturities of not more than 270 days after the date of issue and will be issued and sold in varying denominations of not less than $50,000 and not more than $1,000,000.

The net proceeds from the issuance and sale of the Notes are to be used to provide temporary financing for part of tre cost of Applicant's 1977 and 1978 Construction Programs.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 22, 1977, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-10679 Filed 4-11-77;8:45 am]

[Docket No. ER77-271]

MONTAUP ELECTRIC CO.

Notice of Tariff Filing

APRIL 6, 1977.

Take notice that Montaup Electric Company, on March 29, 1977, tendered for filing (1) a contract between Montaup and the Templeton (Massachusetts) Municipal Lighting Plant for the sale of 1.1094 percent (1,400 kW) of the capability of Montaup's Somerset No. 6 unit to Templeton and (2) a service agreement providing for the transmission of the Templeton purchase across Montaup's system. Service under the rate schedules commenced on March 1, 1977 and will terminate on April 30, 1977.

Copies of the filing were served upon the Templeton Municipal Lighting Plant and the Massachusetts Department of Public Utilities.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 20, 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.77-10675 Filed 4-11-77;8:45 am]

[Docket No. CP74-296]

NATIONAL FUEL GAS SUPPLY CORP.

Notice of Petition To Amend and Application for Permission and Approval To Abandon

APRIL 5, 1977.

Take notice that on February 28, 1977, National Fuel Gas Supply Corporation (National Fuel), 308 Seneca Street, Oil City, Pennsylvania 16301, filed in Docket No. CP74-296 a petition to amend the Commission's order issued December 15, 1976, in said docket pursuant to section

7 of the Natural Gas Act so as to delete authorization for the operation of a tap and the transportation of gas authorized by said order and an application pursuant to section 7(b) of the Act for permission and approval to abandon said tap and related facilities, all as more fully set forth in the petition and application which are on file with the Commission and open to public inspection.[1]

National Fuel states that the certificate issued December 15, 1976, provided that it be accepted within thirty days and that that time was extended by notice of February 14, 1977. It is asserted that upon consideration of changed circumstances National Fuel has determined that it would not be appropriate to accept the certificate in its present form since the facts and circumstances upon which the original certificate application, as amended and supplemented, were premised have been substantially altered and certain of the facilities which were proposed as no longer required.

It is stated that the application, as amended, in this proceeding contemplated an exchange of gas with Peoples Natural Gas Company (Peoples) with the gas to be produced from present and future wells in the Kilgore area of Irwin Township, Venango County, Pennsylvania, and that the gas was to be gathered by Peoples from the production area and delivered to National Fuel at two points of receipt on the latter's line N in Mercer County, Pennsylvania, where National Fuel was to install two taps and related facilities at the two points on Line N. Peoples' share of the production was to be redelivered by National Fuel to Peoples at a point near Grove City in Mercer County, it is said.

It is indicated that the two proposed taps for Line N had been installed by operating personnel in the field and gas had begun flowing through Peoples' gathering lines and into Line N although no temporary authorization had been sought or obtained. It is asserted that such operating personnel were unaware of the necessity for National Fuel to receive appropriate Commission authorization.

It is further stated that on December 8, 1976, Peoples ceased delivering gas to National Fuel from three of the completed wells and began making deliveries of its own gas directly from those wells to Grove City through a line which Peoples itself had constructed and that as a result there has been no diversion of any interstate gas supply of National Fuel. National Fuel states that one of the points of receipt on its Line N, the northernmost point, is no longer necessary and that the redelivery of gas by National Fuel at Grove City is also no longer necessary; however, the other receipt point on Line N would still be utilized to receive gas from Peoples. Accordingly, it is stated that the southern-most receipt point is the only operation to which the certificate applies.

National Fuel proposes that it accept the only remaining applicable portion of the certificate and that National Fuel be permitted to abandon the northernmost Line N tap and related facilities since they are no longer required by the public convenience and necessity.

Alternatively, National Fuel proposes that the order of December 15, 1976, be amended (1) to delete the operation of the northernmost tap and related facilities on Line N; (2) to delete the transportation and redelivery of gas to Peoples near Grove City; and (3) to permit and approve the abandonment, if necessary, of the northernmost tap and its related facilities.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before April 25, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) 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.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-10674 Filed 4-11-77;8:45 am]

[Docket No. CP77-248]

NATURAL GAS PIPELINE CO. OF AMERICA

Notice of Application

APRIL 5, 1977.

Take notice on March 29, 1977, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP77-248 an application pursuant to Section 7(c) of the Natural Gas Act and Section 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 4,000 Mcf of natural gas per day for Lukens Steel Company (Lukens) all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to transport up to 4,000 Mcf of natural gas per day for 2 years for Lukens from the point of receipt in Gray County Texas,[1] from Transwestern Pipeline Company (Transwestern), and applicant would transport and redeliver said volumes to Columbia Gulf Transmission Company (Columbia Gulf) at the outlet of Texaco's Henry Plant in Vermillion Parish, Louisiana. It is stated that Columbia Gulf would transport and deliver said gas to Columbia Gas Transmission Corporation (Columbia Gas) for delivery to Columbia Gas of Pennsylvania, Inc., for ultimate redelivery to Lukens. Applicant asserts that no additional facilities are required to effectuate the proposed transportation services.

Applicant states that on February 22, 1977, it filed a telegraphic request for temporary certification in Docket No. CP77-248 and was granted temporary authorization pursuant to the Commission's order dated February 24, 1977, as modified on February 28, 1977, in the said docket.

It is stated that Lukens has purchased the subject gas from Sun Gas Company, a division of Sun Oil Company, and the gas is to be produced from the Haley Field, Winkler County, Texas. Applicant indicates that Lukens would purchase the subject gas from Sun Gas Company for $2.00 per million Btu's. It is further stated that Lukens would use the subject gas to replace curtailed volumes for Priority 2 industrial uses.

Applicant states that it would retain 15 percent of the volumes received for transportation as compensation for rendering the proposed transportation service and as make-up for compressor fuel and line loss.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 18, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) 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 Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time 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.

[1] The filing was styled a petition to allow partial acceptance of certificate or, in the alternative, motion for modification of order.

[1] Applicant states that the original point of delivery from Transwestern was at the outlet of the Bluitt Plant, in Roosevelt County, New Mexico, but due to operational difficulties, Transwestern was unable to utilize that point. It is stated that the Commission was informed on this change pursuant to a telegram sent by Transwestern.

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.77-10682 Filed 4-11-77;8:45 am]

[Project No. 178]

PACIFIC GAS AND ELECTRIC CO.

Notice of Issuance of Annual License(s)

APRIL 5, 1977.

On May 1, 1972, Pacific Gas and Electric Company, Licensee for the Kern Canyon Project No. 178, located in Kern County, California, on the Kern River, filed an application for a new license pursuant to the Federal Power Act and Commission Regulations thereunder.

The license for Project No. 178 was issued effective April 30, 1925, for a period ending April 29, 1975. Since expiration of the original license, the project has been maintained and operated under annual licenses, the most recent of which will expire on April 29, 1977. In order to authorize the continued operation and maintenance of the project, pending Commission action on Licensee's application, it is appropriate and in the public interest to issue an annual license to the Pacific Gas and Electric Company.

Take notice than an annual license is issued to the Pacific Gas and Electric Company for the period April 30, 1977, to April 29, 1978, or until Federal takeover, or until the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Kern Canyon Project No. 178 subject to the terms and conditions of the original license. Take further notice that if Federal takeover or issuance of a new license does not take place on or before April 29, 1978, a new annual license will be issued each year thereafter, effective April 30 of each year, until such time as Federal takeover takes place or a new license is issued, without further notice being given by the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-10680 Filed 4-11-77;8:45 am]

[Docket No. ID-1810]

ROBERT BROMAGE

Notice of Application

APRIL 6, 1977.

Take notice that on March 28, 1877, Robert S. Bromage, Vice President, Northeast Utilities Service Company, filed an application to hold the following positions:

Position	Name of corporation	Classification
Vice president	The Connecticut Light & Power Co.	Public utility.
Do	The Hartford Electric Light Co.	Do.
Do	Western Massachusetts Electric Co.	Do.
Do	Holyoke Water Power Co.	Do.
Do	Holyoke Power & Electric Co.	Do.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., 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 and protests should be filed on or before May 3, 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.77-10683 Filed 4-11-77;8:45 am]

[Docket No. G-4715]

SOUTHERN NATURAL GAS CO.

Notice of Tariff Filings

APRIL 6, 1977.

Take notice that on March 11, 1977, Southern Natural Gas Company (Southern) tendered for filing tariff sheets to its FPC Gas Tariff, Original Volume No. 2, consisting of the following:

First revised sheet No. 58; Sixth revised sheet No. 59; Fifth revised sheet No. 60; Sixth revised sheet No. 61; Sixth revised sheet No. 62; Third revised sheet No. 62A; Fourth revised sheet No. 63; Second revised sheet No. 64; Second revised sheet No. 65; Fourth revised sheet No. 66; Third revised sheet No. 67; Second revised sheet No. 68; First revised sheet No. 68A; First revised sheet No. 69; Original sheet Nos. 69A through 69J.

These tariff sheets constitute a revision to Southern's Rate Schedule X-8 which covers an exchange agreement between Southern and Tennessee Gas Pipeline Company, to be effective January 14, 1977, pursuant to the Commission's letter order in Docket No. G-4715.

Any person desiring to be heard or to make any protest with reference to said application, on or before April 22, 1977, should file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-10687 Filed 4-11-77;8:45 am]

[Docket No. CP77-311]

TEXAS EASTERN TRANSMISSION CORP.

Notice of Application

APRIL 5, 1977.

Take notice that on March 23, 1977, Texas Eastern Transmission Corporation (Applicant), P.O. Box 2521, Houston, Texas 77001, filed in Docket No. CP77-311 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas on an interruptible best effort basis, for South Jersey Gas Company (South Jersey), a resale customer of Transco, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to transport up to 225 dekatherms of natural gas per day from an existing interconnection in Newton County, Texas, for redelivery to Transcontinental Gas Pipe Line Corporation (Transco) at either existing point of interconnection in East Feliciana Parish or Beauregard Parish, Louisiana, for delivery to South Jersey. Applicant states that the proposed transportation services would be rendered pursuant to the proposed new Rate Schedule TS-2, and under the terms of the proposed rate schedule, Applicant would transport on an interruptible, best efforts basis, a maximum daily transportation quantity to be agreed upon by service agreement. Applicant further states that the transportation rate which it proposes to charge for transportation service under Rate Schedule TS-2 is an amount equal to its rate for deliveries in the particular zone at which the proposed delivery would be made, based on the 100 percent DCQ load factor level rate, less Applicant's purchased gas costs and fuel cost and is identical to its Rate Schedule TS. Applicant would reduce the delivery volumes of gas 3 percent to offset volumes it used in transporting the subject gas, and South Jersey would reimburse Applicant for any cost of construction that may be required to receive the gas supplies.

Applicant indicates that it would use its available pipeline capacity to render the proposed transportation service.

It is stated that South Jersey has purchased from South Jersey Exploration Company, its production affiliate, natural gas from the East Point Blue Field, Evangeline Parish, Louisiana to assist in alleviating the effect of Transco's curtailment. It is further stated that the proposed service would result in an immediate reduction of curtailments on South Jersey's system.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 25, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) 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 Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time 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.77-10681 Filed 4-11-77;8:45 am]

[Docket No. RI77-16]

TEXAS ENERGIES, INC.

Notice of Amended Application for Special Relief

APRIL 6, 1977.

Take notice that on March 29, 1977, Texas Energies, Inc. (Applicant), Suite 306, Bank of Southwest Building, Amarillo, Texas 79109, filed an amended application in the above-captioned docket which amends its application for special relief filed December 9, 1976.[1] Applicant requests a price of $1.07 per Mcf in lieu of the $1.25 per Mcf sought in its original application for gas sold to Panhandle Eastern Pipeline Company from the Holmes No. 1-21 Well, located in Section 21, Township 33 South, Range 29 West, Meade County, Texas, pursuant to § 2.76 of the Commission's general policy and interpretations (18 CFR 2.76).

Any person desiring to be heard or to make any protest with reference to said petition should on or before April 22, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Pratice and Procedures (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party 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.77-10678 Filed 4-11-77;8:45 am]

[Docket No. RI77-18]

TEXAS ENERGIES, INC.

Notice of Amended Application for Special Relief

APRIL 6, 1977.

Take notice that on March 29, 1977, Texas Energies, Inc. (Applicant), Suite 306, Bank of Southwest Building, Amarillo, Texas 79109, filed an amended application in the above-captioned docket which amends its application for special relief filed December 9, 1976.[1] Applicant requestts a price of 64¢ per Mcf in lieu of the 90¢ per Mcf sought in its original application for gas sold to Panhandle Eastern Pipeline Company from the Adams No. 1 Well, located in the Northeast quarter of Section 5, Township 35 South, Range 29 West, Meade County, Texas, pursuant to § 2.76 of the Commission's general policy and interpretations (18 CFR 2.76).

Any person desiring to be heard or to make any protest with reference to said petition should on or before April 22, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party 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.77-10676 Filed 4-11-77;8:45 am]

[1] Notice issued January 3, 1977. Published in the FEDERAL REGISTER.

[1] Notice issued January 3, 1977. Published in the FEDERAL REGISTER.

[Docket No. ID-1584]

ANTHONY E. WALLACE

Notice of Application

APRIL 6, 1977.

Take notice that on March 28, 1977, Anthony E. Wallace, Applicant, filed a supplemental application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Position	Name of corporation	Classification
Executive vice president.	The Connecticut Light & Power Co.	Public utility
Do	The Hartford Electric Light Co.	Do.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions and protests should be filed on or before May 3, 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.77-10684 Filed 4-11-77;8:45 am]

[Docket No. CP77-319]

CITIES SERVICE GAS CO.

Application

APRIL 5, 1977.

Take notice that on March 28, 1977, Cities Service Gas Company (Applicant), P.O. Box 25128, Oklahoma City, Oklahoma 73125, filed in Docket No. CP77-319 an application pursuant to Section 7 of the Natural Gas Act for permission and approval to abandon certain existing facilities on its transmission system and for a certificate of public convenience and necessity authorizing the construction and operation of natural gas pipeline facilities required as a result of the construction of the El Dorado Reservoir on the Walnut River in Butler County, and Kansas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it is required to rearrange its facilities because of the construction of the El Dorado Reservoir by the U.S. Army Corps of Engineers on the Walnut River. Applicant proposes to abandon and reclaim approximately 3.52 miles of gas pipeline consisting of (1) four parallel 12-inch pipeline loops each 0.15 miles long, (2) two parallel 16-inch pipeline loops each 1.08 miles long and (3) 2.29 miles of 20-inch pipeline and to construct and operate approximately

3.70 miles of 20-inch pipeline and appurtenant facilities. Applicant states that the proposed construction and abandonments are located on Applicant's Wichita-Ottawa natural gas pipeline in Butler County, Kansas.

Applicant indicates that the U.S. Army Corps of Engineers would reimburse it for all portions of this construction falling within the 50-year flood plain of the proposed reservoir and that approximately 2.69 miles of the proposed construction under this arrangement, requiring an expenditure of approximately $984,000, would be reimbursed. Applicant states that the remaining 1.01 miles of 20-inch pipeline, consisting of four isolated segments at high points above the flood plain, requiring expenditures of approximately $97,000, would be replaced at Applicant's expense with money from its treasury cash. This construction would result in one continuous 20-inch pipeline replacement 3.70 miles in length, it is said.

Applicant indicates that the proposed arrangement of facilities would allow it to maintain its transmission system and to continue to provide service to existing customers.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 25, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) 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 Power Commission by Section 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 and permission and approval for the proposed abandonment are 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.77-10658 Filed 4-11-77;8:45 am]

[Project No. 768]

CITY OF COLORADO SPRINGS, COLORADO

Order Granting Extension of Time to File Application for New License

APRIL 5, 1977.

On February 24, 1977, the City of Colorado Springs, Colorado, Department of Public Utilities, Licensee for the Ruxton Park-Manitou Springs Hydro Project No. 768, filed a motion for extension of time in which to make application for a new license. The current license for Project No. 768 expires on August 1, 1977.

Section 16.12 of our Regulations, 18 CFR § 16.12 (1976), requires a licensee for a minor or minor-part project to file an application for a new license no later than one year prior to the expiration of its license.[1] By letter dated June 24, 1976, the Licensee was reminded of the need to file its application for new license by August 1, 1976. By letter dated July 26, 1976, Licensee requested an extension of time to file its application. The Secretary in a letter dated September 13, 1976, requested the Licensee to submit a schedule for filing of its application. In a letter dated October 10, 1976, the Licensee requested a five-year extension of time from the date of expiration of the license in which to file its application. The Secretary informed the Licensee on February 1, 1977, that its request for extension of time did not conform to the Regulations and dismissed the request without prejudice. In response the Licensee filed a motion on February 24, 1977, requesting a one year extension of time from the date of the motion in which to file its application.

The Licensee asserts that the extension of time should be granted in order to prepare its application for new license because:

(1) It was not aware until the June 24, 1976, letter that it would have to apply for a major license and needs more time to comply with these requirements; and

(2) A detailed study would have to be performed to determine what facilities should be included in the application.

We believe that had the Licensee proceeded with the relicense preparation in a timely fashion, the causes for delay could have been overcome at an earlier date or possibly avoided altogether. We must conclude, however, that the Licensee has supplied sufficient cause for the granting of the extension of time.

The Commission finds: (1) The City of Colorado Springs, Colorado, has shown good cause why an extension of time for the filing of an application for a new license under Section 16.12 of our Regulations under the Federal Power Act should be granted.

(2) It is reasonable and in the public interest to extend such filing date to February 24, 1978.

The Commission orders: The time for filing of an application for a new license for Project No. 768 by the City of Colorado Springs, Colorado, is hereby extended to February 24, 1978.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-10654 Filed 4-11-77;8:45 am]

[1] The City of Colorado Springs was originally issued a minor-part license for the project. The Commission, however, no longer issues minor part licenses. Pacific Gas & Electric Company, 29 FPC 1265 (1963). The new application would be for a major project.

[Docket No. ER77-270]

CONNECTICUT LIGHT AND POWER CO.

Transmission Agreement

APRIL 5, 1977.

Take notice that on March 28, 1977, The Connecticut Light and Power Company (CL&P) tendered for filing a proposed rate schedule with respect to Transmission Agreement dated January 1, 1977, between (1) CL&P, The Hartford Electric Light Company (HELCO) and Western Massachusetts Electric Company (WMECO) and (2) Mansfield Municipal Electric Department (MMED).

CL&P states that the Transmission Agreement provides for a transmission service to MMED during the period from January 1, 1977 to October 31, 1977.

CL&P also states that the transmission charge rate is a monthly rate equal to one-twelfth of the annual average cost of transmission service on the Northeast Utility system determined in accordance with Section 13.9 (Determination of Amount of Pool Transmission Facilities (PTF) Costs of the New England Power Pool (NEPOOL) Agreement and the uniform rules adopted by the NEPOOL Executive Committee, multiplied by the number of kilowatts which MMED is entitled to receive.

CL&P requests an effective date of January 1, 1977 for the Transmission Agreement.

HELCO and WMECO have filed certificates of concurrence in this docket.

CL&P states that copies of this rate schedule have been mailed or delivered to CL&P, Hartford, Connecticut, HELCO, Hartford, Connecticut, WMECO, West Springfield, Massachusetts and MMED, Mansfield, Massachusetts.

CL&P further states that the filing is in accordance with Section 35 of the Commission's Regulations.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedures (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 20, 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

proceedings. 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.77-10659 Filed 4-11-77;8:45 am]

[Docket No. ER77-255]

GEORGIA POWER CO.

Tariff Change

APRIL 4, 1977.

Take notice that Georgia Power Company (Georgia Power), on March 25, 1977, tendered for filing Addendum No. 6 to Schedule A of its Interchange Agreement with Tennessee Valley Authority (TVA). Georgia Power's FPC Rate Schedule No. 704. Georgia Power states that these revisions cover routine changes in the monthly rental paid by TVA for facilities utilized to transmit TVA power to North Georgia Electric Membership Corporation.

Georgia Power states that the above changes, made pursuant to the Rate Schedule, reflect the fact that Georgia Power has established new delivery points, changed delivery voltages and replaced equipment at TVA's request.

Georgia Power states that copies of this filing have been served upon TVA.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., 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 should be filed on or before April 15, 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.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.77-10645 Filed 4-11-77;8:45 am]

[Docket No. ER77-264]

DETROIT EDISON CO.

Tariff Changes

APRIL 5, 1977.

Take notice that The Detroit Edison Company (DEC) on March 28, 1977, tendered for filing proposed changes in its FPC Electric Service Rate Schedules No. 2 (City of Croswell), No. 4 (Thumb Electric Cooperative), No. 5 (Consumers Power Company), No. 6 (Village of Clinton), No. 14 (Southeastern Michigan Rural Electric Cooperative), No. 18 (Village of Sebewaing), and No. 20 (Michigan Municipal Cooperative Power Pool). DEC requests that the proposed rates be made effective on May 1, 1977. DEC also requests that the proposed tariff be made effective May 1, 1977.

DEC states that the proposed changes would increase revenues from jurisdictional sales and service by $7,632,000 based on the twelve month period ending December 31, 1977.

DEC further states that it is essential that these increased revenues be made available to the Company on the proposed effective date or as close thereto as possible, in order to offset rapidly increasing costs which are resulting in deteriorating earnings to the Company from this class of service. DEC has not filed any rate increase applicable to its jurisdictional sales since February 28, 1975. Since that time, all costs including capital costs incurred by the Company have been subjected to the continuous impact of inflation and other factors making it essential to adjust the rates to meet these increased costs.

DEC also states that it is in the process of resuming construction programs which it was obliged to suspend or defer because of financial problems, and these additional requirements make it imperative that the Company maintain a more adequate earnings level in order to carry out its public service obligations.

With respect to the tariff filing, consisting of the Company's F.P.C. Electric Tariff, Original Volume No. 1, DEC says that, its purpose is to provide a convenient format for the Wholesales for Resale in interstate commerce rates and to standardize to the extent possible the provisions applicable to all of the rate schedules.

DEC also states that copies of the filing were served upon the public utility's jurisdictional customers and the Michigan Public Service Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). such All petitions or protests should be filed on or before April 20, 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 proceedings. 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.77-10653 Filed 4-11-77;8:45 am]

[Docket No. RP76-73]

DISTRIGAS OF MASSACHUSETTS CORP.

Proposed Substitute Tariff

APRIL 6, 1977.

Take notice that on March 30, 1977, Distrigas of Massachusetts Corporation (DOMAC) tendered for filing Substitute FPC Gas Tariff, Original Volume No. 1. According to DOMAC, the Substitute Tariff reflects a reduction of approximately $2,385,198 per year from the previously filed rates in this proceeding. DOMAC states that a final settlement agreement in this proceeding is expected to be filed in the near future.

DOMAC requests waiver of the applicable Commission regulations in order to permit the Substitute Tariff to become effective on April 1, 1977.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with 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 should be filed on or before April 28, 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.77-10637 Filed 4-11-77;8:45 am]

[Docket No. RP75-28]

EAST TENNESSEE NATURAL GAS CO.

Order Approving Settlement Proposal and Receiving in Evidence Late Filed Exhibit

APRIL 5, 1977.

On October 31, 1974, East Tennessee Natural Gas Company (East Tennessee), tendered for filing 26 tariff sheets as proposed changes in its FPC Gas Tariff Sixth Revised Volume No. 1.[1] The revised tariff sheet set forth a curtailment plan for East Tennessee's system and were filed pursuant to Commission Order No. 431 in Docket No. R-418 and pursuant to and in conformity with the Commission's Order No. 467-E in Docket No. R-469, as modified by Opinion No. 647-A, in that firm industrial requirements up to 300 Mcf are included within Priority 2 service. By order of November 27, 1974[2] the Commission, inter alia, suspended the tendered tariff sheets for one day to December 2, 1974, ordered formal hearings be convened on February 3, 1975, and granted interventions.

On January 30, 1975, the Secretary granted a motion to extend the hearing date until February 18, 1975. The hearing was convened on February 18, 1975, at which time a technical committee was established, whose purpose was, inter alia, to review the end-use date being

[1] Original Sheet Nos. 74A, 74B, 74C and 74D; First Revised Sheet Nos. 35, 40, 53, 58 and 62; Second Revised Sheet Nos. 6, 10, 13, 22, 46, 69, 70, 71, 72, 73, and 74; Fourth Revised Sheet Nos. 5, 9, 12, 23, and 27; Ninth Revised Sheet No. 4.

[2] Order Suspending Proposed Tariff Sheets, Setting Formal Hearing, Prescribing Procedures, and Granting Intervention.

utilized by East Tennessee in the implementation of its curtailment plan and to arrange said data on a uniform basis. The final report of the technical committee was filed on May 23, 1975 and was received in the record as Exhibit No. 1. At the hearing held on June 24, 1975 counsel for East Tennessee made a "Motion to Make Tariff Sheets Fully Effective and to Terminate Proceeding as Herein Requested". On June 26, 1975 Judge Levant pursuant to East Tennessee's aforementioned motion certified its request and the record compiled including Exhibit No. 1 [1] as a proposed settlement of the proceeding in Docket No. RP75-28. The certification of the proposed settlement to the Commission was supported by all parties appearing in the case, including the Commission Staff. Said certification was noticed publicly on July 17, 1975 and appeared in the FEDERAL REGISTER on July 24, 1975 (40 FR 31039).

East Tennessee has implemented the recommendations of the technical committee and is currently curtailing on that basis. There has been no opposition to the use of the plan nor has any party proposed any alternative.

On June 16, 1976, the Commission Staff filed a motion requesting the acceptance as a late filed exhibit, its Final Environmental Impact Statement (FEIS), for this proceeding. Without opposition the Presiding Administrative Law Judge received the FEIS and certified it to the Commission on July 2, 1976. Responses in support of Staff's FEIS and for the termination of the proceeding were filed by Chattanooga Gas Company, the East Tennessee Group, East Tennessee and Colonial Natural Gas Company. The purpose of the FEIS is to be an aid in the agency's own decision making process and to advise other agencies and the public of the environmental consequences of planned federal action. The Staff's FEIS appears to us to be a well reasoned statement and a valuable aid to our decision making and will therefore be accepted as an exhibit along with the accompanying affidavit of its author.

The Commission finds:

(1) Good cause exists for accepting a late filed exhibit Staff's FEIS and the accompanying affidavit of its author.

(2) The proposed settlement offer is consistent with the public interest.

(3) East Tennessee's June 24, 1975 motion should be granted.

The Commission orders:

(A) The settlement offer is hereby accepted.

(B) Staff's FEIS and the accompanying affidavit of its author are accepted as Late Filed Exhibit No. 2.

(C) East Tennessee's motion is granted and the instant proceedings are terminated.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-10652 Filed 4-11-77;8:45 am]

[1] Titled, Final Report of Technical Committee (May 23, 1975).

[Docket No. RI77-48]

ELMS BROTHERS AND CO.

Petition for Special Relief Pursuant to Section 2.76

APRIL 4, 1977.

Take notice that on March 23, 1977, Elms Brothers and Company, 234 E. Greene Street, Waynesburg, Pennsylvania, 15370 (Elms Brothers) filed a petition for special relief pursuant to Section 2.76 of the Commission's Statements of Policy and Procedure.

In its petition, Elms Brothers seeks an increase from a base rate of 41.27 cents per Mcf (57.27 cents with adjustments) to a total rate of $1.6988 per Mcf, all at 14.73 psia, for sales from the Clark and Van Kirk Wells in North Franklin Township, Washington County, Pennsylvania, pursuant to its base July 13, 1951, contract with Columbia Gas Transmission Corporation (Columbia). Elms Brothers also seeks an increase from a total rate of 29.5 cents per Mcf to $1.6988 per Mcf at 14.73 psia for natural gas sales made pursuant to its January 13, 1939, base contract with Columbia from the Scott Well located in Gray Township, Greene County, Pennsylvania. Finally, Elms Brothers seek an increase from 30 cents per Mcf to $1.6988 per Mcf at 14.73 psia for sales of natural gas to Equitable Gas Company from the Sardini Well located in the Borough of Clarksville, Green County, Pennsylvania pursuant to an unspecified contract. Each rate is proposed to be effective as of April 1, 1977. Elms Brothers were granted a small producer's certificate in Docket No. CS76-1115 issued on December 28, 1976.

Elms Brothers aver that it has already incurred additional investment of $2,113 in a new motor and pump jack on the Washington County wells and plans $4,000 more investment this summer in order to drill out cavings and clean out the Scott Well.

Any person desiring to be heard or to make any protest with reference to said petition should on or before April 25, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to the proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.77-10642 Filed 4-11-77;8:45 am]

[Docket No. ER77-200]

GULF STATES UTILITIES CO.

Filing of Revised Fuel Adjustment Clause

APRIL 6, 1977.

Take notice that on March 21, 1977 Gulf States Utilities Company tendered for filing a revised Fuel Adjustment Clause for Rate Schedule FPC No. 121 (Rate LRS), FPC Docket No. ER76-815.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8, 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 April 20, 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.77-10633 Filed 4-11-77;8:45 am]

[Docket No. ER77-265]

INDIANA & MICHIGAN ELECTRIC CO.

Changes in Rates and Charges

APRIL 4, 1977.

Take notice that American Electric Power Service Corporation (AEP) on March 28, 1977, tendered for filing on behalf of its affiliate, Indiana & Michigan Electric Company (Indiana Company), Modification No. 11 dated February 1, 1977 to the Interconnection Agreement dated November 1, 1961 between Indiana & Michigan Electric Company and Northern Indiana Public Service Company, designated I&M's Rate Schedule FPC No. 22.

AEP indicates that Section 1 of Modification No. 11 provides for an increase in the Demand Charge for Short Term Power from $0.50 to $0.60 per kilowatt per week and Section 2 provides for an increase in the transmission charge for third party Short Term Power transac-

tions from $0.125 per kilowatt per week to $0.15 per kilowatt per week, proposed to become effective May 1, 1977. AEP also indicates that since the use of Short Term Power cannot be accurately estimated, it is impossible to estimate the increase in revenues resulting from this Modification for such period. AEP states that Exhibit I which is included with the filing of this modification, demonstrates that the increase in revenues, which would have resulted had the modification been in effect during the twelve month period ending December 1976, would have been $35,000 (i.e. from $678,613.00 to $713,613.00).

Copies of the filing were served upon Northern Indiana Public Service Company, the Public Service Commission of Indiana and the Michigan Public Service Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with 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 should be filed on or before April 20, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken. 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.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.77-10650 Filed 4-11-77;8:45 am]

[Docket No. RI77-40]

L. A. WAINWRIGHT

Petition for Special Relief

APRIL 4, 1977.

Take notice that on February 22, 1977, Mr. L. A. Wainwright, 242 Esperson Building, Houston, Texas 77002 (Wainwright), filed a petition for special relief seeking an increase in rate for natural gas sales from the Pickens-Wainwright Matilda Jacob lease, West Mission Valley Field, Goliad County, Texas, Texas Railroad Commission District No. 2, being made to Transcontinental Gas Pipe Line Corporation. Wainwright, who owns a one-half interest in the lease, seeks an increase from a base rate of 35 cents per Mcf (41 cents with additives) to approximately 88 cents per Mcf. Wainwright avers, that without an increase in rate, expenses will exceed income in the near future and the one producing well will have to be abandoned.

Any person desiring to be heard or to make any protest with reference to said petition should on or before April 22, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party 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.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.77-10641 Filed 4-11-77;8:45 am]

[Docket No. ER76-209]

METROPOLITAN EDISON CO.

Order Approving Settlement

APRIL 5, 1977.

On October 31, 1975, Metropolitan Edison Company (Met-Ed) submitted for filing increased rates for its all requirements wholesale tariff service[1] and for partial-requirements and wheeling service to Allegheny Electric Cooperative.

By order issued November 25, 1975, the Commission accepted and suspended the proposed rate increase to become effective subject to refund on January 1, 1976. On January 28, 1976, the Company submitted for filing in Docket No. ER76-492 additional tariff sheets to provide a temporary surcharge to recover fuel costs incurred during the last four months of 1975. By order issued February 27, 1976, the Commission permitted the temporary surcharge to become effective on February 29, 1976, subject to refund, and consolidated it with the rate increase proceeding pending in Docket No. ER76-209.

As a result of informal settlement conferences between the parties, an uncontested settlement agreement was reached with respect to the rate filing in Docket No. ER76-209, which was certified to the Commission to the Presiding Administrative Law Judge on November 22, 1976. The settlement agreement does not resolve the surcharge issue in Docket No. ER76-492.[2]

Public notice of the settlement was issued on December 2, 1976, with responses due on or before December 15. On December 8, 1976, staff filed comments indicating that the rate proposed in the agreement represents a reasonable resolution of all issues presented in Docket No. ER76-209. No other responses were received.

Based on our review of the record in these proceedings, including the settlement agreement itself, we conclude that the settlement agreement represents a reasonable resolution of the issues in the proceeding in the public interest, and that accordingly the settlement should be approved.

The Commission finds:

The proposed settlement agreement should be approved and made effective as hereinafter ordered and conditioned.

The Commission orders:

(A) The settlement agreement certified to the Commission by the Presiding Administrative Law Judge in these proceedings is hereby accepted, incorporated herein by reference and approved subject to the following conditions.

(B) Met-Ed shall file within 30 days of the issuance of this order revised tariff sheets in conformance with the settlement agreement.

(C) Within 30 days after the settlement tariff sheets are accepted for filing, Met-Ed shall refund amounts collected in excess of the settlement rates with interest computed at 9% per annum.

(D) Within 15 days after refunds have been made, Met-Ed shall file with the Commission a compliance report showing monthly billing determinants and revenues under prior, present and settlement rates; the monthly rate refund; and the monthly interest computation together with a summary of such information for the total refund period. A copy of such report shall also be furnished to each State Commission within whose jurisdiction the wholesale customers distribute and sell electric energy at retail.

(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 Met-Ed or any person or party.

(F) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-10656 Filed 4-11-77;8:45 am]

[Docket No. ES77-28]

MINNESOTA POWER & LIGHT CO.

Application

APRIL 4, 1977.

Take notice that on March 28, 1977, Minnesota Power & Light Company (Applicant) filed an application pursuant to Section 203 of the Federal Power Act seeking authority to acquire 15,000 shares of Common Stock ($100 Par Value) of its subsidiary, Superior Water, Light and Power Company (Subsidiary). Applicant proposes to purchase such shares of stock for an aggregate cash amount of $1,500,000.

Applicant is incorporated under the laws of Minnesota with its principal business office at Duluth, Minnesota, and is

[1] Customers affected are: Hershey Electric Company, and the Boroughs of Kutztown, Goldsboro, Lewisberry and Royalton, Pennsylvania.

[2] Hearings have been held on the proposed fuel surcharge in Docket No. ER76-492 and an Initial Decision was issued by the Presiding Administrative Law Judge on February 15, 1977, disallowing the surcharge.

engaged in the electric utility business in the State of Minnesota.

The Subsidiary is incorporated under the laws of Wisconsin with its principal business office at Superior, Wisconsin, and supplies electric, gas and water service in Superior, Wisconsin and the area immediately adjacent thereto. All of the outstanding stock of Subsidiary is presently owned by Applicant.

Applicant and Subsidiary interchange electric energy with each other under an interchange agreement.

Applicant seeks approval to acquire the 15,000 shares of Common Stock of Subsidiary to finance, in part, expenditures made by Subsidiary in order to provide additional electric facilities and to repay a $775,000 note to Applicant which was incurred in connection with Subsidiary's 1976 construction program.

Any person desiring to be heard or to make any protest with reference to said application should, on or before April 21, 1977, file with the Federal Power Commission, Washington, D.C. 20426 petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be 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. The application is on file with the Commission and is available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.77-10648 Filed 4-11-77;8:45 am]

[Docket No. ER77-272]

MONTAUP ELECTRIC CO.

Tariff Filing

APRIL 4, 1977.

Take notice that Montaup Electric Company, on March 29, 1977, tendered for filing (1) a contract between Montaup and the Town of North Attleboro, Massachusetts for the sale of 1.5055 percent (1,900 kW) of the capability of Montaup's Somerset No. 6 unit to the North Attleboro Electric Department and (2) a transmission rate providing for the transmission of the North Attleboro purchase across Montaup's system. Service under the two rate schedules commenced on March 1, 1977 and will terminate on April 30, 1977.

Copies of the filing were served upon the North Attleboro Electric Department and the Massachusetts Department of Public Utilities.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 20, 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.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.77-10640 Filed 4-11-77;8:45 am]

[Docket No. RI77-44]

NADEL AND GUSSMAN

Petition for Special Relief

APRIL 6, 1977.

Take notice that on March 18, 1977, Nadel and Gussman (Petitioner), 3232 First National Tower, Tulsa, Oklahoma 74103, filed in Docket No. RI77-44 a petition for special relief pursuant to Section 2.76 of the Commission's General Policy and Interpretations (18 CFR § 2.76). Petitioner seeks an increase in its base rate from 45.015 cents per Mcf to 79 cents per Mcf for the sale of natural gas to Northern Natural Gas Company from the Kearns No. 1 Well, Edwards County, Kansas. Petitioner states that it is unable to continue operating the well at the current price.

Any person desiring to be heard or to make any protest with reference to said petition should on or before April 26, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party 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.77-10634 Filed 4-11-77;8:45 am]

[Docket No. CP77-320]

NATURAL GAS PIPELINE COMPANY OF AMERICA, ET AL.

Application

APRIL 5, 1977.

Take notice that on March 28, 1977, Natural Gas Pipeline Company of America, 122 South Michigan Avenue, Chicago, Illinois 60603, Michigan Wisconsin Pipe Line Company, One Woodward Avenue, Detroit, Michigan 48226, Transcontinental Gas Pipe Line Corporation, 2700 South Post Oak Road, Houston, Texas 77001, and United Gas Pipe Line Company, 700 Milam Street, Houston, Texas 77001 (Applicants), filed in Docket No. CP77-320 a joint application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of pipeline and related facilities necessary to connect gas supplies located in High Island Area Block A-330, Offshore Texas, to a point of interconnection with High Island Offshore System (HIOS) facilities on a platform owned by HIOS also located in Block A-330, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The application states that the facilities necessary to attach the gas from producers' platform in Block A-330 to the HIOS platform in Block A-330 are 1.47 miles of 20-inch gathering line and other appurtenant facilities. Applicants estimate that the total cost of such facilities will be approximately $3,514,000.

Any person desiring to be heard or to make any protest with reference to said application, on or before April 25, 1977, should file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time 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.77-10651 Filed 4-11-77;8:45 am]

[Docket No. E-9306]

NEVADA POWER CO.

Order Denying Application for Rehearing

APRIL 5, 1977.

On March 3, 1975, Nevada Power Company (Nevada) tendered for filing a notice of cancellation of wholesale service

to California-Pacific Utilities Company (Cal-Pac) at Henderson, Nevada, to become effective as of June 1, 1975. In its notice of cancellation, Nevada stated that the reason for termination is its inability to attract capital to support its sales to Cal-Pac at Henderson.

Notice of the March 3, 1975, filing was issued on March 18, 1975, with comments, protests, or petitions to intervene due on or before May 1, 1975. Subsequently, Cal-Pac filed a motion to intervene within the prescribed period. Cal-Pac resisted the notice of cancellation of service at Henderson, Nevada and moved that Nevada's tendered filing of March 18, 1975, be rejected for not conforming with the terms of Section 35.15 of the Commission's Regulations under the Federal Power Act.

The Initial Decision of Administrative Law Judge Curtis L. Wagner, Jr., in Docket E-9306, rendered December 15, 1976, permits Nevada to terminate service to Cal-Pac.

On January 21, 1977, ElectriCities of North Carolina (ElectricCities) filed its Petition to Intervene Out of Time and Moton to File Brief on Exceptions. ElectriCities is an unincorporated association whose members are representative of all municipalities in North Carolina which, within and within the vicinity of their municipal boundaries, own and operate their own electric systems serving their citizens and customers. These municipalities purchase electric power and energy at wholesale from utilities subject to the FPC's jurisdiction and resell such power and energy at retail to their own citizens and customers including, in a few instances, other municipalities. ElectriCities and their member municipal systems depend upon the private investor-owned systems for the bulk of their power supply and anticipate a continuing relationship in this regard. In our order issued February 9, 1977, we found that good cause did not exist to permit intervention out of time, but we accepted its Brief on Exceptions as Amicus Curiae.

In our order issued February 9, 1977, we found that under Section 1.8(b) (2) of the Commission's Rules of Practice and Procedure, ElectriCities has no direct economic interest in this proceeding and that any indirect interest is adequately represented by Cal-Pac, the wholesale customer. Petitioners are neither customers, suppliers, competitors nor shareholders of either Nevada Power or Cal-Pac. We relied upon the Commission's statement in *Permian Basin Area Rate Proceeding*, 26 FPC 193, 194 (1961), that "petitioners' desire to participate in shaping precedents does not afford a basis for intervention, either as of right or of our discretion."

When petitioners have an interest in the possible precedential effects of a decision, the Commission provides the vehicle of submitting Briefs on Exceptions as amici curiae to ventilate their views. (See *Permian Basin Area Rate Proceeding*, 32 FPC 1382.) By order issued February 9, 1977, we accepted ElectriCities' Brief on Exceptions as Amicus Curiae.

On March 11, 1977, ElectriCities applied for rehearing requesting that the Commission permit them to intervene with the rights of a party. We do not find good cause to grant rehearing. No new matters have arisen since the hearing and decision or by reason of a consequence that would result from compliance with the decision. Our findings as expressed in our February 9, 1977 order control the argument proffered as support for ElectriCities application for rehearing.

The Commission finds:

Good cause does not exist to grant ElectriCities' application for rehearing.

The Commission orders:

(A) The Application for Rehearing of ElectriCities of North Carolina is denied.

(B) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-10655 Filed 4-11-77;8:45 am]

[Docket No. ER77-268]

NIAGARA MOHAWK POWER CORP.

Tariff Filing

APRIL 4, 1977.

Take notice that Niagara Mohawk Power Corporation, on March 28, 1977, tendered for filing proposed changes in Service Classification G-1 of its Export Rate Schedule FPC No. 4. Niagara indicates that the proposed changes would increase revenues from jurisdictional sales and service by $6,645 based on the 12 month period ending February 11, 1977.

Niagara also indicates that the increase is necessary to make the charges contained in Service Classification G-1 comparable to Niagara's other rates charged to customers who have requirements of the magnitude similar to those served by this tariff.

Copies of the filing have been served upon the Quebec Hydro-Electric Commission, the only customer presently served under this tariff.

Any person desiring to be heard or to protest said application shall file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with paragraphs 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 April 20, 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.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.77-10643 Filed 4-11-77;8:45 am]

[Docket ER77-261]

NORTHERN STATES POWER CO.

Agreement With Wisconsin Electric Power Company

APRIL 4, 1977.

Take notice that Northern States Power Company, on March 25, 1977, tendered for filing an Agreement, dated June 13, 1975, with Wisconsin Electric Power Company.

Northern States indicates that the Agreement provides for the purchase of capacity and associated energy by Wisconsin Electric Power Company for the period May 1, 1977, through April 30, 1978.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions and protests should be filed on or before April 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 application are on file with the Commission and are available for public inspection.

LOIS D. CASHWELL,
Acting Secretary.

[FR Doc.77-10647 Filed 4-11-77;8:45 am]

[Docket No. CP77-321]

SOUTHERN NATURAL GAS CO.

Application

APRIL 5, 1977.

Take notice that on March 29, 1977, Southern Natural Gas Company (Applicant), P.O. Box 2563, Birmingham, Alabama 35202, filed in Docket No. CP77-321 an application pursuant to Section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of up to 3,000 Mcf of natural gas per day on a best efforts basis for Transcontinental Gas Pipe Line Corporation (Transco), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to transport 3,000 Mcf of natural gas per day at 15.025 psia for Transco from the inlet side of its meter located at its Fish Island Receiving Station, Iberia Parish, Louisiana, and would transport and deliver or cause to be delivered an equivalent volume of gas, less 3 percent for fuel and company used and unaccounted for volumes and adjusted for differences in Btu content, to an existing point of interconnection between the respective systems of Applicant and Transco near Jonesboro, Georgia. Applicant indicates that it would utilize its existing pipeline facilites to render the proposed transporaton services.

It is stated that Transco has purchased certain gas production from a well located in the Loisel Area, Iberia Parish, Louisiana, and is obligated to transport certain other gas production from the well as agent and representative for the owners of certain working interests therein.

Applicant states that the proposed service is subject to partial or total interruption from time to time and for such periods as Applicant deems its operating conditions require.

It is stated that pursuant to a transportation agreement dated January 25, 1977, Transco would pay Applicant during each month a transportation charge as follows:

(1) A Demand Charge: Fixed amount per month for the operation and maintenance of metering facilities at the Delivery Point, $90.00.

(2) A Commodity Charge: Per 1,000 cubic feet at 14.73 psia of gas redelivered at the Redelivery Point, 29.2 cents.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 25, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Pratice 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 Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time 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.77-10651 Filed 4-11-77;8:45 am]

[Docket No. CP76-462, etc.]

SOUTHERN UNION GAS CO., ET AL.

Order Amending Prior Order, Granting Petitions To Intervene and Consolidating Proceedings

APRIL 6, 1977.

Southern Union Gas Company, Applicant v. Cities Service Gas Company, Respondent, Docket No. CP76-462; Southern Union Gas Company, Applicant v. Northern Natural Gas Company, Respondent, Docket No. CP77-77; Western Gas Interstate Company, Docket No. CP77-220.

On August 2, 1976, and December 2, 1976, Southern Union Gas Company (Southern Union) filed in Docket Nos. CP76-462 and CP77-77, respectively, applications pursuant to Section 7(a) of the Natural Gas Act for orders of the Commission directing Cities Service Gas Company (Cities Service) and Northern Natural Gas Company (Northern), respectively, to sell and deliver certain volumes of natural gas to Southern Union for resale. By order issued January 28, 1977, the Commission set for hearing and consolidated these two proceedings, granted certain petitions to intervene, and directed Western Gas Interstate Company (Western)[1] to file an application for authorization to provide a transportation service related to Cities Service's sale of gas to Southern Union.

In the January 28, 1977, order we noted that in spite of the Commission's order (50 FPC 676 (1973)) limiting service by Cities Service to Southern Union's "irrigation and other farm use", a rearrangement of Southern Union's facilities allowed Cities Service's gas to be commingled with Southern Union's other gas supplies for its general system use. The rearrangement was made allegedly without the prior approval or knowledge of Cities Service. Based on information in the pleadings it appears, further, that, notwithstanding any question of the particular use to which Southern Union puts its gas, receipts from both Cities Service and Northern appear to have exceeded maximum annual contract entitlements and the maximums authorized by Commission certificate.[2] The result, of course, is that deliveries of gas by Cities Service and/or Northern may be inconsistent with the respective underlying certificates. Moreover, as we said in the January 28, 1977, order:

> As a result of Southern Union's interconnection of the irrigation facilities with its integrated distribution system, Western transports a portion of the Cities Service gas to various communities served by Southern Union and may thereby render a jurisdictional transportation service. [mimeo p. 7]

Since Western is without certificate authority to render the transportation service we further noted that such service may constitute a violation of the Natural Gas Act.

As is evident from the foregoing, the instant proceedings have raised questions of Natural Gas Act violations which cannot be ignored. Although the context of the instant proceedings involves applications pursuant to Section 7, such proceedings, nevertheless, offer a proper forum in which to determine whether violations have occurred. We direct the Presiding Administrative Law Judge to do so. In that regard testimony should be filed by the appropriate parties addressing their respective roles in the matters of possible violations previously discussed.

In compliance with our directive in the January 28, 1977, order, Western filed on February 11, 1977, in Docket No. CP77-220, an application for a certificate authorizing the continued use of certain facilities and the continued transportation and delivery of natural gas in interstate commerce. In its application Western states that as a result of a rearrangement of Southern Union's and Western's facilities by Southern Union personnel, gas purchased from Cities Service is introduced into Western's East Mainline System and is transported and delivered by Western as required for Southern Union's distribution purposes. Western is presently rendering this service without certificate authorization and so requests a temporary certificate pending resolution of this proceeding. In such circumstances, we are inclined to grant the requested temporary certificate but, we hasten to add, without prejudice to the ultimate disposition of the subject proceedings. We should also caution that the grant of such temporary certification in no way relieves Western of its obligation to address the matter of its prior rendering of a jurisdictional service without Commission authorization.

In a supplementary filing Western has submitted a Gas Transportation Agreement between Western and Southern Union, dated February 10, 1977. This agreement was submitted, pursuant to Section 154.52 of the Commission's Regulations, as an initial rate schedule proposed to govern the charges for Western's transportation service for Southern Union. By the terms of the agreement Western proposes to charge Southern Union a rate of 7.12 cents per Mcf delivered. The 7.12 cents per Mcf is said to be the difference between Western's average purchased gas costs of 32.38 cents per Mcf of its Northern Division and its sales rate of 39.5 cents per Mcf under its Rate Schedule G-N, approved by Commission order of January 13, 1975, in Docket No. RP74-85. However, in its most recently approved change in Rate Schedule G-N,[3] Western showed an average purchased gas cost of 56.88 cents and a sales rate of 66.08 cents per Mcf, resulting in a transmission component of

[1] Western and Southern Union are affiliates, both being subsidiaries of Southern Union Company.

[2] See 50 FPC 676 (1973) and 48 FPC 1523 (1972).

[3] Accepted for filing on September 24, 1976.

9.20 cents per Mcf. Western provides no explanation as to why these updated figures were not used in determining its proposed rate. The subject should be addressed in the scheduled hearing.

After due notice of the application in Docket No. CP77-220 by publication in the FEDERAL REGISTER on March 8, 1977 (42 FR 13059), Cities Service filed a petition to intervene. No other petitions to intervene, notices of intervention or protests to the granting of the application in Docket No. CP77-220 have been filed.

Because the gas for which Western seeks transportation authority would be supplied under authorization granted pursuant to Southern Union's application in Docket No. CP76-462, Western's application in Docket No. CP77-220 should be consolidated with Southern Union's application for hearing and disposition. To the extent that anything in this order gives rise to the need for additional testimony not previously contemplated and thereby causing conflict with the procedural schedule heretofore established by the Presiding Judge in Docket No. CP76-462, et al., we direct that schedule to be amended accordingly.

While the substance of all pleadings in Docket Nos. CP76-462 and CP77-77 was considered in advance of issuance of the January 28, 1977, order, specific mention of certain petitions to intervene in those proceedings was inadvertently omitted from that order. The State of Oklahoma (Oklahoma) and Texas County Irrigation and Water Resources Association and Beaver County Irrigation Association (Texas County, et al.) filed petitions to intervene in Docket No. CP76-462, and North Central Public Service Co., Division of Donovan Companies, Inc. (North Central), and Iowa Power and Light Company (Iowa Power) filed petitions to intervene in Docket No. CP77-77. Of the foregoing petitions only that of North Central was timely filed. Subsequent to the January 28, 1977, order Iowa Public Service Company filed a tardy petition to intervene in Docket No. CP77-77.

The Commission finds:

(1) Due to the interrelation of the proceedings in Docket Nos. CP77-220 and CP76-462, et al., they should be consolidated for hearing and disposition.

(2) The pleadings in this consolidated proceeding have given rise to certain questions of violation of the Natural Gas Act.

(3) Absent temporary authorization Western would be obligated to discontinue the transportation service proposed to be continued in Docket No. CP77-220, which cessation would create an emergency within the meaning of the Natural Gas Act.

(4) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the provisions of Section 154.22 of the Commission's Regulations (18 CFR 157.22) be waived to permit the filing of the Gas Transportation Agreement dated February 10, 1977, submitted by Western in Docket No. CP77-220 and that said agreement be accepted for filing.

(5) Participation by the above-named petitioners may be in the public interest and will not delay the subject proceeding.

(6) Good cause, as defined in Section 1.8(d) of the Commission's Rules of Practice and Procedure, exists, to permit the filing of the late petitions to intervene.

The Commission orders:

(A) The proceeding in Docket No. CP77-220 is consolidated for disposition with the proceeding in Docket No. CP76-462, et al. heretofore set for hearing by the January 28, 1977, order.

(B) The applicants and respondents in this proceeding are directed to address in testimony their respective roles relative to the questions of Natural Gas Act violations hereinbefore discussed.

(C) A temporary certificate of public convenience and necessity is issued to Western in Docket No. CP77-220 authorizing the continued transportation of natural gas in interstate commerce and operation of certain facilities therefor, as hereinbefore described and more fully described in the application in Docket No. CP77-220. The temporary authorization granted herein is without prejudice to the ultimate findings of fact and disposition of Western's application as the record may require.

(D) The Gas Transportation Agreement dated February 10, 1977, submitted by Western in Docket No. CP77-220 is accepted for filing effective the date of this order and is designated as Rate Schedule T-1 to Western's FPC Gas Tariff original volume No. 2.

(E) The above-mentioned petitioners are permitted to intervene subject to the Rules and Regulations of the Commission: *Provided, however,* That the participation of such interveners shall be limited to matters affecting asserted rights and interests as specifically set forth in their petitions for leave to intervene; *Provided, further,* That the admission of such interveners shall not be construed as recognition by the Commission that they might be aggrieved because of any order of the Commission entered in this proceeding; and *Provided, further,* That said participation by such interveners shall be conditioned upon acceptance of the record in this proceeding as it now stands.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-10638 Filed 4-11-77;8:45 am]

[Docket No. C177-298]

TENNECO INC.

Supplemental Order

APRIL 4, 1977.

On March 8, 1977, the Commission issued an order instituting an investigation into the matters raised in a pleading filed on February 28, 1977 by Tenneco Inc. (Tenneco). Tenneco requested in the pleading that the Commission issue a declaratory order to resolve uncertainties as to whether the necessary authority had been obtained under the Natural Gas Act in connection with release of natural gas from acreage or reservoirs under contract to Tennessee Gas Pipeline Company (Tennessee), a division of Tenneco, for sale by independent producers to Channel Industries Gas Company (Channel), an intrastate pipeline which is a subsidiary of Tenneco.

On March 18, 1977, Tenneco filed a supplement to its February 28, 1977, petition providing additional information on certain fields already mentioned as well as information on additional fields which previously have not been discussed.

With regard to the fields previously mentioned, Tenneco notes that the following additional producers are involved: (1) Rio Bravo Oil Company (now Bravo) in the Edinburg Field, Hidalgo County, Texas, (2) Monsanto Company, Continental Oil Company, Shell Oil Company and Kirby Oil Company in the Chesterville Field, Colorado County, Texas, and (3) Clinton Oil Company and Peninsula Exploration Company in the Riverside-O'Neil Field.

Tenneco also identifies the following additional fields: (1) Bay City Field, Matagorda County, Texas (sales by Getty Oil Company), (2) Brayton Field, Nueces County, Texas (sales by Puenticitas Oil Company, J. C. Storm, South Texas Oil and Gas and Forest Oil Corporation), (3) Cold Springs Field, San Jacinto County, Texas (sales by Continental Oil Co.), (4) North Garwood Field, Colorado County, Texas (sales by Marathon Oil Co., Neil E. Hanson and Goldking Properties Company), and (5) Stratton-Agua Dulce Field, Jim Wells, Kleburg and Nueces Counties, Texas (sales by Champlin Petroleum Company).

The matters raised in Tenneco's March 28, 1977, supplemental petition are properly part of the investigation instituted in the March 8, 1977, order issued in this docket. We shall require the additional affected producers to respond to all the issues raised in Tenneco's supplemental petition.

The Commission finds:

The matters raised in Tenneco's March 18, 1977, supplemental petition should be included in the investigation instituted by the Commission's March 8, 1977, order issued in this docket.

The Commission orders:

(A) On or before April 27, 1977, the affected producers are directed to file responses to all the issues raised in Tenneco's March 18, 1977, supplemental petition.

(B) Notices of intervention and petitions to intervene in this proceeding may be filed with the Federal Power Commission, Washington, D.C. 20426, on or before April 27, 1977, in accordance with the Commission's Rules of Practice and Procedure. Parties who have already filed such notices or petitions in response to the March 8, 1977, order need not again file for intervention in this proceeding.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.77-10649 Filed 4-11-77;8:45 am]

[Docket Nos. CP 75-117 etc.]

TEXAS GAS TRANSMISSION CORP., ET AL.

Order Reopening Proceedings

APRIL 4, 1977.

Texas Gas Transmission Corporation, Corporation, Michigan Wisconsin Pipe Line Company, U-T Offshore System, Transcontinental Gas Pipeline Company of America, United Gas Pipe Line Company; Docket Nos. CP75-117, CP75-125, CP76-118, CP76-122, CP76-320, CP76-471.

U-T Offshore System (U-T) on February 14, 1977, filed an application for rehearing of the Commission's order issued January 13, 1977, granting certificates of public convenience and necessity to six applicants for facilities related to the project of High Island Offshore System (HIOS).[1] One of the projects was proposed by U-T for the construction and operation of facilities which would connect with HIOS and extend from West Cameron Block 167, Offshore Louisiana, nearly 30 miles to a point of interconnection with existing onshore facilities of Transcontinental Gas Pipe Line Corporation (Transco) at Cameron Meadows Plant near Johnson's Bayou, Cameron Parish, Louisiana. U-T had proposed to charge a monthly demand rate of $1.88 per Mcf of contract demand. In the January 13, 1977 order, the Commission rejected this proposal in favor of a modified unit-of-transportation rate with a demand charge. The Commission noted that this rate condition was consistent with the treatment accorded to the HIOS project by orders issued June 4, and July 30, 1976, in Docket Nos. CP75-104, et al.

In its application for rehearing, U-T alleges that this rate condition was imposed without affording U-T the hearing to which it is entitled under Section 7 of the Natural Gas Act. U-T also argues that such rate condition would deprive it of an opportunity to earn a reasonable return on its investment and that the condition is arbitrary and capricious and not supported by substantial evidence.

On February 14, 1977, U-T also filed a letter accepting the certificate of public convenience and necessity issued by the Commission's January 13, 1977 order. Then on March 4, 1977, U-T requested an extension of time to April 28, 1977, within which to file the rate schedules and cost of service studies required in Ordering Paragraph (B) of the January 13, 1977 order. The Commission Secretary granted this request by notice issued March 15, 1977.

We note that in the HIOS proceeding, after filing the rate schedules and cost of service studies required in the July 30, 1976 order, issued in that proceeding, HIOS filed on March 17, 1977, a letter noting that due to Staff comments on their proposal, alternatives were being considered in an effort to comply with the Commission imposed rate conditions. Since there appears to be some question as to the interpretation of the HIOS rate conditions which are identical to those imposed on U-T, we find it appropriate to defer our consideration of the merits of U-T's February 14, 1977 application for rehearing until the issues relating to the July 30, 1976 order are resolved.

Inasmuch as the U-T application for rehearing has been denied inadvertently by operation of law pursuant to Section 1.34(c) of the Commission's Regulations, we shall reopen this proceeding in order to defer our consideration of the merits of U-T's pleading.

The Commission finds:

It is appropriate and in the public interest to reopen these proceedings in order to defer our action on the merits of U-T's February 14, 1977 application for rehearing.

The Commission orders:

(A) These proceedings are hereby reopened in order to defer Commission action on the merits of U-T's February 14, 1977 application for rehearing.

(B) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.77-10661 Filed 4-11-77;8:45 am]

[Docket No. CP77-316]

UNITED GAS PIPE LINE CO.

Application

APRIL 4, 1977.

Take notice that on March 28, 1977, United Gas Pipe Line Company (Applicant), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP77-316 an application pursuant to Section 7(c) of the Natural Gas Act and Section 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 1,300 Mcf of natural gas per day for Dan River, Inc. (Dan River), an existing industrial customer of Piedmont Natural Gas Company and The City of Danville, Virginia, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to transport up to 1,300 Mcf of natural gas per day for Dan River from a point of receipt on its Baton Rouge, New Orleans line in St. John The Baptist Parish, Louisiana, and transport and redeliver such volumes of gas to Transcontinental Gas Pipe Line Corporation (Transco) at mutually agreeable existing points of interconnection near Victoria, Victoria County, Texas; Cameron, Cameron County, Louisiana; at Egan Plant in Acadia Parish, Louisiana; near Guedan, Acadia Parish, Louisiana; at Gibson Plant Nos. 1 and 2 in Terrebonne Parish, Louisiana; near Magnolia and Holmesville, Pike County, Mississippi; near Walthall, Walthall County, Mississippi; or at Harmony Plant, Clarke County, Mississippi.

Applicant states that the gas proposed to be transported has been acquired by Dan River from Delhi Properties Inc., Vermillion Bay Land Company, John Stuart Hunt, Jean Gannon Hunt, Sherman M. Hunt and Mary Andrews Hunt (Delhi, et al.), and that such gas would be produced from the South Lake Maurepas Field located in St. John The Baptist Parish, Louisiana, and would be consumed for high priority end use in Dan River's plants in Danville, Virginia; Greenville, South Carolina; Greer, South Carolina; and Burlington, North Carolina. Dan River would pay Delhi, et al., $1.75 per Mcf for the subject gas. Applicant indicates that it would transport up to 1,300 Mcf of natural gas per day for redelivery to Transco for Dan River's account, less 1.5 percent of the said quantity of gas for fuel and company used gas. It is stated that Transco, in turn, would cause said quantity of gas to be delivered to the City of Danville, for high priority end-use at the Danville Plant and to Piedmont Natural Gas Company, Inc. for the account of Dan River, for high priority use at its Greenville, South Carolina; Greer, South Carolina and Burlington, North Carolina plants.

It is stated that Dan River has purchased the subject gas in an effort to offset the loss of its gas supply because of curtailed deliveries by its suppliers. The proposed transportation is for 2 years.

It is stated that Dan River has agreed to pay Applicant for the proposed transportation services a price equal to Applicant's average jurisdictional transmission cost of service in its southern or northern rate zone, less any amount included in such average jurisdictional cost of service which is attributable to gas consumed in the operation of Applicant's pipeline system. The current average jurisdictional transmission cost of service, exclusive of the cost of gas consumed in Applicant's operations, is 20.04 cents per Mcf in the northern zone and 17.92 per Mcf in the southern rate zone, it is said. Applicant indicates that it would not have to construct any new facilities to render the proposed transportation services.

Applicant proposes to transport volumes for Dan River as follows:

	Volumes, thousand cubic feet		
	Peak day	Average day	Annual volume
Danville, Va.	1,300	705	257,325
Greenville, S.C.	285	165	60,225
Greer, S.C.	300	195	71,175
Burlington, N.C.	300	235	85,775

[1] Docket Nos. CP75-104, et al., orders issued June 4, 1976, and July 30, 1976.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 18, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) 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 Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time 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.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.77-10644 Filed 4-11-77;8:45 am]

[Docket No. CP77-317]

UNITED GAS PIPE LINE CO.

Application

APRIL 5, 1977.

Take notice that on March 28, 1977, United Gas Pipe Line Company (Applicant), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP77-317 an application pursuant to Section 7(c) of the Natural Gas Act and Section 157.7(b) of the Regulations thereunder (18 CFR 157.7(b)) for a certificate of public convenience and necessity authorizing the construction, during the 12-month period commencing June 1, 1977, and operation of facilities to enable Applicant to take into its certificated main pipeline system natural gas which would be purchased from producers and other similar sellers thereof, all as more fully set forth in the application on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in connecting to its pipeline system supplies of natural gas which may become available from various producing areas generally co-extensive with its pipeline system or the systems of other pipeline companies which may be authorized to transport gas for the account of or exchange gas with Applicant.

Applicant states that the total cost of the proposed facilities would not exceed $12,000,000 with no single onshore project to exceed $1,500,000 and no single offshore project to exceed $2,500,000. Applicant states that the proposed facilities would be financed from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 25, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) 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 rearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time 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.77-10660 Filed 4-11-77;8:45 am]

[Docket No. CP77-322]

UNITED GAS PIPE LINE CO. AND SOUTHERN NATURAL GAS CO.

Joint Application

APRIL 6, 1977.

Take notice that on March 30, 1977, United Gas Pipe Line Company (United) and Southern Natural Gas Company (Southern) filed a Joint Application in Docket No. CP77-322 for a Certificate of Public Convenience and Necessity seeking authorization to exchange gas. United has acquired the right to purchase 20 percent of the gas produced in Block 140, Main Pass Area from Pennzoil Offshore Gas Operators, Inc. and Pennzoil Louisiana and Texas Offshore, Inc. The gas will be sold to United at a point onshore near Gulf Oil Corporation's Grand Bay Receiving Station in Plaquemines Parish, Louisiana and will be redelivered to Mid Louisiana Gas Company (Mid Louisiana). Mid Louisiana has agreed to transport such gas three miles to a point of interconnection with the facilities of Southern, also in Plaquemines Parish, Louisiana. Southern will redeliver equivalent volumes to United at existing interconnections with United located on Sea Robin Pipeline Company's system near Erath, Vermilion Parish, Louisiana and/or at the outlet side of the measuring station installed and operated by Natural Gas Pipe Line Company of America at or near the outlet of the Texaco Henry Plant located in Section 21, Township 13 South, Range Four East, Vermilion Parish, Louisiana, all as more fully described in the application which is on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said application, on or before April 26, 1977, should file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time 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.77-10636 Filed 4-11-77;8:45 am]

[Docket No. ER77-234]

VERMONT ELECTRIC POWER COMPANY, INC.

Rate Schedule Filing

APRIL 4, 1977.

Take notice that on March 22, 1977, Vermont Electric Power Company, Inc. (Velco) tendered for filing a Rate Schedule containing a Bulk Power Purchase Agreement between Velco and the Braintree Electric Light Department of Braintree, Massachusetts, dated as of October 31, 1976.

Velco states that the service to be rendered under this Rate Schedule is the provision of 3,000 kW capacity and related energy from the Vermont Yankee Nuclear Electric Generating Station, at a monthly rate estimated to be $28,000.00 per month. Velco states that service from Velco to Braintree under the Rate Schedule will consist of approximately 1,600,000 kilowatt-hours/month and that charges for this power will be at Velco's cost. Therefore, Veyco states that there will be no change in the overall rate of return of Velco.

Velco states that service under this Rate Schedule commenced on October 31, 1976, and will terminate on October 31, 1977. An effective date of November 1, 1976, and waiver of the requirements of Section 35.11 of the Commission's Regulations are requested.

Copies of the filing were served upon the Braintree Electric Light Department and the Vermont Public Service Board.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with 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 should be filed on or before April 15, 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.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.77-10616 Filed 4-11-77;8:45 am]

[Docket No. RI77-51]

WALTER K. ARBUCKLE, ET AL.

Petition for Special Relief

APRIL 6, 1977.

Take notice that on March 29, 1977, Walter Arbuckle, et al. (Petitioner), Kimbark Operating Company, Suite 808, 1860 Lincoln Street, Denver, Colorado 80203, filed a petition for special relief in Docket No. RI77-51, pursuant to Commission Order No. 481. Petitioner seeks an increase in its rate of 17.9¢ per Mcf to $1.05 per Mcf for the sale of gas from the UPRR Chace No. 1 Well and the UPRR Irene No. 1 Well, Simpson Ridge Area, Carbon County, Wyoming to the purchaser Colorado Interstate Gas Company. Petitioner states that this rate increase would allow the installation of compression facilities necessary to obtain production from the Irene Well and to obtain year-round production from the Chace Well. According to Petitioner, failure to obtain relief would result in abandonment of the Irene Well and the inability to recover additional Mcf from the Chace Well which would be recoverable with these compression facilities.

Any person desiring to be heard or to make any protest with reference to said petition should on or before April 26, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party 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.77-10535 Filed 4-11-77;8:45 am]

[Docket No. E77-91]

EMERGENCY NATURAL GAS ACT OF 1977

Emergency Order

On April 7, 1977, Texas Gas Transmission Corporation (Texas Gas), as agent for certain of its customers,[1] filed, pursuant to Section 6 of the Emergency Natural Gas Act of 1977 (Act), Pub. L. 95-2 (91 Stat. 4 (1977)), an application for authorization to transport natural gas which it is purchasing for certain of its customers.

Texas Gas, as agent, executed a contract on March 14, 1977, with Continental Oil Company (Continental) for the purchase of approximately 1,500 Mcfd from the Carthage Field, Panola County, Texas. The total price to be paid by Texas Gas, as agent, is $1.994 per MMBtu. Thus, the proposed price is fair and equitable in accordance with Order No. 2.

Texas Gas will receive these volumes at the outlet of the Champlin Gasoline Plant, Panola County, Texas and transport these supplies through its existing pipeline facilities to the customers for which it is purchasing the gas. Texas Gas' proposed transportation rates are based upon the cost data supporting the settlement rates in Texas Gas' most recent Federal Power Commission rate case in Docket No. RP76-17 and the retention of a percent of the transported volumes for compressor fuel and company use and loss. I find no basis for prescribing other charges since the parties have agreed upon the transportation charges.

Based upon the foregoing, Texas Gas is authorized to purchase gas, as agent, from Continental and to transport such gas for certain of its customers. This authorization is conditioned on (i) Texas Gas' submission of the names of the customers for which it is acting as agent, (ii) those customers agreeing to submit reports as required by Order No. 4 and (iii) such customers certifying that they are entitled to purchase gas under the provisions of Order No. 6.

This order is issued pursuant to the authority delegated to me by the President in Executive Order No. 11969 (February 2, 1977), and shall be served upon Texas Gas and Continental. This order shall also be published in the FEDERAL REGISTER.

This order and authorization granted herein are subject to the continuing authority of the Administrator under Pub. L. 95-2 and the rules and regulations which may be issued thereunder.

RICHARD L. DUNHAM,
Administrator.

[FR Doc.77-10755 Filed 4-11-77;8:45 am]

[1] These customers are local distribution companies and interstate pipelines as defined in sections 2 (1), (5) of the Act (91 Stat. 4).

[Docket No. E77-90]

EMERGENCY NATURAL GAS ACT OF 1977

Emergency Order

On April 6,1977, Piedmont Natural Gas Company, Inc. (Piedmont), filed, pursuant to Section 6 of the Emergency Natural Gas Act of 1977 (Act), Pub. L. 95-2 (91 Stat. 4 1977)), an application for an order authorizing: (i) Piedmont to purchase gas from Davis Oil Company (Davis), and (ii) United Gas Pipe Line Company (United) and Transcontinental Gas Pipe Line Corporation (Transco) to transport this natural gas for Piedmont. For the reasons set forth below, I authorize the purchase requested and transportation.

By contract dated March 4, 1977, Piedmont agreed to purchase approximately 2,500 Mcf per day of natural gas from Davis at the Davis No. 2 Authement Well, Golden Meadow Field, Lafourche Parish, Louisiana. Piedmont will purchase these supplies at a price of $2.25 per MMBtu inclusive of all state and local taxes and other adjustments. In addition, Piedmont will pay Davis 10.0 cents per MMBtu to pay for a portion of the cost of installing approximately four miles of 3½ inch pipeline to connect this well to United's pipeline.

The proposed wellhead price of $2.25 per MMBtu is fair and equitable in accordance with Order No. 2. Furthermore, Davis may recover the costs associated with the facilities installed to deliver this gas to United. Pelto Oil Company, Docket No. E77-25 (February 20, 1977).

Davis will deliver this gas to United for Piedmont's account in Lafourche Parish, Louisiana. United will transport and deliver the gas to Transco at an existing interconnection near Gibson, Terrebonne Parish, Louisiana. Transco will

deliver the gas to Piedmont at existing delivery points.

United will charge 17.92 cents per Mcf plus 1.5 percent of the volumes for fuel and loss. Transco will charge 45.8 cents per MMBtu plus 3.8 percent of the volumes for compressor fuel; this rate is to be collected subject to refund pursuant to order issued in Docket No. E77-83 (April 4, 1977). Piedmont states that its acceptance of Transco's proposed rate is without prejudice to its position that Transco's rate is not just and reasonable.[1]

Piedmont shall submit weekly reports as required by Order No. 4.

Pursuant to Section 6(a) of the Act, I hereby authorize Davis to sell to Piedmont up to 2,500 Mcfd of natural gas on the terms and conditions set forth in Piedmont's filing in this proceeding. Pursuant to Section 6(c)(1) of the Act, I hereby authorize and order United and Transco to transport gas for Piedmont. Since the parties have agreed upon the transportation charges (subject to Piedmont's reservations), I find no basis for prescribing other charges.

This order is issued pursuant to the authority delegated to me by the President in Executive Order No. 11969 (February 2, 1977), and shall be served upon Piedmont, Davis, United and Transco. This order shall also be published in the FEDERAL REGISTER.

This order and authorization granted herein are subject to the continuing authority of the Administrator under Pub. L. 95-2 and the rules and regulations which may be issued thereunder.

RICHARD L. DUNHAM,
Administrator.

APRIL 8, 1977.

[FR Doc.77-10796 Filed 4-11-77;8:45 am]

[Docket No. ER76-249]

LAKE SUPERIOR DISTRICT POWER CO.

Notice of Revised Fuel Adjustment Clause

APRIL 8, 1977.

Take notice that Lake Superior District Power Company (LSDP) on March 18, 1977 completed the filing of a revised fuel adjustment clause applicable to LSDP's contract for electric service with North Central Power Co., Inc. (NCP). LSDP requests waiver of the Commission's notice requirements and an effective date of January 1, 1977.

LSDP states that the proposed revised fuel adjustment clause provides for a .001¢/kWh adjustment for each .001¢ increase or decrease in the current month's fuel cost from the base cost of fuel of 5.04 mills/kWh. LSDP further states that implementation of the proposed fuel clause would result in a $19,241.00 increase in charges to NCP for the 12 month period ending December 31, 1977.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20406, 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 April 15, 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.77-10797 Filed 4-11-77;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. 77N-0095]

UNIFORM EFFECTIVE DATE FOR FOOD LABELING REGULATIONS

Notice to Manufacturers, Packers, and Distributors Concerning the Mandatory Uniform Effective Date for Food Labeling Regulations

AGENCY: Food and Drug Administration (FDA).

ACTION: Notice.

SUMMARY: This document establishes July 1, 1979, as the new mandatory uniform effective date for compliance with all final regulations published in the FEDERAL REGISTER after April 1, 1977, affecting the labeling of foods. This action is taken to provide an orderly and economical adjustment to new labeling requirements.

DATES: Effective date of change is April 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Bob Lake, Bureau of Foods (HFF-302), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, D.C. 20204 (202-245-1254).

SUPPLEMENTARY INFORMATION: The Commissioner of Food and Drugs issues various regulations for packaged food, which are designed to provide the consumer with information concerning the ingredients and nutritional qualities of the food and to present the information in a uniform and understandable manner. Although some of these regulations permit labeling changes on a voluntary basis, other regulations make labeling changes mandatory. In some cases, moreover, these regulations require extensive changes in current labeling. The economic impact on the food industry, and ultimately, therefore, the cost to consumers, if these changes were required on a multiple piecemeal basis, might well be substantial over a period of time.

The Commissioner, therefore, is of the opinion that he should periodically establish a single mandatory effective date applicable to all regulations requiring changes in food labels except when, for any particular regulation, special circumstances justify a different effective date. This procedure provides for an orderly and economical adjustment to new labeling requirements and, thus, is in the interest of consumers as well as industry because the cost of the multiple piecemeal label revisions that might otherwise be required would probably be passed on to consumers in the form of higher food prices.

The current uniform effective date for food products is January 1, 1978. Foods introduced into interstate commerce on or after that date are required to comply with all final food labeling regulations. Recognizing that this current effective date is less than a year away, and that a sufficient lead time is required for food manufacturers and packagers to make the necessary labeling changes, the Commissioner is establishing a new mandatory uniform effective date. The new date is July 1, 1979 for all final food labeling regulations published in the FEDERAL REGISTER after April 1, 1977. For any food labeling regulation for which special circumstances justify a different effective date, an appropriate effective date will be specified when the regulation is issued.

Dated: April 5, 1977.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.77-10604 Filed 4-11-77;8:45 am]

Office of Education

ACCREDITATION AND INSTITUTIONAL ELIGIBILITY ADVISORY COMMITTEE

Public Meeting

Correction

In FR Doc. 77-10051 appearing at page 18130 in the issue of Tuesday, April 5, 1977, in the paragraph designated "Dates", the date reading "April 20, 1977" should read "April 28, 1977."

EMERGENCY SCHOOL AID

Extended Closing Date for Receipt of Resubmitted Applications, Region IX

On November 15, 1976, at 41 FR 50353, a notice of closing date for receipt of applications (January 17, 1977) was published for applications under sections 706(a), 706(b), 708(b) and 708(c) of the Emergency School Aid Act (20 U.S.C. 1605(a), 1605(b), 1607(b) and 1607(c)). Part F of that notice set April 14, 1977 as the closing date for receipt of applications which are resubmitted pursuant to section 710(d)(2) and 710(e) of the Act (20 U.S.C. 1609(d)(2) and 1609(e)).

Because the evaluation of applications filed at the U.S. Office of Education Re-

[1] Piedmont's position is that expressed in Transco's rate proceeding in Federal Power Commission Docket No. RP77-48. Piedmont indicates that it plans to contest Transco's proposed rate in FPC Docket No. RP77-48 and before the Administrator.

gional Office in San Francisco (Region IX) did not comport with administrative procedures, all applications filed at that office by the January 17 closing date are being reevaluated. The reevaluation process will cause applicants in Region IX to be notified of their competitive position later than applicants in other regions. In order to provide Region IX applicants whose applications are returned to them pursuant to section 710(d)(2) of the Act with an appropriate opportunity to modify and resubmit their applications, the Commissioner of Education believes it is necessary to extend the closing date for resubmitted applications in that region only. Therefore, this notice extends for closing date for those applications only to April 28, 1977, 4:00 p.m. San Francisco time.

A. *Applications sent by mail.* Applications sent by mail should be addressed to:

U.S. Office of Education Application Control Center, Federal Office Building, Room 215, 50 United Nations Plaza, San Francisco, California 94102.

An application sent by mail will be considered to have been received on time if:

(1) The application was sent to the San Francisco Regional Office by registered or certified mail not later than April 25, 1977 as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date by the San Francisco Regional Office mail room. In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail room or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare or the U.S. Office of Education Regional Office in San Francisco.

Hand delivered applications must be taken to the San Francisco Regional Office of the U.S. Office of Education at the address listed in Part A of this notice. Hand delivered applications will be accepted daily between the hours of 8:00 a.m. and 4:00 p.m. local time except Saturdays, Sundays and Federal holidays. Applications will not be accepted after 4:00 p.m. local time on the closing date.

(Catalog of Federal Domestic Assistance numbers 13.525 (Basic Grants), 13.526 (Pilot Projects), 13.528 (Bilingual Projects), and 13.529 (Projects to be carried out by Public or Nonprofit Private Organizations).)

(20 U.S.C. 1601–1619.)

Dated: April 4, 1977.

WILLIAM F. PIERCE,
Acting U.S. Commissioner of Education.

[FR Doc.77-10672 Filed 4-11-77;8:45 am]

Office of the Secretary

STUDENT FINANCIAL ASSISTANCE STUDY GROUP

Notice of Hearing and Meeting

The Student Financial Assistance Study Group was established by public notice on August 27, 1976, to advise the Secretary of Health, Education, and Welfare on ways to implement more effectively and efficiently the Student Financial Assistance Programs administered by the Department. These programs include the Basic Educational Opportunity Grants Program (BEOG), the Guaranteed Student Loan Program (GSL) the Supplemental Educational Opportunity Grants Program (SEOG), the National Direct Student Loan Program (NDSL), the College Work-Study Program (CWS), and the State Student Incentive Grant Program (SSIG).

Notice is hereby given pursuant to Pub. L. 92–463 that the Student Financial Assistance Study Group will hold a hearing to receive suggestions on all topics related to its study and, in particular, to receive comments on some of the tentative recommendations listed below that the Study Group has under consideration. The public hearing will be held on Thursday, April 28, 1977 in the Press Room of the Parker House Hotel at Tremont and Schools Streets, Boston, Massachusetts from 9:00 a.m. to 4:00 p.m. This hearing is part of the Student Financial Assistance Study Group's efforts to develop recommendations on management and administrative issues related to the student assistance programs.

OUTLINE OF THE STUDY

The Student Financial Assistance Study Group has outlined, in broad terms, the following major areas to be included in the Study.

1. *Introduction—Background.* There will be an introduction which, from a historical base, will analyze why the current management and administrative problems exist in the Federal student aid programs and why the Student Financial Assistance Study Group was established.

2. *Eligibility.* This section of the study will address the process for determining eligibility to receive Federal funds and to participate in the student aid programs. The study will critically review the process for determining, maintaining, and terminating eligibility for states, institutions, students, and lenders.

3. *Delivery system.* The delivery system for providing financial assistance to students through the various mechanisms currently in force will also receive the attention of the Study Group. This will include the application process, panel review process, allotment of funds, packaging of aid and student budget process. The Group intends to give consideration to the timing of payment to students and to institutions; the roles of the Federal central office and regional offices in the administration of the programs; the roles of the states, the educational institutions, the private sector service organizations, and the lending institutions in the administration of the programs.

4. *Program management and integrity.* The organization structure, policies, and procedures used to manage the programs to insure program integrity, coordination, and control will be the focus of this section of the Study. The Study will look at management systems in general, including communications, training, technical assistance, and data acquisition; the incentives and disincentives for program integrity; the appeal processes; the efforts to prevent and eliminate fraud and abuse; and the procedures for evaluating performance of institutions, agencies, and individuals.

TENTATIVE RECOMMENDATIONS

The Student Financial Assistance Study Group in its March 17 publication in the FEDERAL REGISTER presented its tentative recommendations regarding the determination of eligibility for participation in the Federal programs and some of its tentative recommendations for increasing the effectiveness and the efficiency of the delivery of student aid. Listed below are additional tenative recommendations regarding the delivery of student aid and tentative recommendations directed at improving program management and insuring program integrity. This is not meant to be a full or final listing of such recommendations. The Student Financial Assistance Study Group will continue its work during May and a final hearing is scheduled for May 26 in Washington, D.C.

I. *Delivery systems*—A. *Information needs.* 1. Information dissemination efforts must be directed toward improving student access, choice, retention, and student protection.

2. OE should become a focus for information about all government programs of student aid and should direct its information efforts to all who would have an interest—early high school students, non-traditional students, persons from various socio-economic backgrounds, as well as those persons who influence student decisions.

3. OE should enlist the cooperation of the states in the dissemination of student aid information, and encourage the interstate exchange of information on successful means of information dissemination.

4. OE should mount new efforts to encourage institutions to take a greater role in the dissemination of information about the student aid programs.

B. *Student application process.* 1. The student application deadlines for the BEOG should be reviewed and adjusted to insure that students who choose to attend institutions with non-traditional academic calendars will have the opportunity to receive their full entitlement of funds.

2. The Study Group recommends that the appropriation procedures for the Basic Educational Opportunity Grants Program be changed in order to remove existing uncertainties in the amount of the awards that can be expected. Any new appropriation procedure should either fix the dollar amount of the appropriation on the basis of the best projection of needed funds, or by approving a given Payment Schedule.

C. *Institutional application procedure.* 1. The Study Group recommends that a new funding process be designed to award funds to participating institutions and that the present application forms and procedures be eliminated. The new

funding process should be consistent among institutions, states, and regions; should be readily understood; should be timely and accommodate the varying calendars within the higher education community; should operate efficiently and effectively; and should not jeopardize the educational plan of individuals or the fiscal position of any institutions.

2. It is recommended that the Secretary of Health, Education, and Welfare direct the Commissioner of Education to establish a work group to develop an improved funding process. Goals should provide for implementation of portions of the improved system for the next funding cycle.

D. *Allocation procedures for the campus-based programs.* 1. There should be a common conceptual framework for the institutional application process and the state allocation process. In other words, the procedures used to bring funds to states should compliment the procedure utilized to distribute funds within states and not further complicate the process as is presently the case.

2. It is recommended that the variables currently being used to allocate campus-based funds be re-examined and revised to eliminate irrelevancies and to reflect the relationship of the campus-based programs to other financial aid programs.

3. The Study Group recommends that the assignment of the ten percent discretionary portion of the campus-based funds be changed so that it will not continue to act as an incentive for institutions to inflate their requests for funds.

II. *Program management and integrity*—A. *Organization.* 1. All six student financial aid programs should be consolidated into a single administrative unit instead of the current separation of BEOG, Campus-Based Programs (NDSL, CWSP, and SEOG) and the GSLP.

2. The administrative unit established for operation of Student Financial Assistance programs should be organized along functional lines, not individual Federal program lines. These functional divisions should provide for such areas as Police and Planning, Certification and Compliance, Program Operations and Data Systems and Reporting.

3. The functional divisions should be established to serve common responsibilities across program lines to avoid duplication of efforts to enhance efficiency of operations and to prevent the need for major reorganization in the future if there is a change in Federal support for these programs.

4. The function of Program Operations should also be organized along functional lines not individual legislated program lines to the extent possible. Thus sub-divisions of Program Operations could be identified as grant, loan and work-study or possibly grant and self-help programs. Following this, it would be understood that special identification along legislated program lines may be required to handle specific situations.

5. The current division in the OE providing support to these student financial aid programs by determining accrediting agency approval and basic institutional eligibility should remain as presently placed in the organization and not be included as a function of the student financial aid organization unit.

6. The Regional Offices should establish an organization structure similar to the Central Office design, to facilitate and promote Student Financial Assistance activities in those areas where they have delegated authority or have been assigned administrative responsibilities.

7. The organization structure must reflect clear lines of authority and responsibility. This is particularly true for the operation between the central and regional offices. It must be understood and respected that the regional offices are a part of the total operation and represents the OE in the field. They are not a separate entity, nor an autonomous operation.

8. Standard policies and procedures must be established for Regional Office operations to insure consistent and uniform practices between the various field offices.

B. *Training.* 1. The Study Group recommends that funding be made available for a rigorous investigation, analysis and categorization of the specific skills and competencies essential for the success of a professional financial aid administrator.

2. The Study Group recommends that the training of financial aid administrators include the use of formal and informal academic settings, diverse materials and methodologies as well as a variety of experts in this field.

C. *Management.* 1. The Study Group recommends that institutions of higher education be reasonably reimbursed for the costs incurred in administering the Federal student aid programs. It is further recommended that a representative sample survey be undertaken to establish the costs involved in that administration and to determine the most appropriate means of reimbursement.

2. The BEOG Alternative Disbursement System (ADS) was developed to make direct payments to students whose schools would not consent to act as paying agent on behalf of BEOG. The need for the ADS should be reassessed. Schools which are not willing or able to participate fully in the BEOG Program should be considered as an ineligible or uncertified institution for all SFA programs.

If the Alternative Disbursement System is retained, requirements which have no real usefulness or purpose should be dropped and requirements which will give greater accountability of funds should be instituted.

3. Controls should be established immediately within OE to insure that improper payments are not made through the Departmental Federal Assistance Financing System (DFAFS) and that payment authorizations are deobligated in a timely manner.

Controls should be established to assure that the cash draw and cash balances of schools as reported by DFAFS are reconciled to the authorizations approved by OE and the cash expenditures and balances reported by the schools to OE. Differences should be investigated and corrected promptly.

4. Cash utilization reports submitted to the Departmental Federal Assistance Financing System and OE by schools should be verified to the books of record of schools as a normal part of institutional audits.

5. The Study Group recommends either the removal of the statutory distinction between initial year and continuing year SEOG funds, or alternatively, authorization to transfer funds between initial and continuing accounts.

6. The Study Group recommends that the Office of Education establish a common, simple methodology for computing the allocation of pro rata shares of BEOG, SEOG and NDSL funds when refunds are issued to students.

D. *Program integrity.* 1. It is recommended that procedures be developed to give priority assignment for an on-site reviews to institutions that participate in student aid programs and are known to be high risks.

2. In order to prevent multiple and duplicative visits to the same institutions, the Office of Education should coordinate and consolidate on-site reviews of schools and lenders by various offices within the Department.

3. The Office of Education and the Office of the Inspector General should work with the Association of Independent Certified Public Accountants to develop audit guidelines and instructions for use in on-site reviews by independent auditors, the Office of the Inspector General, and the Student Financial Aid Staff.

4. The Study Group recommends that a common suspend-limit-terminate procedure be established for all student financial aid programs.

5. The Study Group recommends that any suspend-limit-termination actions taken by the Bureau of Student Financial Aid be communicated to all Federal agencies which might be affected by the action. (Within limits of other Federal laws or regulations.)

The Student Financial Assistance Study Group plans to hold a final public hearing in May to receive comments on all recommendations which will be submitted to the Secretary of Health, Education, and Welfare. Announcement of that public hearing will be published in the FEDERAL REGISTER.

Dr. John A. Perkins, Chairman of the Student Financial Assistance Study Group, will preside at the hearing. Persons wishing to testify are encouraged to limit their oral statements to 10 minutes. Requets to testify should be submitted in writing to: Mrs. Mary Jane Calais, Staff Director, Student Financial Assistance Study Group, Room 325H, South Portal Building, 200 Independence Avenue, SW., Washington, D.C. 20201.

telephone (202) 245-9855. Requests to testify should reach Mrs. Calais not later than April 21, 1977. Persons wishing to present written statements for the record are encouraged to do so. Such written statements should be received by the Student Financial Assistance Study Group not later than April 21, 1977. The hearing will be open for public observation.

Pursuant to Pub. L. 92-463, notice is also hereby given of a meeting of the Student Financial Assistance Study Group to be held on Friday and Saturday, April 29 and 30, 1977, from 8:00 a.m. until 4:30 p.m. and on Sunday, May 1, 1977 from 9:00 a.m. until 4:00 p.m., in the Kennedy Room of the Parker House Hotel at Tremont and School Streets, Boston, Massachusetts.

The meeting will be used to review and discuss available information, to plan for future study activities, and to make staff work assingments. Members of the public are invited to attend the meeting; but due to limited meeting accommodations, reservations are recommended. Persons wishing to attend should notify the Study Group Staff Director by mail at Room 325H, South Portal Building, 200 Independence Avenue, SW., Washington, D.C. 20201, or by telephone at (202) 245-9855.

FRANK STEWART,
Executive Secretary, Student Financial Assistance Study Group.

APRIL 3, 1977.

[FR Doc.77-10795 filed 4-11-77;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Serial No. I-5524]

IDAHO

Opportunity for Public Hearing and Republication of Notice of Proposed Withdrawal

APRIL 4, 1977.

The Forest Service, Department of Agriculture, filed application Serial No. I-5524, on July 12, 1972 for a withdrawal in relation to the following described lands:

BOISE NATIONAL FOREST

LOWMAN RESEARCH NATURAL AREA—BOISE MERIDIAN

T. 8 N., R. 7 E.,
Sec. 2, W½ of lot 4, NW¼SW¼NW¼;
Sec. 3, lots 1, 2, 3, E½ of lot 4, S½NE¼, NE¼SW¼NW¼, SE¼NW¼, NE¼SW¼, N½N½SE¼.
T. 9 N., R. 7 E.,
Sec. 34, W½SW¼NE¼, SE¼SW¼NE¼, S½NW¼NW¼, S½NW¼, E½W½SW¼, E½SW¼, W½NE¼SE¼, W½SE¼, SE¼SE¼.

The areas described total 770.86 acres.

BEAR CREEK RESEARCH NATURAL AREA—BOISE MERIDIAN

T. 10 N., R. 10 E.,
Sec. 24, S½NE¼SW¼, NE¼SW¼SW¼, S½SW¼SW¼, SE¼SW¼, W½NE¼SE¼, W½SE¼, SE¼SE¼;
Sec. 25, N½, NE¼SW¼, N½NW¼SW¼, W½NE¼SE¼, NW¼SE¼;
Sec. 26, NE¼NE¼NE¼, S½NE¼NE¼, E½SE¼NE¼, N½NW¼SE¼NE¼, SE¼NW¼SE¼NE¼, NE¼SW¼SE¼NE¼, S½SW¼SE¼NE¼, NE¼NE¼SE¼, E½NW¼NE¼SE¼.

The areas described total 750.00 acres.

The above areas aggregate 1,520.86 acres in Boise County.

The applicant desires that the land be reserved and protected from development for research use by scientists and educators and for other compatible public purposes.

A notice of the proposed withdrawal was published in the FEDERAL REGISTER on August 8, 1972, pages 5914-15, volume 37, Document No. 72-12325.

Pursuant to section 204(h) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2754, Notice is hereby given that an opportunity for a public hearing is afforded in connection with the pending withdrawal application. All interested persons who desire to be heard on the proposed withdrawal must file a written request for a hearing with the State Director, Bureau of Land Management, Room 398, Federal Building, 550 West Fort Street, Post Office Box 042, Boise, Idaho 83724 on or before May 16, 1977. A Notice of the public hearing will be published in the FEDERAL REGISTER giving the time and place of such hearing. The hearing will be scheduled and conducted in accordance with BLM Manual Sec. 2351.16B. All previous comments submitted in connection with the withdrawal application have been included in the record and will be considered in making a final determination on the application.

In lieu of or in addition to attendance at a scheduled public hearing, written comments or objections to the pending withdrawal application may be filed with the undersigned authorized officer of the Bureau of Land Management on or before May 16, 1977.

The above described lands are temporarily segregated from the operation of the public land laws, including the mining laws, to the extent that the withdrawal applied for, if and when effected, would prevent any form of disposal or appropriation under such laws. Current administrative jurisdiction over the segregated lands will not be affected by the temporary segregation. In accordance with section 204(g) of the Federal Land Policy and Management Act of 1976, the segregative effect of the pending withdrawal application will terminate on October 20, 1991, unless sooner terminated by atcion of the Secretary of the Interior.

All communications (except for public hearing requests) in connection with the pending withdrawal application should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, Room 398, Federal Building, 550 West Fort Street, Post Office Box 042, Boise, Idaho 83724.

VINCENT S. STROBEL,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.77-10620 Filed 4-11-77;8:45 am]

[Serial No. I-7370]

IDAHO

Opportunity for Public Hearing and Republication of Notice of Proposed Withdrawal

APRIL 4, 1977.

The Department of Agriculture, filed application Serial No. I-7370, on October 25, 1973, for a withdrawal in relation to the following described lands:

BOISE MERIDIAN

ST. JOE NATIONAL FOREST, FORTY-NINE MEADOWS ROAD NO. 760

T. 43 N., R. 4 E.,
Sec. 1, SE¼SE¼.

A strip of land 100 feet in width, being 50 feet in width on both sides of the centerline over and across the above-cited subdivision.

The area described aggregate 0.08 acre, more or less, in Shoshone County, Idaho.

DONALLY RIDGE ROAD NO. 1999

T. 45N., R. 4 E.,
Sec. 28, NE¼NE¼.

A strip of land 66 feet in width, being 33 feet in width on both sides of the centerline over and across the above-cited subdivision.

The area described aggregates 3.03 acres, more or less, in Shoshone County, Idaho.

The applicant desires the land for public purposes as rights-of-way for the Forty-Nine Meadows Road No. 760 and Donally Ridge Road No. 1999. The roads are part of the Forest Development System within the St. Joe National Forest.

A notice of the proposed withdrawal was published in the FEDERAL REGISTER on December 12, 1973, page 34215, volume No. 38, Document No. 73-26298.

Pursuant to section 204(h) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2754, Notice is hereby given that an opportunity for a public hearing is afforded in connection with the pending withdrawal application. All interested persons who desire to be heard on the proposed withdrawal must file a written request for a hearing with the State Director, Bureau of Land Management, Room 398, Federal Building, 550 West Fort Street, Post Office Box 042, Boise, Idaho 83724 on or before May 16, 1977. A notice of the public hearing will be published in the FEDERAL REGISTER giving the time and place of such hearing. The hearing will be scheduled and conducted in accordance with BLM Manual Sec. 2351.16B. All previous comments submitted in connection with the withdrawal application have been included in the record and will be considered in making a final determination on the application.

In lieu of or in addition to attendance at a scheduled public hearing, written comments or objections to the pending withdrawal application may be filed with the undersigned authorized officer of the Bureau of Land Management on or before May 16, 1977.

The above described lands are temporarily segregated from the operation of the public land laws, including the mining laws, to the extent that the withdrawal applied for, if and when effected,

would prevent any form of disposal or appropriation under such laws. Current administrative jurisdiction over the segregated lands will not be affected by the temporary segregation. In accordance with section 204(g) of the Federal Land Policy and Management Act of 1976, the segregative effect of the pending withdrawal application will terminate on October 20, 1991, unless sooner terminated by action of the Secretary of the Interior.

All communications (except for public hearing requests) in connection with the pending withdrawal application should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, Room 398, Federal Building, 550 West Fort Street, Post Office Box 042, Boise, Idaho 83724.

VINCENT S. STROBEL,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.77-10621 Filed 4-11-77;8:45 am]

OUTER CONTINENTAL SHELF OFFSHORE WESTERN GULF OF ALASKA

Availability of Draft Environmental Impact Statement and of Public Hearing Regarding Proposed Oil and Gas Lease Sale

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental impact statement relating to a proposed Outer Continental Shelf general oil and gas lease sale of 564 tracts of submerged lands on the Outer Continental Shelf offshore the Western Gulf of Alaska.

Single copies of the draft environmental statement can be obtained from the office of the Manager, Alaska Outer Continental Shelf Office, Bureau of Land Management, P.O. Box 1159, Anchorage, Alaska 99510 and from the Office of Public Affairs, Bureau of Land Management (130), Washington, D.C. 20240.

Copies of the draft environmental statement will also be available for review in the main public libraries in various coastal communities in the sale area.

In accordance with 43 CFR 3301.4, public hearings will be held in Anchorage and Kodiak, Alaska, for the purpose of receiving comments and suggestions relating to the proposed lease sale. The exact locations and dates of this hearing will be announced at a later date. Comments will be accepted on or before June 13, 1977.

After a public hearing is held and comments have been received and analyzed a final environmental statement will be prepared.

GEORGE L. TURCOTT,
Acting Director, Bureau of Land Management.

MARCH 8, 1977.

Approved April 7, 1977.

STANLEY D. DOREMUS,
Deputy Assistant Secretary of the Interior.

[FR Doc.77-10663 Filed 4-11-77;8:45 am]

Fish and Wildlife Service

LOUISIANA

Application

Notice is hereby given that under section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 675), The Texas Pipe Line Company has applied for a renewal of an existing lease for the purpose of constructing and maintaining wharves, tanks, loading pumps and other terminal facilities on the following lands of the Delta National Wildlife Refuge, Plaquemines Parish, Louisiana:

T. 21 S., R. 19 E.,
Section 27.

The purpose of this notice is to inform the public that the United States Fish and Wildlife Service will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should do so on or before May 12, 1977. Information should be sent to the Regional Director, U.S. Fish and Wildlife Service, 17 Executive Park Drive NE., Atlanta, Georgia 30329.

KENNETH E. BLACK,
Regional Director, U.S. Fish and Wildlife Service.

[FR Doc.77-10707 Filed 4-11-77;8:45 am]

National Park Service

NATIONAL REGISTER OF HISTORIC PLACES

Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before April 1, 1977. Pursuant to § 60.13(a) of 36 CFR Part 60, published in final form on January 9, 1976, written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the Keeper of the National Register, National Park Service, U.S. Department of the Interior, Washington, D.C. 20240. Written comments or a request for additional time to prepare comments should be submitted by April 22, 1977.

JERRY L. ROGERS,
Chief, Office of Archeology and Historic Preservation.

ARKANSAS

Pulaski County

Little Rock, *MoPac Station (Union Station)*, Markham and Victory Sts.

CALIFORNIA

San Francisco County

San Francisco, *International Hotel*, 848 Kearny St.

Santa Clara County

Mountain View, *Rengstorff, Henry A., House*, 1737 Stierlin Rd.

CONNECTICUT

Hartford County

Burlington vicinity, *Hitchcock-Schwarzmann Mill*, N of Burlington on Foote Rd.

Hartford, *Charter Oak Place*, 7-40 Charter Oak Pl.

DELAWARE

Sussex County

Lewes, *Lewes Historic District*, DE 18.

IDAHO

Bannock County

Pocatello, *Sullivan-Kinney House*, 441 S. Garfield St.

Bear Lake County

Paris, *Bear Lake County Courthouse*, U.S. 89.

Bingham County

Blackfoot, *Blackfoot LDS Tabernacle*, 120 S. Shilling St.

Blaine County

Hailey, *Blaine County Courthouse*, 1st and Croy Sts.

Hailey, *Emmanuel Episcopal Church*, 101 2nd Ave. S.

Bonneville County

Idaho Falls, *Trinity Methodist Church*, 237 N. Water Ave.

Elmore County

Mountain Home, *St. James Episcopal Church*, 305 N. 3rd East.

Kootenai County

Coeur d'Alene, *St. Thomas Catholic Church*, 919 Indiana Ave.

Latah County

Moscow, *Memorial Gymnasium*, University of Idaho campus.

Payette County

Payette, *Methodist Episcopal Church of Payette*, 1st Ave. S. and 9th St.

Washington County

Weiser, *Baptist Church*, E. Main and 8th St.

KANSAS

Miami County

Paola vicinity, *Hillsdale Archeological District*, NW of Paola.

KENTUCKY

Christian County

Hopkinsville vicinity, *Western Lunatic Asylum*, E of Hopkinsville on Russellville Rd.

Clark County

Winchester, *Brown-Proctoria Hotel*, Main St. and Lexington Ave.

Fayette County

Lexington, *Hathaway Houses*, 760-766 Pine St.

Lexington, *Higgins Block*, 145-151 W. Main St.

Fleming County

Flemingsburg, *First Presbyterian Church*, W. Main and W Water Sts.

Jefferson County

Louisville, *Paget House-Heigold House Facade*, 1562 Fulton St. and River Rd.

Louisville, *Tyler-Muldoon House*, 132 E. Gray St.

Scott County

Stamping Ground, *Minorsville Historic District*, 5 mi. N of Stamping Ground on KY 227.

Shelby County

Finchville vicinity, *Grasslands (Hornsby House)*, 4 mi. W of Finchville.

Wayne County

Mill Springs vicinity, *West-Metcalfe House*, 1.7 mi. S of Mill Springs off KY 90.

MONTANA

Missoula County

Lolo vicinity, *Fort Fizzle Site*, 5 mi. W of Lolo on U.S. 12.

NEW JERSEY

Morris County

Morristown, *Morris County Courthouse*, Washington St. between Court St. and Western Ave.
Morristown vicinity, *Whippany Farm (Frelinghuysen Arboretum)*, 53 E. Hanover Ave.

Somerset County

Millstone vicinity, *Millstone Valley Agricultural District*, S of Millstone on River Rd.

Sussex County

Andover vicinity, *Waterloo*, 1 mi. S of Andover at Musconetcong River and SR 604.
Monroe, *Old Monroe School House*, NJ 94.

NEW YORK

Rensselaer County

Nassau and vicinity, *Albany Avenue Historic District*, Albany Ave.
Nassau, *Chatham Street Historic District*, Chatham St.
Nassau, *Church Street Historic District*, Church St.

NORTH CAROLINA

Burke County

Morganton, *Western North Carolina Insane Asylum*, Front Entrance Dr.

Guilford County

Greensboro, *Bumpas-Troy House*, 114 S. Mendenhall St.

Lincoln County

Denver vicinity, *Graham, William A. Jr., Farm*, S of Denver on SR 1360.

Moore County

Southern Pines, *Boyd, James, House*, Ridge Rd. and Connecticut Ave.

PENNSYLVANIA

Adams County

Irishtown vicinity, *Lilly's Mill Covered Bridge*, S of Irishtown off PA 116.

Chester County

Phoenixville vicinity, *Charlestown Village Historic District*, SW of Phoenixville on Charlestown Rd.

Northampton County

Easton, *Seipsville Hotel*, 2912 Old Nazareth Rd.

Philadelphia County

Philadelphia, *Graver's Lane Station*, Gravers La. on Reading RR. Line.
Philadelphia, *Mt. Airy Station*, E. Gowen Ave. at Reading RR. Line.

TEXAS

Bowie County

Boston, *Bowie County Courthouse and Jail*, Public Sq.

Colorado County

Columbus, *Colorado County Courthouse Historic District*, roughly bounded by Preston, Walnut, Milam, Front, Washington, and Live Oak Sts.

Harrison County

Marshall, *Harrison County Courthouse*, Public Sq.

UTAH

Salt Lake County

Salt Lake City, *Keith-O'Brien Building*, 242-256 S. Main St.
Salt Lake City, *Lollin Block*, 238 S. Main St.

Sanpete County

Mt. Pleasant, *Rasmussen, Morten, House*, 417 W. Main St.

Washington County

St. George, *St. George Temple*, bounded by 200 E., 400 S., 300 E., and 500 S.

VIRGINIA

Alleghany County

Clifton Forge vicinity, *Clifton Furnace*, 0.5 mi. SE of Clifton Forge in U.S. 220.

Fairfax County

Fairfax vicinity, *Hope Park Mill and Miller's House (Robey's Mill)*, 12124 Pope's Head Rd.

King William County

Sweet Hall vicinity, *Sweet Hall*, S of Sweet Hall.

Richmond (independent city)

Virginia Trust Company, 821 E. Main St.

Rockbridge County

Lexington vicinity, *Liberty Hall Site*, N of Lexington.

Wythe County

Fort Chiswell vicinity, *Fort Chiswell Site*, E of Fort Chiswell at jct. of I-81 and I-77.

[FR Doc. 77-10347 Filed 4-11-77;8:45 am]

Office of the Secretary

WATCHES AND WATCH MOVEMENTS

Extension of New Entrant Announcement for Guam

CROSS REFERENCE: For a document concerning the above entitled matter, issued jointly by the Department of Commerce and by the Department of the Interior, see FR Doc. 77-10598, in the notices section of this issue under Department of Commerce, Office of the Secretary.

INTERNATIONAL TRADE COMMISSION

[332-84]

CANNED AND FROZEN MUSHROOMS

Quarterly Statistical Reports Providing Certain Information

On March 10, 1977, the President, pursuant to section 332(g) of the Tariff Act of 1930, as amended (19 U.S.C. 1332 (g)), requested the United States International Trade Commission to conduct an investigation to obtain certain information necessary for the monitoring of import competition in the domestic market for canned mushrooms. The full text of the request is as follows:

To Chairman DANIEL MINCHEW:

On January 10, 1977, the United States International Trade Commission (USITC) reported to the President the results of its investigation and recommendation under section 201 of the Trade Act of 1974 with respect to mushrooms provided for in item 144.20 of the Tariff Schedules of the United States.

I have today determined that import relief is not in the national economic interest. However, I have decided to monitor import competition in the domestic market for canned mushrooms. Accordingly, pursuant to section 332(g) of the Tariff Act of 1930, I hereby request the USITC to prepare quarterly statistical reports providing the following information on canned mushrooms:

(1) Production, sales, and inventories of U.S. producers;

(2) U.S. imports for consumption (total, and by country of origin);

(3) U.S. exports, to the extent they can be readily determined; and

(4) Apparent U.S. consumption.

The initial report, on the first quarter of 1977, should also cover the fourth quarter of 1976. Reports should be published within 60 days after the end of the quarter that they cover. These reports should be made until the Commission is notified by the Special Trade Representative for Trade Negotiations that they are no longer required.

Sincerely,

JIMMY CARTER.

On March 30, 1977, the Commission received a letter from the Acting Special Representative for Trade Negotiations broadening the scope of the requested quarterly reports to include data on sales of domestically produced frozen mushrooms, and requesting more complete data on canned mushrooms for the third quarter of 1976 than had been supplied previously. The Acting Special Representative also requested that distribution by size (i.e., cans holding up to and including 9 ounces drained weight vs. those containing more than 9 ounces) and by style of pack (i.e., whole, sliced, or other) be included in the data regarding sales and inventories of domestically produced canned mushrooms. In addition, it was requested that questions on production be posed in the Commission's survey of domestic canners and, when possible, that production data be reported in the same format as was requested for sales and inventory data.

INVESTIGATION

In accordance with the provisions of section 332(g) of the Tariff Act of 1930, as amended, the Commission has instituted investigation No. 332-84 for the purpose of obtaining the requested information.

By order of the Commission.

Issued: April 7, 1977.

KENNETH R. MASON,
Secretary.

[FR Doc.77-10716 Filed 4-11-77;8:45 am]

DEPARTMENT OF JUSTICE

Law Enforcement Assistance Administration

LAW ENFORCEMENT/PRIVATE SECURITY RELATIONSHIPS COMMITTEE

Cancellation

Notice is hereby given that the meeting of the Law Enforcement/Private Security Relationships Committee of LEAA's Private Security Advisory Council (PSAC), scheduled for Thursday and Friday, April 21–22, 1977, in the Ramada Inn Rosslyn, Arlington, Virginia, has been cancelled.

The scheduled meeting was published in the FEDERAL REGISTER on March 31, 1977. Several key Committee members were unable to attend because of conflicting schedules.

Notice of a new meeting will be published.

JAY A. BROZOST,
Attorney-Adviser,
Office of General Counsel.

[FR Doc.77-10709 Filed 4-11-77;8:45 am]

NATIONAL SCIENCE FOUNDATION

ELECTRICAL SCIENCES AND ANALYSIS ADVISORY PANEL

Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

NAME: Advisory Panel for Electrical Sciences and Analysis.

DATES AND TIMES: April 28 and 29, 1977, 9 a.m. to 5 p.m. each day.

PLACE: April 28, 1977—Room 643; April 29, 1977—Room 642; National Science Foundation, 1800 G Street, N.W., Washington, D.C. 20550.

TYPE OF MEETING: Part Open—Open April 28, 9 a.m. to noon; and April 29, 9 a.m. to noon. Closed April 28, 1 p.m. to 5 p.m.; April 29, 1 p.m. to 5 p.m.

CONTACT PERSON:

Dr. Eugene R. Chenette, Section Head, Electrical Sciences and Analysis, Room 416, National Science Foundation, Washington, D.C. 20550, telephone 202-632-5881.

SUMMARY MINUTES: May be obtained from the Committee Management Coordination Staff, Division of Personnel and Management, Room 248, National Science Foundation, Washington, D.C. 20550.

PURPOSE OF PANEL: To review the status and provide counsel for future directions of the Electrical Sciences and Analysis Section.

AGENDA:

THURSDAY, APRIL 28

Morning (Open Session). 9:00—Introduction and Welcome—Section Head Status Report of Engineering Division. 10:20—Program Review. Automation, Bioengineering, and Sensing Systems. Devices and Waves. Electrical and Optical Communications. System Theory and Application. 11:50—Recess.

Afternoon (Closed Session). 1:00—Subpanel review of programs; Review declinations containing names of applicant institution and principal investigators; Review peer evaluation documentation of both successful and declined proposals. The panel members will be divided into subpanels for this session.

FRIDAY, APRIL 29

Morning (Open Session). 9:00—Oral reports of the subpanels. 10:15—Long range plans for the Electrical Sciences and Analysis Section—Goals and Priorities. Questions concerning the present status and new directions for research. 12:00—Recess.

Afternoon (Closed Session). 1:15—Further in-depth study of the Program in System Theory and Application including proposal jackets and peer reviews.

REASON FOR CLOSING: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

AUTHORITY TO CLOSE MEETING: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of P.L. 92-463. The Committee management Officer was delegated the authority to make such determinations by the Acting Director, NSF, on Feb. 18, 1977.

M. REBECCA WINKLER,
Acting Committee
Management Officer.

APRIL 6, 1977.

[FR Doc.77-10586 Filed 4-11-77;8:45 am]

SCIENCE INFORMATION ACTIVITIES TASK FORCE

Open Meeting

In accordance with the Federal Advisory Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

NAME: Science Information Activities Task Force.

DATE: April 25 and 26, 1977.

TIME: 9:00 am through 7:30 pm, April 25; 9 a.m. through 4 p.m. April 26.

PLACE: Room 540/543 National Science Foundation, 1800 G Street, NW., Washington, D.C. 20550.

TYPE OF MEETING: Open.

FOR FURTHER INFORMATION CONTACT:

Mr. Robert S. Cutler, Executive Officer, Room 1201, National Science Foundation, Washington, D.C. 20550, Telephone: 202-632-5826. Persons planning to attend should notify Mr. Cutler prior to the meeting.

SUMMARY MINUTES: May be obtained from the Committee Management Coordination Staff, Division of Personnel and Management, Room 248, National Foundation, Washington, D.C. 20550.

PURPOSE OF THE TASK FORCE: To provide advice and recommendations concerning the appropriate roles and responsibilities of the National Science Foundation regarding the communication and use of scientific and technical information.

AGENDA

MONDAY, APRIL 25, 1977

9 a.m.—Welcome and Introductory Remarks, Acting Assistant Director, Scientific Technological and International Affairs.
9:15 a.m.—Introductory Remarks, Chairman.
9:30 a.m.—Presentation: Information Science Research, Professor Martha Williams, University of Illinois.
10:30 a.m.—Coffee Break.
10:45 a.m.—Presentation by Chemical Abstracts Service, Mr. Dale Baker, Director.
11:45 a.m.—Presentation of an evaluation of the Principal Results and Impacts of NSF Science Information Activities (1950–72), by Mathematica, Inc., Princeton, N.J.
12:30 p.m.—Recess
1:30 p.m.—Review of DSI Operating Procedures, DSI Staff.
3:30 p.m.—Committee Meetings:
A. Science and Technology Committee, Room 540.
B. Markets Committee, Room 543.
C. Legislative and Regulatory, Room 540 Rear.
D. Uses Committee, Room 517.
5:30 p.m.—Presentation by Library Organizations.
7:30 p.m.—Adjourn.

TUESDAY, APRIL 26, 1977

9 a.m.—Introductory Remarks, Chairman.
9:15 a.m.—Report from Science and Technology Committee.
9:45 a.m.—Report from Markets Committee.
10:15 a.m.—Coffee Break.
10:30 a.m.—Report from Legislative and Regulatory Committee.
11 a.m.—Report from Uses Committee.
11:30 a.m.—Discussion from Task Force, Chairman.
Noon—Recess.
1 p.m.—Open Public Participation, Chairman.
2 p.m.—Discussion and Ranking of Topics, Chairman.
2:45 p.m.—Recess.
3 p.m.—Outline and Content of Final Report.
3:30 p.m.—Tentative Agenda for Fourth Task Force Meeting, Chairman.
4 p.m.—Adjourn.

M. REBECCA WINKLER,
Acting Committee
Management Officer.

APRIL 6, 1977.

[FR Doc.77-10585 Filed 4-11-77;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

Lists 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 April 5, 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, DC 20503, (202-395-4529).

NEW FORMS

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration, State review of research and demonstrations, annually, 56 Governor's State highway safety representatives, Arnold Strasser, 395-5867.

REVISIONS

NATIONAL ENDOWMENT FOR THE ARTS

Application for Indemnification under the Arts and Artifacts Indemnity Act, FCAH-1, single time, person, non-profit agency, institution of government, Tracey Cole, 395-5870.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Center for Education Statistics:
- Fall Enrollment in Higher Education, 1977, NCES-2300-2.3, annually, colleges and universities, Kathy Wallman, 395-6140.
- College and University Libraries, Fall 1977 Hegis XII, OE-2300-5, annually, college and universities, Kathy Wallman, 395-6140.

DEPARTMENT OF THE INTERIOR

Bureau of Mines, mercury, 6-1090, quarterly, producers of mercury, Marsha Traynham, 395-4529.

DEPARTMENT OF LABOR

Employment and Training Administration, Job Corps data sheet, ETA-6-52, on occasion, Job Corps applicants (disadvantaged youths), Roye L. Lowry, 395-3772.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration, rotorcraft external-load operator certificate application, FAA-8420-7, on occasion, private individuals/firms, Warren Topelius, 395-5872.

EXTENSIONS

DEPARTMENT OF THE INTERIOR

BUREAU OF MINES:
- Tin: Consumption and Stocks, 6-1132-AS, annually, consumers of pig tin, Marsha Traynham, 395-4529.
- Mercury, 6-1090-A, annually, producers of mercury, Marsha Traynham, 395-4529.
- Peat, 6-1391-A, annually, producers of peat, Marsha Traynham, 395-4529.
- Antimony Ore and Concentrate, 6-1015-A, annually, producers of antimony ore and concentrates, Marsha Traynham, 395-4529.
- Carbon Black, 6-1342-A, annually, producers of carbon black, Marsha Traynham, 395-4529.
- Supply and Disposition of Natural Gas (Distributors), supply and disposition of natural gas (producers), 6-1340-A and 6-1314-A, annually, distributors, producers and pipelines of natural gas, Marsha Traynham, 395-4529.
- Silver, 6-1073-QA, quarterly, producers and consumers of refined silver, Louis Kincannon, 395-3211.
- Sales of Liquefied Petroleum Gases, 6-1345-A and 6-1345-AS, annually, producers, processors, dealers of liquefied petroleum gases, Marsha Traynham, 395-4529.
- Natural Gas Processing Report, 6-1343-A, annually, processors of natural gas, Marsha Traynham, 395-4529.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.77-10763 Filed 4-11-77;8:45 am]

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on April 6, 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(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

NATIONAL SCIENCE FOUNDATION

Inventory of Computers in U.S. Higher Education 1, 2, 3, 4, single-time, colleges and Universities, Lowry, R. L., 395-3772.

FEDERAL HOME LOAN BANK BOARD

National Borrower Survey, single time, randomly selected consumers, Sunderhauf, M. B. and Gaylord Worden, 395-6140.

NATIONAL FOUNDATION OF THE ARTS AND HUMANITIES

Estimation of Needs for Musical and Managing Directors of American Orchestras, single time, major, regional, metropolitan and urban orchestras, Maria Gonzalez, 395-6132.

UNITED STATES INTERNATIONAL TRADE COMMISSION

Processed Mushrooms—Quarterly Report on production, sales and inventories, quarterly, U.S. mushroom processing industries, Lowry, R. L., 395-3772.

DEPARTMENT OF AGRICULTURE

Farmer Cooperative Service, survey of cooperative exporting of agricultural commodities, single time, farmer coops exporting agricultural commodities, Gaylord Worden, 395-4730.

DEPARTMENT OF COMMERCE

Bureau of Census, reinterview form for household roster check, 1977 census of Oakland, Calif., DH-356, single time, households in Oakland, Calif. with questionable population counts, Maria Gonzalez, 395-6132.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration, changing commitments of women to work and family roles, SSA-3499, single time, women, aged 25 to 54 in Chicago SMSA, Strasser, A. and Sunderhauf, M. B., 395-5867.

Public Health Service, National sample survey of registered nurses, single time, registered nurses, Richard Eisinger, 395-6140.

Food and Drug Administration, morbidity and mortality follow-up study of women treated for hyperthyroidism, FDA/BRH 0319, single time, female patients treated for hyperthyroidism, Richard Eisinger, 395-6140.

Office of Human Development:
- National Survey on Volunteering in HEW-Related Programs, on occasion, State offices of volunteers or directors in social service, George Hall, 395-6140.
- State Study of Licensing and Certification Regulations for Preschool Personnel, quarterly, State administrators, Larry

Center For Disease Control, Assembling Industrial Noise Control Case Histories, single time, noise control engineers and technicians, Ellett, C. A. 395-5867.

Alcohol, Drug Abuse and Mental Health Administration, State Alcoholism Profile Information System, ADAMAAA0804, annually, State alcoholism authorities, Human Resources Division, Reese, B. F., 395-3532.

REVISIONS

DEPARTMENT OF COMMERCE

Domestic and International Business Administration, Service Supply License Procedure, EAR 373.7, on occasion, commercial exporters, Warren Topelius, 395-5872.

DEPARTMENT OF DEFENSE

Departmental and Other DOD Property Report, DD1342, on occasion, DOD contractors, Warren Topelius, 395-5872.

DEPARTMENT OF THE INTERIOR

Bureau of Outdoor Recreation, outdoor recreation on-site survey—1977, outdoor recreation telephone survey—1977, BOR 8-218, single time, individuals over 12, Maria Gonzalez, 395-6132.

EXTENSIONS

NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES

Universe Screening Questionnaire: "U.S. Arts and Cultural Trend Data Systems", single time, nonprofit arts and cultural organizations, Maria Gonzalez, 395-6132.

DEPARTMENT OF COMMERCE

Domestic and International Business Administration, participation agreement, DIB 4008P, weekly, manufacturers and exporters, Lowry, R. L., 395-3772.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration, request for change in your social security records, OAAN-7003, on occasion, individuals who want to update/correct applications for social security, human resources division, 395-3532.

DEPARTMENT OF LABOR

Employment and Training Administration, employer record-agricultural, ES-334, on occasion, employers of agricultural workers, Marsha Traynham, 395-4529.

DEPARTMENT OF THE INTERIOR

Bureau of Mines:

Natural Gas Processing Plant Report, 6-1305-M, monthly, natural gas processing plants, Marsha Traynham, 395-4529.

Bituminous Coal and Lignite Production and Mine Operations, 6-1401-A, annually, producers of over 1,000 tons of bituminous coal annually, Marsha Traynham, 395-4529.

Blast Furnace and Steel Furnace Report, 6-1067A, annually, producers of Pig Iron, Marsha Traynham, 395-4529.

Gas Well Data—Survey of Helium-Bearing Natural Gas, 6-15, on occasion, natural gas wells or fields, Marsha Traynham, 395-4529.

Byproduct Sulfuric Acid (Production), 6-1128-A, annually, producers of byproduct sulfuric acid, Marsha Traynham, 395-4529.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.77-10764 Filed 4-11-77;8:45 am]

DEPARTMENT OF THE TREASURY

PARIS FOR SELF-PROPELLED BITUMINOUS PAVING EQUIPMENT FROM CANADA ANTIDUMPING

Withholding of Appraisement Notice and Determination of Sales at Less Than Fair Value

AGENCY: United States Treasury Department.

ACTION: Withholding of Appraisement and Determination of Sales at Less Than Fair Value.

SUMMARY: This notice is to advise the public that an antidumping investigation has been completed and that it has been determined that parts for self-propelled bituminous paving equipment from Canada are being, or are likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended. Sales at less than fair value generally occur when the prices of the merchandise sold for exportation to the United States are less than the prices in the home market. This case is being referred to the United States International Trade Commission for it to determine whether an industry in the United States is being injured. Simultaneously, appraisements of entries of this merchandise will be withheld for 3 months, pending an injury determination by the International Trade Commission.

EFFECTIVE DATE: This notice will be effective on April 12, 1977.

FOR FURTHER INFORMATION CONTACT:

Mary S. Clapp, Duty Assessment Division, United States Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229 (202-566-5492).

Information was received in proper form on September 3, 1976, from counsel acting on behalf of Blaw-Knox Construction Equipment, Inc., Mattoon, Illinois, and Colwell Equipment Co., Inc., Canton, Michigan, alleging that parts for self-propelled bituminous paving equipment from Canada were being sold at less than fair value, thereby causing injury to, or the likelihood of injury to, or the prevention of the establishment of an industry in the United States, within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act"). On the basis of this information and subsequent preliminary investigation by the Customs Service, an "Antidumping Proceeding Notice" was published in the FEDERAL REGISTER of October 7, 1976 (41 FR 44197).

DETERMINATION OF SALES AT LESS THAN FAIR VALUE

I hereby determine that, for the reasons stated below, parts for self-propelled bituminous paving equipment from Canada are being, or are likely to be, sold at less than fair value within the meaning of section 201(a) of the Act (19 U.S.C. 160(a)).

STATEMENT OF REASONS ON WHICH THIS DETERMINATION IS BASED

The reasons and bases for the above determination are as follows:

a. *Scope of the Investigation.* Virtually all of the imports of the subject merchandise from Canada are manufactured by Allatt Ltd., Ontario, Canada. Therefore, the investigation was limited to this manufacturer.

b. *Basis of Comparison.* For the purposes of considering whether the merchandise in question is being, or is likely to be, sold at less than fair value within the meaning of the Act, the proper basis of comparison is between the purchase price and the home market price of such or similar merchandise. Purchase price, as defined in section 203 of the Act (19 U.S.C. 162), was used since all export sales to the United States were made to non-related customers. Home market price, as defined in § 153.2, Customs Regulations (19 CFR 153.2) was used since such or similar merchandise was sold in the home market in sufficient quantities to provide a basis for fair value.

In accordance with § 153.3(b), Customs Regulations (19 CFR 153.31(b)), pricing information was obtained concerning imports and home market sales during the period January 1 through September 30, 1976.

c. *Purchase Price.* For the purposes of this determination of sales at less than fair value, since all merchandise was purchased or agreed to be purchased prior to the time of exportation, by the persons by whom or for whose account it was imported, within the meaning of section 203 of the Act, the purchase price has been calculated on the basis of the f.o.b. Buffalo, N.Y. price to unrelated purchasers with deductions for United States duty, brokerage, trucking, a freight discount, and additions for taxes rebated or not collected by reason of the exportation of the merchandise.

The deductions for duty, brokerage, and trucking were based on charges, which were included in the price, incurred in bringing the merchandise from the point of shipment to the point of delivery in accordance with section 203 of the Act. The deduction for the freight discount was made in order to reflect the price actually paid for the merchandise. The additions for taxes which were refunded or not collected were related to noncollection of the Canadian sales tax on the merchandise exported and the refund of that tax on merchandise purchased by the manufacturer and subsequently incorporated into the merchandise which was exported, in accordance with section 203 of the Act.

d. *Home Market Price.* For the purposes of this determination of sales at less than fair value, the home market price has been calculated on the basis of the f.o.b. plant price to unrelated purchasers in Canada with an adjustment for commissions.

The adjustment for commissions is related to the difference in commissions in the United States and Canada in accordance with § 153.10(b), Customs Regulations (19 CFR 153.10(b)).

e. *Results of Fair Value Comparisons.* Using the above criteria, comparisons were made on approximately 63 percent of the parts of self-propelled bituminous paving equipment which were sold to the United States during the representative period. Those comparisons indicate that the purchase price was less than the home market price of such or similar merchandise. Margins were found ranging from approximately 10 to 38 percent on 100 percent of the sales compared. The weighted average margin of those sales on which comparisons were made amounted to 30.61 percent.

The Secretary has provided an opportunity to known interested persons to present written and oral views pursuant to § 153.40, Customs Regulations (19 CFR 153.40).

Further, and based on the reasons noted above, Customs officers are being directed to withhold appraisement of parts for self-propelled bituminous paving equipment from Canada in accordance with § 153.48, Customs Regulations (19 CFR 153.48).

This withholding of appraisement notice is published pursuant to § 153.35(a), Customs Regulations (19 CFR 153.35(a)), and shall become effective on April 12, 1977. Such action shall cease to be effective on or before July 11, 1977, unless previously revoked.

The United States International Trade Commission is being advised of this determination.

This determination is being published pursuant to section 201(d) of the Act (19 U.S.C. 160(d)).

JOHN H. HARPER,
Acting Assistant Secretary of the Treasury.

APRIL 4, 1977.

[FR Doc.77-10664 Filed 4-11-77;8:45 am]

Office of the Secretary

VISCOSE RAYON STAPLE FIBER FROM AUSTRIA

Antidumping Proceeding Notice

AGENCY: United States Treasury Department.

ACTION: Initiation of Antidumping Investigation.

SUMMARY: This notice is to advise the public that a petition in proper form has been received and an antidumping investigation is being initiated for the purpose of determining whether or not imports of viscose rayon staple fiber from Austria are being, or are likely to be, sold at less than fair value within the meaning of the Antidumping Act of 1921, as amended. Sales at less than fair value generally occur when the prices of the merchandise sold for exportation to the United States are less than the prices in the home market.

EFFECTIVE DATE: This investigation will begin on April 12, 1977.

FOR FURTHER INFORMATION CONTACT:

John R. Kugelman, Duty Assessment Division, United States Customs Service., 1301 Constitution Avenue, N.W., Washington, D.C. 20229, telephone (202) 566-5492.

SUPPLEMENTARY INFORMATION: On March 3, 1977, information was received in proper form pursuant to § 153.26 and 153.27, Customs Regulations (19 CFR 153.26, 153.27), from counsel acting on behalf of Avtex Fibers, Inc., Valley Forge, Pennsylvania, a domestic producer of the subject merchandise, indicating a possibility that viscose rayon staple fiber from Austria is being, or is likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.).

For purposes of this notice, the term "viscose rayon staple fiber" refers to viscose rayon staple fiber in non-continuous form, not carded, not combed and not otherwise processed, wholly of filaments (except laminated filaments and plexiform filaments).

There is evidence on record concerning injury to, or likelihood of injury to, or prevention of establishment of an industry in the United States. This evidence indicates that imports of viscose rayon staple fiber from Austria increased dramatically during the last two years. During this time, a significant increase in U.S. market share on the part of the Austrian imports has occurred. Further, there is information indicating that the margin by which domestic producers are being undersold by Austrian imports would be completely eliminated were the price differential between prices in the Austrian home market and for export to the United States eliminated.

Having conducted a summary investigation as required by § 153.29 of the Customs Regulations (19 CFR 153.29) and having determined that there are grounds for doing so, the United States Customs Service is instituting an inquiry to verify the information submitted and to obtain the facts necessary to enable the Secretary of the Treasury to reach a determination as to the fact or likelihood of sales at less than fair value.

A summary of information received from all sources is as follows:

The information received tends to indicate that the prices of the merchandise sold for exportation to the United States are less than the prices for home consumption.

This notice is published pursuant to § 153.30 of the Custom Regulations (19 CFR 153.30).

Dated: March 31, 1977.

JOHN H. HARPER,
Acting Assistant Secretary.

[FR Doc.77-10595 Filed 4-11-77;8:45 am]

VETERANS ADMINISTRATION

VETERANS EDUCATION

Policies and Procedures

AGENCY: Veterans Administration.

ACTION: Request for public comment.

SUMMARY: These circulars contain statements of policy and outline administrative procedure to be followed by the Veterans Administration and other involved parties for the implementation of the provisions of Pub. L. 94-502 (90 Stat. 2383) concerning advance payment of educational assistance allowances, the bar to prepayment of educational assistance allowances and the new educational assistance program, chapter 32, title 38, United States Code available to persons who initially serve in the Armed Forces on or after January 1, 1977.

DATES: Comments must be received on or before May 12, 1977. The effective dates are shown in the body of the circular.

ADDRESSES: Interested persons are invited to submit written comments, suggestions or objections regarding the proposal to the Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue NW., Washington, D.C. 20420. All written comments received will be available for public inspection at the above address only between the hours of 8 a.m. and 4:30 p.m. Monday through Friday (except holidays), during the mentioned 30-day period and for 10 days thereafter. Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Services Unit in room 132. Such visitors to any VA field station will be informed that records are available for inspection only in Central Office and furnished the address and the above room number.

FOR FURTHER INFORMATION CONTACT:

June C. Schaeffer, Assistant Director for Benefits and Facilities, Education and Rehabilitation Service, Department of Veterans Benefits, Veterans Administration, 810 Vermont Avenue NW., Washington, D.C. 20420 (202-389-2092).

SUPPLEMENTARY INFORMATION: Comments received will be used in determining appropriate regulations to implement these provisions of Pub. L. 94-502. The provisions published herein as to the new educational assistance program, (chapter 32) have been concurred in by DOD (Department of Defense).

By direction of the Administrator.

Approved: April 5, 1977.

RUFUS H. WILSON,
Deputy Administrator.

[DVB Circular 20-77-24]

MARCH 18, 1977.

CHANGES TO PREPAYMENT, ADVANCE PAYMENT AND RELATED PROCEDURES

1. *General.* This circular describes changes to the prepayment and advance payment procedures brought about by Pub. L. 94-502. (See DVB Circular 20-76-84.) It also provides instructions on related subjects including confirmed enrollments, end of full course certifications, interval payments, summer enrollments, computer-generated reenrollment forms, special payments, April check stuffer and required liaison actions. Enrollments with effective dates on or after June 1, 1977, may now be processed. Instructions for chapter 31 will be issued at a later date.

2. *End of Prepayment.* Regular monthly benefits will no longer be prepaid at the beginning of each month after May 1977. This means that regular monthly checks issued on or after June 1, 1977, will represent payment for the preceding month rather than for the current month. The regular monthly checks for June will not be issued under the new system until July 1. Under most circumstances, students will not receive a check in June of this year.

3. *Advance Payment.* Effective June 1, 1977, the law provides that advance payment may not be made unless the veteran or eligible person requests such payment and the Veterans Administration finds that the educational institution has agreed to and can satisfactorily carry out the advance payment provisions of the law.

(a) All affected schools in your area should be advised immediately by letter of the new requirements for advance payment listed in subparagraphs b and c below which apply to enrollments with beginning dates on or after June 1, 1977. The letter should request each school to state in writing whether or not they wish to receive advance payments. A school that agrees to receive advance payments will be asked to certify in their reply that they can satisfactorily carry out the advance payment provisions in 38 U.S.C. 1780(d)(5) (B) and (C), and (6). (These pars. will be quoted in the letter to the school.) A response will be requested within 30 days. A 30-day control will be established and a fol-

lowup letter will be sent to any school that does not reply within 30 days to the first letter. The responses will be filed in the school approval file, and a listing for the Adjudication and Counseling and Rehabilitation activities will be prepared showing those schools which have declined to participate in the advance payment program (either expressly in writing or by failure to respond to the first letter within 60 days). Any enrollment certifications properly requesting advance payment, timely received and otherwise in order will be honored unless there is a specific statement in the approval file from the school that they decline to participate in the advance payment program or the school fails to reply within 60 days to the first letter from the regional office.

(b) The requirements for advance payment are:

(1) The enrollment must be for a school course for at least half-time training;

(2) The school must agree to receive and process the advance payment;

(3) The student must specifically request advance payment on the enrollment certification or the enrollment certification portion of the application form;

(a) All affected schools in your area should received by the VA at least 30 days but not more than 120 days in advance of registration; and

(5) The enrollment must begin at least one full calendar month after the student's prior term (for example, the student's prior term ended in May; advance payment would be in order for enrollment beginning in July since June is a full calendar month).

(c) Pending revision of the application, enrollment and reenrollment certification forms (e.g., VA Forms 22–1990, 22–1999, 22–1999–1), advance payment may be requested by entering "I request advance payment" in the remarks section of the enrollment certification, and by having the student enter his or her signature and the date below this request.

(d) If advance payment is properly requested and timely received in the VA but for some reason cannot be processed in time for advance payment, Adjudication must notify the student and the school that regular payment will be issued instead of advance payment and the reason why. Enrollments in this category requiring confirmation (see par. 4a below), must be confirmed by telephone prior to an award action.

(e) If advance payment is improperly requested or received too late for processing, the school will be advised of the problem by the Liaison activity. The student will be informed by Adjudication Division that regular payment will be made instead of advance payment and the reason why. Enrollments in this category requiring confirmation (see par. 4a below) will either be returned to the school or held and confirmed by telephone prior to award action.

(f) If a station Director determines that a school cannot satisfactorily carry out advance payment provisions, the procedures in M22–2, part IV, chapter 8, paragraph 8.01 d, will be applied.

4. *Confined Enrollments.* (a) An enrollment certification is considered to be confirmed if it is signed and dated on or after the beginning date certified. Unless advance payment is requested, confirmed enrollments will be required for all fall enrollments and reenrollments; all first enrollments at a particular school; and all other enrollments except where the student was enrolled for the preceding term at the same school.

Examples: (1) Advance payment is requested for any term. Confirmed enrollment certification not required as confirmation will be obtained upon delivery of check; (2) A student who does not request advance pay enrolls for the Spring term but did not attend the preceding Fall term at the same school: Confirmed enrollment required before award is transmitted to DPC Hines; (3) A student enrolls for summer school and was enrolled in the preceding Spring term at that school: Confirmed enrollment will not be required as this type of case will be considered an extension of the previous enrollments within the maximum allowable enrollment period. (See par. 5a below.)

NOTE.—When advance payment is requested but not issued as described in par. 3d and e above, the regional office must contact the school and confirm the enrollment prior to award action unless the enrollment is for other than a fall term and the student was enrolled in the preceding term at the same school.

(b) Schools should be cautioned not to submit non-advance-payment enrollments requiring confirmation prior to the beginning date certified. If such unconfirmed enrollments are received they will be confirmed by telephone call to the school or returned to the school, and the school will be requested to resubmit the documents when they can be redated and submitted as confirmed enrollments.

(c) For institutions of higher learning, it should be noted that the beginning date certified should be the registration date or the date the student is required to report in advance of registration, but not earlier than 14 days prior to the start of classes nor later than the date classes start.

(d) All schools are reminded that they are still required to report changes in enrollment status such as reductions in training time, interruptions or terminations in accordance with VAR 14203.

5. *End of Full Course Certifications.* (a) Effective immediately, schools operating on a term basis should discontinue, if they have not already done so, the practice of certifying the complete course. Instead, the period certified should never exceed the ordinary school year plus the immediately following summer term(s). It is no longer acceptable to combine a summer term with the ordinary school year which follows.

(b) Programming has been requested to terminate full course awards currently in the system with a future break of a full calendar month or more after May 1, 1977 since there is no specific request for advance payment of record for these cases, and if advance payment were not made there would be no way to confirm the reenrollment if confirmation were required. The termination will be effective at the end of the term preceding the full calendar month break. A computer-generated VA Form 22–1999–1, Reenrollment Certification, will be issued for these terminated cases, and the veteran will be advised by computer letter that he or she must contact the school for a new enrollment certification if he or her reenrolls. A computer writeout with message number 996 and the legend "Future Award Periods Terminated" will be issued in May for drop-filing in these cases.

(c) Programming has also been requested to issue a message in May 1977, for IHL cases certified beyond October 1977, that do not have a full calendar month break. Specific instructions for this message will be issued at a later date.

6. *Interval payment.* (a) Payment for an interval between terms will be authorized in all cases except in the following situations:

(1) An interval between terms, regardless of length, if the student is training at less than a half-time rate, or is on active duty;

(2) An interval between terms at the same school which spans a complete calendar month or more;

(3) An interval of more than 30 days between consecutive terms when the veteran or eligible person transfers to another school;

(4) An interval, regardless of length, preceding a change of program;

(5) An interval, regardless of length, which is specifically designated by a school as an interval between the end of one school year and the beginning of the next, if the school operates on other than a term, quarter or semester basis;

(6) An interval between terms for which the eligible student requests, prior to award authorization or prior to check negotiation, that no benefits be paid; and

(7) An interval during which the veteran's entitlement will be exhausted and it is to his or her advantage not to receive benefits for the interval.

(b) If otherwise in order, interval payment will be authorized upon processing of a reenrollment document. Use either an amended or reentrance type of award action in these cases. However, under no circumstances should a non-advance-payment reentrance award with reason code 60 be submitted to DPC Hines more than 60 days before the beginning date of the award. The rate of payment for the interval will be at the rate in effect for the previous term.

7. *Summer enrollment.* It should be noted from the above discussion that: (a) Advance payment requests for continuing students for the summer term will generally be inappropriate because there is usually less than a full calendar month break between spring and the summer terms; (b) Interval payment between spring and summer terms will generally be in order for the same reason; (c) Non-advance-payment summer enrollments for continuing students at the same school may be submitted and processed before the start of the summer term since confirmation of these summer enrollments will not be required; and (d) the summer enrollment may not be combined with the fall enrollment (except when the summer enrollment is entirely retroactive and the fall enrollment is confirmed).

8. *Computer-generated VA Form 22–19999–1.* (a) The next set of computer-generated reenrollment certification forms will be restricted to use for fall enrollments only. In using these forms, schools should understand that if advance payment is requested, all five requirements in paragraph 3(b) must be met. Also, schools should understand that if these forms are used for non-advance-payment fall enrollments, they must be signed and dated on or after the beginning date of the enrollment.

(b) Except for stations that use CRT terminals, it is not contemplated that regional offices will process any VA Forms 22–1999–1 without review of the claims folder this year because otherwise: (1) Interval payment might be omitted when due; (2) Advance payment might be authorized in a case with less than a full calendar month break resulting in a possible delay in the issuance of the advance payment check; (3) An erroneous award action might occur as the result of a failure to timely drop file the VA Form 22–1999–1. (This problem may increase this year as summer enrollments will, with few exceptions, be received on a separate document from the fall enrollment document.)

9. *Special payment.* Changes to special payment rules will be issued in a separate publication. Meanwhile, station Directors are reminded of their authority to modify

the 30-day rule contained in M22-2, part IV, chapter 9, paragraph 9.01a(2), if conditions warrant.

10. *April and May check stuffers.* A stuffer which will describe the end of prepayment and the changes in the advance payment procedures will be included in all checks issued in April and May. The stuffer tells the claimant to contact the school if advance payment is desired. Regional offices should be prepared for inquiries on both prepayment and advance payment.

11. *Liaison.* Sufficient copies of this circular will be supplied for State approving agencies, IHL's, and NCD's. However, close liaison with the schools will be necessary to ensure their understanding of these changes. Particular emphasis should be placed on the following points: (a) The end of prepayment (par. 2); (b) The five requirements for advance payment (par. 3); (c) The definition of a confirmed enrollment and the situations in which confirmed enrollments are required (par. 4); (d) The maximum period that may be certified for schools operating on a term, quarter, or semester basis (par. 5); (e) The impending termination of full course awards with a future break of a full calendar month occurring after May 1, 1977 (par. 5); (f) The effect of the new changes on summer enrollments (par. 7); and (g) The requirement that only reenrollments beginning with fall 1977 may be certified on VA Form 22-1999-1 (par. 8).

A. J. Bochicchio,
Acting Chief Benefits Director.

[DVB Circular 20-77-25]

CHAPTER 32—POST-VIETNAM ERA VETERANS' EDUCATIONAL ASSISTANCE, PUB. L. 94-502

MARCH 22, 1977.

1. *Purpose.* The stated purpose of chapter 32, title 38, U.S.C., is to provide educational assistance to those persons who enter the Armed Forces after December 31, 1976; to assist them in obtaining an education they might not otherwise be able to afford; and to promote and assist the all volunteer military program of the United States by attracting qualified persons to serve in the Armed Forces. This circular provides a detailed explanation of the new chapter 32 benefit program. Specific procedures and detailed instructions implementing this program will follow.

2. *General.* Chapter 32 is a voluntary contributory matching program for persons initially entering military service after December 31, 1976. Each person entering military service after that date has the right to enroll in and make contributions to the educational benefits program provided by this chapter at any time during the person's service on active duty. When a person elects to enroll in the program, such person must participate for at least 12 consecutive months before disenrolling or suspending participation (except as otherwise provided in this circular).

(a) Contributions to the program will be accumulated from servicepersons electing to participate in the program with the Veterans Administration matching the serviceperson's contributions on a two-for-one basis. The Secretary of Defense may elect to contribute as deemed necessary or appropriate to encourage persons to enter or remain in the Armed Forces.

(b) The service departments have the responsibility to process applications to start, stop and change the serviceperson's contributions to this program through military pay allotment systems. Funds collected will then be transferred to the VA which will maintain identification data as well as monthly contribution amounts for each participant.

(c) Regulations and definitions, when applicable, will be developed jointly by the VA and DOD.

(d) The enrollment provisions of this chapter are initially authorized through December 31, 1981. Presidential and Congressional review prior to that time will determine if these provisions will be continued beyond that date, with funding to be transferred to DOD and administration to remain with the VA.

3. *Definitions.* (a) The term "eligible veteran" means any veteran who:

(1) Initially entered military service on or after January 1, 1977, served on active duty for a period of more than 180 consecutive days commencing on or after such date, and was discharged or released therefrom under conditions other than dishonorable, or

(2) Initially entered military service on or after January 1, 1977, and was discharged or released from active duty after such date for a service-connected disability.

NOTE.—Subparagraphs (1) and (2) above have the effect of excluding those persons entering on active duty on January 1, 1977 through January 1, 1978, who enlisted in military service prior to January 1, 1977, (e.g., under a DEP (Delayed Enlistment Program)) since they would come under the provisions of chapter 34 rather than chapter 32.

(3) The requirement of discharge or release as prescribed in subparagraphs (1) and (2) above, shall be waived in the case of any participant who has completed his or her first obligated period of active duty (which began after December 31, 1976) or 6 years of active duty (which began after December 31, 1976), whichever period is less.

(b) For the purpose of determining eligibility for chapter 32, the term "active duty" excludes those periods as outlined in VAR 11040 (B) (1), (2) and (3), (i.e., assignment to civilian institution, cadet or midshipman at service academy or National Guard/Reserve Unit per 10 U.S.C. 511(d)).

(c) The terms "program of education" and "educational institution" have the same meaning ascribed to them in 38 U.S.C. 1652 (b) and (c).

(d) A "participant" is a person who is participating in the educational benefits program established under chapter 32. This includes: (1) A person who has enrolled in and is making contributions by monthly payroll deduction to the "fund" and (2) Those veterans or servicepersons who have contributed to the "fund" and have not disenrolled (i.e., users or potential users of benefits).

(e) The "fund" is a trust fund account established to main the dollar contributions of the participant and the Secretary of Defense. The statistical and dollar amount segments of this "fund" will be recorded and maintained by the VA.

(f) A person who "suspends" participation is one who stops contributing to the "fund" (temporarily or permanently). Such person can resume contributions without penalty or can utilize benefits accrued, if otherwise eligible. A person who "disenrolls" is one who terminates participation and forfeits any entitlement to benefits except for a refund of his/her contributions previously made. An inservice participant may suspend participation or disenroll for hardship at any time, or he/she may suspend or disenroll without hardship at the end of any 12 consecutive month block of participation or at the time of discharge or release from active duty. A veteran participant may disenroll from the program at any time and for any reason, regardless of whether he/she has used any accrued benefits prior to disenrollment.

(g) The definition of "hardship" or "other good reasons" will be prescribed jointly by VA/DOD regulations.

4. *Eligibility.* Each person initially entering military service on or after January 1, 1977 (for exceptions see par. 3(a)(2), NOTE) shall have the right to become a participant in the educational benefits program as provided under chapter 32 at any time during such person's service on active duty.

(a) When a person elects to enroll in the program, such person must participate for at least 12 consecutive months before disenrolling or suspending participation.

(1) This would not preclude a serviceperson with less than 12 months remaining in his/her period of service from enrolling in the program. If such person reenlists he/she must have completed a minimum participation requirement of 3 consecutive months before being eligible to receive benefits (see par. 7 (b) and (e)). However, if such person did not subsequently reenlist, he/she would then retain entitlement to accumulated benefits through the last month of participation.

(2) In the event that a serviceperson meets the joint VA/DOD criteria for reenrollment after disenrolling from the program, a new participation period will begin.

(3) No one who reenrolls will be allowed to repurchase entitlement by tendering previously refunded contributions to the VA or DOD. No participant will be allowed to retroactively backdate the effective date of enrollment into the program by tendering a lump-sum amount covering retroactive periods.

(4) A person who suspends participation in the program may resume contributing to the fund, having met the joint VA/DOD terms and conditions for resumption, effective the month of resumption in the program, and the period of suspension will not break the continuity of participation.

(b) The requirement of a minimum of 3 consecutive months of participation to qualify for benefits shall not apply when the participant suspends participation from the program because of personal hardship; or the participant is discharged or released from active duty.

(1) A person who suspends participation based on hardship or who is discharged or released from active duty retains the right to entitlement earned through the last month of participation.

(2) A person who disenrolls based on hardship forfeits entitlement to benefits and becomes entitled only to a refund of his/her contributions to the fund.

(c) An individual may be permitted to suspend participation or disenroll from the program at the end of any 12-consecutive-month period of participation without proof of hardship.

(1) Suspension in this instance allows resumption of participation under specified terms and conditions or use of accumulated entitlement.

(2) Disenrollment in this instance provides for forfeiture of entitlement, allows reenrollment under specified terms and conditions and provides for a refund of only such participant's contributions made prior to disenrollment.

(3) An individual may disenroll after discharge or release from service, regardless of whether he/she has applied for and received benefits under this chapter. Disenrollment in this situation would require forfeiture of any remaining or unused entitlement and provide only for a refund of such part of the participant's contribution as remained in his/her account.

5. *Contributions to fund.* Benefits will be accumulated by including contributions from the participant, possibly the Secretary of Defense, and with the VA matching the serviceperson's contributions.

(a) Each person electing to participate in the program shall authorize a monthly deduction from his/her pay. The participant's monthly deduction may be no less than $50 and no more than $75 monthly and the amount must be divisible by $5. Total contributions by the participant to the fund are limited to a maximum of $2,700. A participant who contributes the minimum $50 monthly amount could do so for 54 months before reaching his/her maximum of $2,700 allowed.

(b) Except as otherwise provided, each contribution by a participant shall entitle him/her to matching funds from the VA at the rate of $2 for each $1 contributed by the participant.

(c) The Secretary of Defense is authorized to contribute to the fund of any participant such amounts as the Secretary deems necessary or appropriate to encourage persons to enter or remain in the Armed Forces.

6. *Refunds upon disenrollment.* Under the chapter 32 program, only unused amounts contributed by a participant may be refunded if the participant disenrolls from the program or is deceased.

(a) Disenrollment before discharge or release from active duty will result in a refund of a participant's contribution on the date of discharge (or release from active duty) or within 60 days of receipt by the VA of notice of such discharge or disenrollment. Refunds may be made earlier in instances of hardship or for other good reasons as jointly specified by the VA and the DOD.

(b) Disenrollment after discharge or release from active duty will result in a refund of the participant's contribution within 60 days of receipt of an application in the VA for said refund from a participant.

(c) Death on active duty or after discharge or release from active duty requires that any amounts contributed for an individual by the Secretary of Defense, remaining in the fund be refunded to the Secretary. The same refund provision applies if the participant disenrolls or is disenrolled.

(d) Upon the death of a participant while on active duty or after discharge or release from active duty, any remaining unused amounts of the participant's contributions shall be refunded to:

(1) The beneficiary or beneficiaries as designated by the participant under his/her SGLI (Serviceperson's Group Life Insurance) policy; or

(2) In the absence of designated beneficiaries or if no SGLI is in effect, to the estate of the participant.

(e) When the discharge or release from active duty of a participant is under dishonorable conditions, such participant is automatically disenrolled. Any contributions made to the fund by such participant will be refunded on the date of discharge or release from active duty or within 60 days of receipt of notice by the VA of such discharge or release, whichever is later.

(f) If the eligible person has not used any, or only partial entitlement by the end of his/her 10 year delimiting date, such participant is automatically disenrolled. At such time the participant will be notified of any remaining amount of his/her contributions in the fund. Such amounts will be refunded if an application is received in the VA within 1 year of notice. If no such application is received within 1 year of notice, it will be presumed that the individual's whereabouts are unknown and the participant's contributions will be transferred as directed by 31 U.S.C. 725s(a).

7. *Entitlement and payment of benefits.* A participant shall be entitled to a maximum of 36-monthly-benefit payments or the equivalent in part-time training. Unlike chapter 34 benefits, however, chapter 32 benefit payments are not authorized for pursuit of an apprenticeship or on-job training program and additional monthly sums for dependents are not payable.

(a) Payment of benefits will be made only for periods of time during which an eligible participant is actually enrolled in, and satisfactorily pursuing, an approved program of education after the individual has been discharged or released from active duty, except as provided in subparagraph (b) below.

(b) Payments may be made after a participant has completed the first obligated period of active duty (which began after December 31, 1976) or 6 years of active duty (which began after December 31, 1976) whichever period is less, and if the 3 consecutive month minimum participation requirement has been completed. (See subpar. (f) below regarding PREP (Prediacharge Education Program) payments.)

(c) The monthly dollar amount of payment under chapter 32 available for full-time training will be determined by the following computations:

(1) Add all contributions made to the fund by the eligible participant;

(2) Multiply the sum obtained in subparagraph (1) above by the factor 3 to account for the VA matching funds;

(3) Add all contributions made to the fund by the Secretary of Defense on behalf of the participant to the amount obtained in subparagraph (2) above; and

(4) Divide the amount obtained in subparagraph (3) above by 36 or the number of months the individual participated, whichever is less.

(d) The monthly benefit amount for less than full-time training will be obtained by multiplying the monthly amount for full-time training by the appropriate fraction for three-quarter, one-half or one-quarter-time training. Only these fixed amounts will be paid regardless of whether the training is pursued on a less than half-time basis or by inservice participants (i.e., prorated charges based on tuition and fees provided for chapter 34 do not apply to chapter 32 benefit payments).

e. Benefit payments to inservice students who are drawing benefits as well as continuing to contribute to the fund (i.e., during their second enlistment period or after 6 years of active duty, whichever is less, and if they have completed the 3 consecutive month minimum participation requirement) will initially be based on the amount of entitlement available at the time the first benefit check is computed (i.e., to include all contributions up to the computer processing date). However, no more than one-thirty sixth of the contribution by the Secretary of Defense to the member's fund will be paid to an inservice student in any month. Subsequently monthly benefit amounts will include successive contributions resulting in a recomputation of the monthly benefit amount to be paid based on full-time training.

f. Any enlisted member of the Armed Forces who is a participant in the chapter 32 program shall also be eligible to participate in and receive benefits for PREP during the last 6 months of such member's first enlistment. No charge to entitlement under chapter 32 will occur and the rates payable under PREP, in this instance, will be the cost of the course of $292 monthly, whichever is less, for full-time training. After once having made contributions to the program, a participant may enroll in PREP even though he/she may have suspended contributions at any time subsequent to electing to enroll and participate in chapter 32. The extreme case of a participant enrolling and contributing to the fund for 1 month, suspending for hardship, applying for and being authorized benefits under PREP (during the last 6 months of his/her first enlistment period) is possible.

g. Payment under chapter 32 for a flight or correspondence course to an otherwise eligible veteran, shall be based on 100 percent of the cost of said course. One month's entitlement shall be charged for each month of benefits paid (computed on the basis of the formula listed in subpar. c above for the purpose of debiting entitlement).

h. Eligible veterans participating in chapter 32 shall be eligible for education loans as authorized by 38 U.S.C., chapter 36, subchapter III. Amounts loaned and the terms and conditions of such loaned amounts will be same as previously provided in subchapter III mentioned above.

i. Eligible veterans under chapter 32 are not eligible to participate in the work-study program or receive tutorial assistance.

8. *Delimiting date.* No educational assistance benefits shall be afforded an otherwise eligible veteran under this chapter beyond 10 years after the date of his/her last discharge or release from active duty.

9. *Requirements/Comparability.* The provisions of current law under 38 U.S.C., chapter 34, which specifically apply to the chapter 32 educational benefits program are as follows:

Section and Topic Area
1652(b)—Program of Education.
1652(c)—Educational Institution.
1670—Selection of Program.
1671—Applications; Approval.
1673—Disapproval of Enrollment in Certain Cases.
1674—Discontinuance for Unsatisfactory Conduct or Progress.
1676—Education Outside the United States.
1677—Flight Training.
1681(c)—Educational Assistance Allowance—Flight Training.
1683—Approval of Courses.
1696 and 1698—Prediscbarge Education Program (PREP).

38 U.S.C., chapter 36, Administration of Educational Benefits, is in general applicable to the new chapter 32, Post-Vietnam Era Educational Assistance, program. The following sections are not for application:

Section and Topic Area
1777—Approval of Training on the Job.
1780(c)—Apprenticeship and other On-the-Job Training.
1787—Apprenticeship or other On-Job Training.

A. J. Bochicchio,
Acting Chief Benefits Director.

[FR Doc.10715 Filed 4-11-77;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 365]

ASSIGNMENT OF HEARINGS

April 7, 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 115495 (Sub-Nos. 3, 4, 7, 14, 16, 20, 22, 24, 25) and MC 116200 (Sub-Nos. 2, 3, 5), United Parcel Service, Inc., now assigned May 17, 1977 at Washington, D.C. have been postponed to June 2, 1977 at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 130411, B. J. Marsh, d.b.a. Marsh Travel, now being assigned May 18, 1977 (2 days) at Jefferson City, Missouri in a hearing room to be later designated.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-10736 Filed 4-11-77;8:45 am]

[Rule 19; Ex Parte No. 241; 3rd Rev. Exemption No. 133]

MISSOURI PACIFIC RAILROAD CO. AND THE NATIONAL RAILWAYS OF MEXICO

Exemption Under Mandatory Car Service Rules

It appearing, that there are substantial shortages of fifty-foot plain boxcars on the lines of the Missouri Pacific Railroad Company (MP); that there is an available supply of such cars on the National Railways of Mexico (NDM); that the NDM has consented to use by the MP of certain of these cars; and the MP has secured clearance from the United States Customs Service for use of these cars provided they are interchanged from and to the NDM exclusively by the MP; and that use of these cars by the MP will substantially relieve boxcar shortages on the MP.

It is ordered, That, pursuant to the authority vested in me by Car Service Rule 19, plain boxcars owned by the National Railways of Mexico (NDM) identified herein may be used by the Missouri Pacific Railroad Company (MP) without regard to the requirements of Car Service Rules 1 and 2.

It is further ordered, That NDM plain boxcars identified herein available empty on lines other than the MP must be returned to the MP either loaded or empty and may not be returned to the NDM by any line other than the MP, regardless of the requirements of Car Service Rules 1 and 2; and

It is further ordered, That this exemption is applicable to freight cars owned by the NDM identified in Appendix A[1] hereto.

Effective March 30, 1977, and continuing in effect until further order of this Commission.

Issued at Washington, D.C., March 30, 1977.

INTERSTATE COMMERCE COMMISSION,
JOEL E. BURNS,
Agent.

[FR Doc.77-10739 Filed 4-11-77;8:45 am]

[1] Appendix A is filed as a part of the original document.

FOURTH SECTION APPLICATION FOR RELIEF

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 April 27, 1977.

FSA No. 43344[1]—*Export and Import Rates from and to North Atlantic Ports.* Filed by Traffic Executive Association-Eastern Railroads, Agent (E.R. No. 3057), for interested rail carriers. Rates on property moving on export and import rates from and to North Atlantic Ports, from and to North Atlantic Ports as described in tariffs listed in Appendix "A", on the one hand, to and from various points in Illinois, Indiana, Iowa, Kansas, Kentucky, Minnesota, Missouri, Nebraska, Ohio and Wisconsin, as provided for in Southern Port Foreign Freight Committee, Agent, tariff 1000—C, I.C.C. No. 255 (Territorial Directory).

Grounds for relief—Market competition and port equalization.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-10737 Filed 4-11-77;8:45 am]

[Notice No. 47]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

APRIL 5, 1977.

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 730 (Sub-No. 404TA), filed March 21, 1977. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., 1417 Clay St., P.O. Box 958, Oakland, Calif. 94612. Applicant's representative: Alfred G. Krebs (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Des Moines, Iowa and points within the Des Moines Commercial Zone as off-route points in connection with carrier's authorized regular-route operations. Applicant intends to tack its existing authority with MC 730 and subs thereto, applicant also intends to interline, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: There are approximately 28 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: A. J. Rodriguez, District Supervisor, 211 Main, Suite 500, San Francisco, Calif. 94105.

No. MC 19945 (Sub-No. 63TA), filed March 24, 1977. Applicant: BEHNKEN TRUCK SERVICE, INC., Route No. 13, New Athens, Ill. 62264. Applicant's representative: Ernest A. Brooks II, 1301 Ambassador Bldg., St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and fertilizer ingredients*, in bulk, from Springfield, Ill., to points in Missouri, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: J. J. Stefanec, Director, Agrico Chemical Company, Box 3166, Tulsa, Okla. 74101. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, P.O. Box 2418, Springfield, Ill. 62705.

No. MC 30844 (Sub-No. 584TA), filed March 24, 1977. Applicant: KROBLIN REFRIGERATED XPRESS, INC., P.O. Box 5000, 2125 Commercial St., Waterloo, Iowa 50702. Applicant's representative: John P. Rhodes (same address as appli-

[1] Certain interested parties having requested an extension in the time for filing protests in connection with this application, and sufficient cause appearing for the granting of this request, protests to the granting of Fourth Section Application No. 43344 may be filed not later than April 24, 1977.

cant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite of Krey Packing Company, Inc., located at or near St. Louis, Mo., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, and the District of Columbia, restricted to the transportation of shipments originating at the above-described origin and destined to the above-described destination points, for 180 days. Supporting shipper: Krey Packing Company, 3067 N. Florissant Ave., St. Louis, Mo. 63107. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Bldg., Des Moines, Iowa 50309.

No. MC 99019 (Sub-No. 9TA), filed March 24, 1977. Applicant: KILLIAN-BLACK TRUCKING, INC., Roseville and Hydraulic Sts., Buffalo, N.Y. 14210. Applicant's representative: Robert D. Gunderman, 710 Statler Hilton, Buffalo, N.Y. 14202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour*, in bulk, in tank vehicles, from Baldwinsville, N.Y., to Shenanddoah, Pa., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: International Multifoods Corp., 120 Childs St., Buffalo, N.Y. 14203. Send protests to: George M. Parker, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 910 Federal Bldg., 111 W. Huron St., Buffalo, N.Y. 14202.

No. MC 103993 (Sub-No. 883TA), filed March 24, 1977. Applicant: MORGAN DRIVE AWAY, INC., 28651 U.S. 20 West, Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles (except recreational vehicles), in initial movements, from Stanly County, N.C., to points in Tennessee and West Virginia, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Homes by Fisher, Inc., P.O. Box 248, Richfield, N.C. 28137. Send protests to: J. H. Gray, District Supervisor, Bureau of Operations, Interstate Commerce Commision, 343 W. Wayne St., Suite 113, Fort Wayne, Ind. 46802.

No. MC 106074 (Sub-No. 30TA), filed March 9, 1977. Applicant: B AND P MOTOR LINES, INC., 710 Oakland Road, P.O. Box 741, Forest City, N.C. 28043. Applicant's representative: George W. Clapp, P.O. Box 836, Taylors, S.C. 29687. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cans and can ends*, iron or steel, from the plantsite and warehouse facilities of RJR Foods, Inc., at Plymouth, Ind., to Atlanta, Ga.; Ortonville, Minn.; Lockport, N.Y.; Haskell, Okla.; South Brunswick, N.J.; and Highlands, Tex., for 180 days. Supporting shipper: RJR Foods, Inc., P.O. Box 3037, Winston-Salem, N.C. Send protests to: Terrell Price, District Supervisor, 800 Briar Creek Road, Room CC516, Mart Office Bldg., Charlotte, N.C. 28205.

No. MC 109397 (Sub-No. 358TA), filed March 16, 1977. Applicant: TRI-STATE MOTOR TRANSIT CO., P.O. Box 113, E. on Interstate Business Rt. 44, Joplin, Mo. 64801. Applicant's representative: Max G. Morgan, 223 Ciudad Bldg., Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Radioactive waste mateials*, in containers, from points in the United States (except Alaska and Hawaii), to the facilities of Todd Shipyard, at or near Galveston, Tex., for 180 days. Supporting shipper: Southwest Nuclear Company, 7066A Commerce Circle, Pleasanton, Calif. 94566. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, 600 Federal Bldg., 911 Walnut St., Kansas City, Mo. 64106.

No. MC 110988 (Sub-No. 339TA), filed March 23, 1977. Applicant: SCHNEIDER TANK LINES, INC., 4321 W. College Ave., Giltedge Bldg., Appleton, Wis. 54911. Applicant's representative: Neil A. DuJardin, P.O. Box 2298, Green Bay, Wis. 54306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from Lemont and Princton, Ill.; Conway and Hutchinson, Kans.; Lowell and Port Huron Mich.; Hattiesburg, Miss.; Mentor and Middletown, Ohio; Ogden, Iowa; and Janesville, Wis., to Birmingham, Ala.; Monmouth, Ill.; Gary, LaPorte and Marion, Ind.; Madisonville, Ky.; St. Paul, Minn.; Obetz, Warren, Arehbold and Marion, Ohio; Danbury, Conn.; Fogesville, Hanover and Fairless Hills, Pa.; Piscataway, N.J.; Baltimore and Cambridge, Md.; Bishopville and Camden, S.C.; and Collierville and Springfield, Tenn., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: National Can Corporation, 8101 W. Higgins Road, Chicago, Ill. 60631. Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Bldg. and Courthouse, 517 E. Wisconsin Ave., Room 619, Milwaukee, Wis. 53202.

No. MC 113388 (Sub-No. 116TA), filed March 23, 1977. Applicant: LESTER C. NEWTON TRUCKING COMPANY, P.O. Box 618, Seaford, Del. 19973. Applicant's representative: Chester A. Zyblut, 1030 15th St. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods and commodities*, the transportation of which is exempt under the Provisions of Section 203(b)(6) of the Interstate Commerce Act when moving in the same vehicle and at the same time with frozen foods, from Syracuse, N.Y., to points in Pennsylvania, Maryland, Delaware, Virginia, New York, New Jersey, Ohio, Michigan, West Virginia and the District of Columbia, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Charles A. Cleveland, Director of Sales and Customer Service, Empire Freezers of Syracuse, Inc., P.O. Box 770, Syracuse, N.Y. 13201. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, 814-B Federal Bldg., Baltimore, Md. 21201.

No. MC 118535 (Sub-No. 95TA), filed March 17, 1977. Applicant: TIONA TRUCK LINE, INC., 111 S. Prospect, Butler, Mo. 64730. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Bldg., 3535 N.W. 58th, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lead oxide*, in bulk, in tank vehicles, from Frisco, Tex., to points in Alabama, Arkansas, Illinois, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, Oklahoma, South Carolina and Tennessee, for 180 days. Supporting shippers: Gould, Inc., P.O. Box 250, Frisco, Tex. 75034. Powerlab, Inc., P.O. Box 913, Terrell, Tex. 75160. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Federal Bldg., 911 Walnut St., Kansas City, Mo. 64106.

No. MC 128675 (Sub-No. 4TA), filed March 18, 1977. Applicant: ACME TRUCK LINE, INC., P.O. Box 183, 736 St. Joseph St., Harvey, La. 70058. Applicant's representative: Doyle Coatney (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Forms and scaffolding material*, between the plantsite of Symons Manufacturing Co. Inc., at La Place, La., and points in Alabama, Florida, Louisiana, Mississippi, and Texas, for 180 days. Supporting shipper: Symons Corporation, P.O. Box 790, Airline Hwy. East, La Place, La. 70068. Send protests to: R. C. Armstrong Jr., District Supervisor, 9038 Federal Bldg., 701 Loyola Ave., New Orleans, La. 70113.

No. MC 133494 (Sub-No. 13TA), filed March 24, 1977. Applicant: E. W. BELCHER TRUCKING, INC., 201 Dallas Dr., Denton, Tex. 76201. Applicant's representative: William D. Lynch, P.O. Box 912, Austin, Tex. 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fish oil residuum* (fish solubles), in tank vehicles, from Holmwood,

Cameron, and Empire, La., to the facilities of the H. J. Baker & Bro., Inc., at Fort Smith, Ark., for 180 days. Supporting shipper: H. J. J. Baker & Bro., Inc., 360 Lexington Ave., New York, N.Y. 10017. Send protests to: Robert J. Kirspel, District Supervisor, Room A927 Federal Bldg., 819 Taylor St., Fort Worth, Tex. 76102.

No. MC 134387 (Sub-No. 44TA), filed March 23, 1977. Applicant: BLACKBURN TRUCK LINES, INC., 4998 Branyon Ave., South Gate, Calif. 90280. Applicant's representative: Lucy Kennard Bell, 606 South Olive St., Suite 825, Los Angeles, Calif. 90014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass bottles and jars*, less than one gallon in capacity, from points in Los Angeles and San Bernardino Counties, Calif., to points in Weber County, Utah, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Brockway Glass Company, Inc., 8717 G St., Oakland, Calif. 94621. Send protests to: Walter W. Strakosch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1321 Federal Bldg., 300 N. Los Angeles St., Los Angeles, Calif. 90012.

No. MC 138726 (Sub-No. 4TA), filed March 24, 1977. Applicant: MUNICIPAL TANK LINES LIMITED, P.O. Box 3500, Calgary, Alberta, Canada T2P 2P9. Applicant's representative: D. S. Vincent (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Newark, N.J., and Chicago, Ill., to ports of entry on the United States-Canada International Boundary line located in Michigan and New York, restricted to shipments destined to points in Ontario, Canada, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Robert P. Newman, Office Manager, Celanese Canada Limited, Chemicals Division, 4 Eva Road, Islington, Ontario, Canada M9C 2A8. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, 2602 First Ave., North, Billings, Mont. 59101.

No. MC 139495 (Sub-No. 216TA), filed March 24, 1977. Applicant: NATIONAL CARRIERS, INC., P.O. Box 1358, 1501 East 8th St., Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dubin, 1819 H St. NW., Suite 1030, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Drugs, medicines, and toilet preparations* (except in bulk), from the facilities of Bristol-Myers Products, at or near Franklin, Ky., to Dallas, Tex.; Lawrence, Kans.; La Mirada and Oakland, Calif.; and Portland, Oreg., for 180 days. Supporting shipper: Bristol-Myers Products, 225 Long Ave., Hillside, N.J. 07207. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, Suite 101 Litwin Bldg., 110 N. Market, Wichita, Kans. 67202.

No. MC 140363 (Sub-No. 7TA), filed March 21, 1977. Applicant: CHAMP'S TRUCK SERVICE, P.O. Box 1233, Meraux, La. 70075. Applicant's representative: Edward A. Winter, 235 Rosewood Dr. Metairie, La. 70005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand and gravel, lime and limestone*, in bulk, in dump trucks, between points in Louisiana on the one hand, and, on the other, points in Mississippi, for 180 days. Supporting shipper: Louisiana Materials Co., Inc., P.O. Box 8214, New Orleans, La. 70182. Send protests to: Ray C. Armstrong, Jr., District Supervisor, 9038 Federal Bldg., 701 Loyola Ave., New Orleans, La. 70113.

No. MC 140808 (Sub-No. 3TA), filed March 23, 1977. Applicant: GARY MATHENY, R.R. 1, Lebanon, Nebr. 69036. Applicant's representative: A. J. Swanson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, fertilizer ingredients, and agricultural herbicides and insecticides* (except commodities in bulk), between points in the commercial zones of McCook, Nebr., and Webster City, Iowa, on the one hand, and, on the other, points in Nebraska, Kansas, and that part of Iowa on and west of U.S. Highway 69; that part of Colorado on and east of the Continental Divide, and points in Platte, Laramie, and Goshen Counties, Wyo., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Sharon K. Snyder, Traffic Manager, Cornbelt Chemical Company, P.O. Box 410, McCook, Nebr. 69001. Send protests to: Max H. Johnston, District Supervisor, 285 Federal Bldg., & Courthouse, 100 Centennial Mall North, Lincoln, Nebr. 68508.

No. MC 140967 (Sub-No. 2TA), filed March 22, 1977. Applicant: ARLEN LINDQUIST, doing businesss as ARLEN E. LINDQUIST TRUCKING, 3851 85th Ave. NE., New Brighton, Minn. 55112. Applicant's representative: F. H. Kroeger, 1745 University Ave., St. Paul, Minn. 55104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Oil* (except in bulk, in tank vehicles), from Roxana, Ill., to South Bend, Ind.; Blaine and Clontarf, Minn.; Fargo, N. Dak.; and Sioux Falls, S. Dak.; and (2) *Tires and tubes*, from Memphis, Tenn., to Ashby, Bemidji, Breckenridge, Canby, Clearbrook, Clontarf, Graceville, Henning, Jasper, Park Rapids, Redwood Falls, and Rothsay, Minn.; Harvey, Jamestown, Wahpeton, and Wyndmere, N. Dak.; Aberdeen, Brookings, Frederick, Huron, Madison, Mitchell, Pierre, Sioux Falls, Sisseton, and Watertown, S. Dak., under a continuing contract with Chamberlain Oil Co., Inc., and/or Quad State Distributing, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Quad State Distributing, Inc.; and Chamberlain Oil Co., Inc., 113 Grace Ave., East, Clontarf, Minn. 56226. Send protests to: Marion L. Cheney, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Bldg., and U.S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 141255 (Sub-No. 8TA), filed March 22, 1977. Applicant: TANDY TRANSPORTATION, INC., P.O. Box 7135, 3501 Fairview, Fort Worth, Tex. 76111. Applicant's representative: Ralph W. Pulley, Jr., 4555 First National Bank Bldg., Dallas, Tex. 75202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) (a) *Electronic equipment, materials and supplies, including antenna, antenna mounts, and antenna masts* (except commodities requiring special equipment), from Blauvelt and Hicksville, L.I., N.Y.; Huntington, Ind.; Tarrant City, Ala.; Burlington, Iowa; Somerville and Parsippany, N.J.; St. Louis, Mo.; Boston, Mass.; and St. Paul, Minn., to Vancouver, Wash.; Chicago, Ill.; and Charleston, S.C.; (b) *Electronic equipment, materials and supplies, including antenna, antenna mounts, and antenna masts* (except commodities requiring special equipment), from Mundelein, Ill., to Vancouver, Wash.; and Charleston, S.C.; (c) *Toys, games and toy or game construction kits*, from Hagerstown, Md., to Vancouver, Wash.; Chicago, Ill.; and Charleston, S.C.; (d) *Electronic equipment, materials and supplies* (except commodities requiring special equipment), *toys or games*, from Los Angeles, Calif., to Vancouver, Wash.; Chicago, Ill.; and Charleston, S.C.; (e) *Electronic equipment, materials and supplies* (except commodities requiring special equipment), *toys or games*, from Detroit, Mich., to Vancouver, Wash.; Chicago, Ill.; and Charleston, S.C.;

(2) (a) *Antenna mounts* (except commodities requiring special equipment), from Franklin Park, Ill., to Ft. Worth, Tex.; Garden Grove, Calif.; Groveport, Ohio; Randolph, Mass.; Vancouver, Wash.; and Charleston, S.C.; (b) *Steel hardmare cabinets*, from Wadsworth, Ohio, to Ft. Worth, Tex.; Garden Grove, Calif.; Randolph, Mass.; Vancouver, Wash.; Chicago, Ill.; and Charleston, S.C.; (c) *Radio or telephone headsets*, from Milwaukee, Wis., to Ft. Worth, Tex.; Garden Grove, Calif.; Groveport, Ohio; Randolph, Mass.; Vancouver, Wash.; Chicago, Ill.; and Charleston, S.C.; (d) *Electronic equipment, materials and supplies* (except commodities requiring special equipment), from Princeton, Ky., to Groveport, Ohio.; Randolph, Mass.; Vancouver, Wash.; Chicago, Ill.; and Charleston, S.C.; (e) *Plastic records, sound recordings, and recordings, tapes*, from Port Washington, Pa., to Ft. Worth, Tex.; Garden Grove, Calif.; Vancouver, Wash.; Chicago, Ill.; and Charleston, S.C.; (f) *Electronic equipment, materials and supplies* (except commodities requiring special equipment), from Philadelphia,

Pa., to Ft. Worth, Tex.; Garden Grove, Calif.; Groveport, Ohio; Randolph, Mass.; Vancouver, Wash.; Chicago, Ill.; and Charleston, S.C.; (g) *Electronic equipment, materials and supplies* (except commodities requiring special equipment), from Baltimore, Md., to Groveport, Ohio; Vancouver, Wash.; Chicago, Ill.; and Charleston, S.C.; (h) *Electronic equipment, materials and supplies* (except commodities requiring special equipment), from Indianapolis, Ind., to Ft. Worth, Tex.; Garden Grove, Calif.; Randolph, Mass.; Vancouver, Wash.; and Charleston, S.C.;

(3) (a) *Sheet steel* (except commodities requiring special equipment), from Des Plaines, Ill., to Ft. Worth, Tex.; (b) *Paper bags*, from Yulee, Fla., to Ft. Worth, Tex.; (c) *Particle board*, from Morristown, Tenn., to Ft. Worth, Tex.; (d) *Brass, bronze or copper wire*, from Carrollton, Ga., to Ft. Worth, Tex.; (e) *Steel stampings* (except commodities requiring special equipment), from Paducah, Ky., to Ft. Worth, Tex.; (f) *Magnetized* magnets and carpet rolls, from Chattanooga, Tenn., to Ft. Worth, Tex.; (g) *Chrome plated brass parts* for electronic equipment, from Willoughby, Ohio, to Ft. Worth, Tex.; (h) *Uncoated wire links* used for antennas, from Cockeysville, Md., to Ft. Worth, Tex.; (i) *Plastic pellets*, in bags or boxes, from Peru and Ottawa, Ill.; Massilon, Ohio; and Gary, Ind., to Ft. Worth, Tex.; (j) *Coiled or stripped aluminum* (except commodities requiring special equipment), from Burnsville, Minn., to Ft. Worth, Tex.; (k) *Metal fasteners and connectors*, from Elmhurst, Ill., to Ft. Worth, Tex.; (l) *Plastic spools*, from Chatham, N.Y., to Ft. Worth, Tex.; (m) *Leather, leather supplies, saddle soap, neats foot oil, and leather dressing*, from Milwaukee, Wis., to Ft. Worth, Tex.; and (n) *Plastic pellets or granules*, in bags, from Perryville, Md., and Passaic, N.J., to Ft. Worth, Tex. Restriction: The operations authorized herein in Paragraphs 1, 2 and 3 are limited to a transportation service to be performed under a continuing contract with Tandy Corporation and Tandycrafts, Inc., and their divisions and subsidiaries. The operations authorized herein to all destination points are restricted to traffic destined to the manufacturing plants, warehouses and storage facilities owned or utilized by Tandy Corporation, Tandycrafts, Inc., and their divisions and subsidiaries, under a continuing contract with Tandy Corporation, Inc., and Tandycrafts, Inc., for 180 days. Supporting shippers: Tandy Corporation, Inc., and Tandycrafts, Inc., 2727 W. 7th St., Fort Worth, Tex. 76107. Send protests to: Robert J. Kirspel, District Supervisor, Room 9A27, Federal Bldg., 819 Taylor St., Fort Worth, Tex. 76102.

No. MC 141599 (Sub-No. 2TA), filed March 23, 1977. Applicant: MOUNTAIN PACIFIC TRANSPORT (EDMONTON), LTD., 241 Schoolhouse Road, Coquitlam, British Columbia, Canada. Applicant's representative: George R. LaBissoniere, 1100 Norton Bldg., Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Talc*, from Three Forks, Mont., to the United States-Canada International Port of Entry, at or near Eastport or Porthill, Idaho, restricted to traffic moving to Kamloops, Quesnel, Prince Rupert, Castlegar, Skookumchuck, Prince George, McKenzie, Crofton, Harmac, Port Alberni, Elk Falls, Kitimat and Vancouver, B.C., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Harrisons and Crosfield, Canada, Ltd., 3070 King Way, Vancouver, B.C., Canada V5R 5J7. Send protests to: L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 858 Federal Bldg., Seattle, Wash. 98174.

No. MC 141750 (Sub-No. 3TA), filed March 23, 1977. Applicant: COLUMBIA HAULERS, INCORPORATED, 1009 Airport Road, Columbia, S.C. 29205. Applicant's representative: Frank A. Graham, Jr., 707 Security Federal Bldg., Columbia, S.C. 29201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Charcoal briquetts;* and (2) *Alcoholic liquors, alcohol distillers' by-products, and wines;* (1) from Lake City, S.C., to Baltimore and Landover, Md.; Waynesville, N.C.; Knoxville, Tenn.; and Charlottesville, Va.; and (2) from Frankfort, Lawrenceburg, Louisville, Loretto and Owensboro, Ky.; Baltimore, Md.; Schenley, Pa.; Tullahoma, Tenn.; and Petersburg, Va., to Columbia, S.C.; under a continuing contract with T. S. Ragsdale Company, Inc., of Lake City, S.C., and Columbia Distributing Corporation of Columbia, S.C., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: T. S. Ragsdale Company, Inc., P.O. Box 973, Lake City, S.C. 29560. Columbia Distributing Corporation, 1009 Airport Road, Columbia, S.C. 29205. Send protests to: E. E. Strotheid, District Supervisor, Interstate Commerce Commission, Room 302, 1400 Pickens St., Columbia, S.C. 29201.

No. MC 142525 (Sub-No. 1TA), filed March 23, 1977. Applicant: BERNARD D. HARNER AND SON, INC., R.R. 2, Washington, Ind. 47501. Applicant's representative: Robert W. Loser, 1009 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Feed and feed ingredients*, dry, in bags, between Ralston Purina Company plants located at Evansville, Ind., on the one hand, and, on the other, Vandalia, Ill., and Louis, Ky. Restrictions: (1) Restricted against the transportation of commodities in bulk; (2) Restricted to movements under a continuing contract with Ralston Purina Company, and (3) Restricted to movement either originating at or destined to the plant and storage facilities of Ralston Purina Company, Evansville, Ind.; and (2) *Feed and feed ingredients*, dry, in bags, in bulk, from the Ralston Purina Company plant and storage facilities at Evansville, Ind., to points in White and Gallatin Counties, Ill.; and Henderson, Union, Webster, Crittenden, Livingston, Lyon, Trigg, Caldwell, Hopkins, Christian, Todd, Muhlenburg, McLean, Daviess and Hancock Counties, Ky. Restrictions: (1) Restricted to movements under a continuing contract with Ralston Purina Company; and (2) Restricted to movements either originating at or destined to the plant and storage facilities of Ralston Purina Company, Evansville, Ind., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Ralston Purina Company, 2124 Lynch Road, Evansville, Ind. 47711. Send protests to: William S. Ennis, District Supervisor, Interstate Commerce Commission, Federal Bldg. and U.S. Courthouse, 46 E. Ohio St., Room 429, Indianapolis, Ind. 46204.

No. MC 142937 (Sub-No. 1TA) (correction), filed March 3, 1977, published in the FR issue of Marrch 22, 1977, and republished as corrected this issue. Applicant: DARRELL A. CARLSON, doing business as CARLSON TRUCKING, Route No. 1, Parkers Prairie, Minn. 56361. Applicant's representative: James B. Hovland, 414 Gate City Bldg., Fargo, N. Dak 58102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sprinkling and irrigation systems, and parts and attachments* for sprinkling and irrigation systems, from Scotts Bluff County, Nebr., to points in Minnesota on and south of U.S. Highway 2 and on and north of a line beginning at the South Dakota-Minnesota border along State Highway 28 to its intersection with Interstate 94, thence along Interstate 94 to its intersection with State Highway 23, thence along State Highway 23 to the Minnesota-Wisconsin border, under a continuing contract with Mid-Minnesota Irrigation Supply, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Mid-Minnesota Irrigation Supply, Route 2, Box 12A, Wadena, Minn. 56482. Send protests to: Ronald R. Mau, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 2340, Fargo, N. Dak. 58102. The purpose of this republication is to state the name and address where protests should be sent.

No. MC 143026TA (correction), filed March 11, 1977, published in the FR issue of March 28, 1977, and republished as corrected this issue. Applicant: RMB CORPORATION, 303 South St., Newark, N.J. 07114. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bicycles and velocipedes, materials, equipment and supplies* used in the manufacture and sale of bicycles and veloci-

pedes, between the facilities of Iverson Cycle Corporation, town of Brookhaven, N.Y., on the one hand, and, on the other, points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Maryland, Massachusetts, Michigan, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, Kentucky, Mississippi and the District of Columbia, under a continuing contract with Iverson Cycle Corporation, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Iverson Cycle Corporation, P.O. Box 2000, Patchogue, N.Y. 11772. Send protests to: Robert S. H. Vance, District Supervisor, Interstate Commerce Commission, 9 Clinton St., Newark, N.J. 07102. The purpose of this republication is to add the supporting shipper's name and address.

No. MC 143043 (Sub-No. 1TA), filed March 15, 1977. Applicant: SHERMAN C. WATSON, doing business as WATSON CO., Route 2, Box 440, Colfax, La. 71417. Applicant's representative: Sherman C. Watson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pine pitch residue*, from Alexandria, La., to points in California, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Louisiana Pine Products Co., Inc., P.O. Box 814, Alexandria, La. 71301. Send protests to: Ray C. Armstrong, Jr., District Supervisor, 9038 Federal Bldg., 701 Loyola Ave., New Orleans, La. 70113.

No. MC 143048TA, filed March 21, 1977. Applicant: FRANCIS E. & JOHN H. CONDON, doing business as D. AND F. KITCHEN CABINET DELIVERY, 153 La Grange St., West Roxbury, Mass. 02132. Applicant's representative: Paul E. Murphy, 8th Floor—One State St., Boston, Mass. 02109. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Kitchen cabinets, vanity cabinets, counter tops, and small hardware* incidental to the installation thereof, and no other commodities, from West Bridgewater, Mass., to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, Pennsylvania, Maryland, Delaware, the District of Columbia, New Jersey, and Virginia, under a continuing contract with N. J. MacDonald & Sons Inc., for 180 days. Supporting shipper: N. J. MacDonald & Sons Inc., Pleasant St., W. Bridegwater, Mass. Send protests to: D. W. Hammons, District Supervisor, 150 Causeway St., Room 501, Boston, Mass. 02114.

No. MC 143068TA, filed March 21, 1977. Applicant: R. F. TRUCKING, INC., P.O. Box 648, Rocky Ford, Colo. 31067. Applicant's representative: F. Owen Kendrick, 1600 Lincoln Center, 1660 Lincoln St., Denver, Colo. 80264. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are manufactured by, distributed by, dealt in by, and *manufacturing materials and supplies* utilized by, iron and steel manufacturers, restricted to service provided pursuant to a continuing with Double H Steel & Wire Co., Inc., between Rocky Ford, Colo., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: Double H Steel and Wire Company, Inc., P.O. Box 648, Rocky Ford, Colo. 81067. Send protests to: Herbert C. Ruoff, District Supervisor, 721 19th St., Denver, Colo. 80202.

No. MC 143069TA, filed March 22, 1977. Applicant: T. M., INC., 1224 Peacock Ave., Columbus, Ga. 31904. Applicant's representative: Virgil H. Smith, Site 12, 1587 Phoenix Blvd., Atlanta, Ga. 30349. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agriculture limestone*, in bulk, in dump vehicles, from points in Lee County Ala., to points in Dougherty, Early, Macon, Randolph, Terrell, Sumter, Webster, Stewart, Marion, Schley, Lee, Calhoun, Quitman, and Clay Counties, Ga., for 180 days. Supporting shippers: There are approximately 7 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Sara K. Davis, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, 1252 W. Peachtree St. NW., Room 546, Atlanta, Ga. 30309.

No. MC 143070TA, filed March 14, 1977. Applicant: SPRINGFIELD TRUCKERS, INC., P.O. Box 250, Ozark, Mo. 65671. Applicant's representative: Harry Ross, Jr., 58 South Main St., Winchester, Ky. 40391. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from points in Rogers, Craig, and Ottawa Counties, Okla., to Springfield, Mo., for 180 days. Supporting shipper: Russell Creek Mine, Welch, Okla. 74369. Send protests to: John V. Barry, District Supervision, Interstate Commerce Commission, Bureau of Operations, 600 Federal Bldg., 911 Walnut St., Kansas City, Mo. 64106.

No. MC 143072TA, filed March 21, 1977. Applicant: WINONA AIR EXPEDITING CO., 4592 Wichita Trail, Hamel, Minn. 55340. Applicant's representative: F. H. Kroeger, 1745 University Ave., St. Paul, Minn. 55104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those injurious or contaminating to other lading), between Winona, Minn., on the one hand, and, the Minneapolis-St. Paul, Minn., International Airport on the other, on shipments having a prior or subsequent movement by air, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Marangoni USA Inc., Ring Tread System USA, 4640 Service Drive, P.O. Box 976; Fiberite Corporation, 501 W. 3rd St.; Lake Center Industries Trans. Inc., 111 Market St.; and Winona Knitting Mills, Winona, Minn. 55987. Send protests to: Marion L. Cheney, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Bldg., and U.S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 143073TA, filed March 22, 1977. Applicant: VANDERVEEN HAY SALES LTD., 18726 56th Ave., Surrey, British Columbia, Canada. Applicant's representative: Gary Venderveen (same address as applicant). Authority sought to operate as *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from the Ports of Entry on the United States-Canada Boundary line, at or near Blaine, Wash., to Snohomish, Woodinville, Issaquah, Tacoma, Wash., and Portland, Oreg., under a continuing contract with West Fraser Building Supplies Co. Ltd., for 180 days. Supporting shipper: West Fraser Building Supplies Co. Ltd., No. 201—20560—56th Ave., Langley, British Columbia, Canada. Send protests to: L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 858 Federal Bldg., Seattle, Wash. 98174.

No. MC 143075TA, filed March 22, 1977. Applicant: HAROLD AND CHARLINE BRENDLER, doing business as, NORTHWEST PRODUCE EXPRESS, 2040 Southeast Salmon, Portland, Oreg. 97214. Applicant's representative: Philip G. Skofstad, P.O. Box 594, Gresham, Oreg. 97030. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products, food requiring refrigeration, glassware, grocery products and paper products, and commodities* otherwise exempt from economic regulation under Section 203(b)(6) of the Interstate Commerce Act when moving in mixed shipments with dairy products, food requiring refrigeration, glassware, grocery products and paper products, between Salem, Beaverton, Portland, and Pendleton, Oreg., on the one hand, and on the other Yakima and Pasco, Wash., under a continuing contract with Pacific Fruit & Produce Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Pacific Fruit & Produce Co., P.O. Box 3687, Seattle, Wash. 98124. Send protests to: R. V. Dubay, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, Oreg. 97204.

No. MC 143076TA, filed March 22, 1977. Applicant: JOSEPH BROWN, doing business as BROWN TRUCKING AND INVESTMENT COMPANY, P.O. Box 1461, Olympia, Wash. 98507. Applicant's representative: Joseph Brown (same address as applicant). Authority sought to operate as a *common carrier*, by motor

vehicle, over irregular routes, transporting: *Machinery, diesel engines, forklifts, pipe and steel,* between Seattle and Spokane, Wash., Portland and Pendleton, Oreg., and San Diego, Calif., for 180 days. Supporting shipper: Olympia Tech. Community College, 2061 Mottman Road SW., Olympia, Wash. 98502. Send protests to: L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 858 Federal Bldg., 915 Second Ave., Seattle, Wash. 98174.

No. MC 143077TA, filed March 22, 1977. Applicant: GERARD S. REDER, doing business as BERKSHIRE AMORED CAR SERVICE, 343 Pecks Road, Pittsfield, Mass. 01201. Applicant's representative: Morris J. Levin, 1620 Eye St. NW., Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coin, currency, legal tender, monies, negotiable and non-negotiable instruments, securities, stamps, documents* used in banking, *and other valuable articles,* between points in Massachusetts and Vermont, under a continuing contract with First Vermont Bank and Trust Company, and Chittenden Trust Company, Bennington, Vt., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: First Vermont Bank and Trust Company, and Chittenden Trust Company, Bennington, Vt. Send protests to: J. D. Perry, Jr., District Supervisor, 436 Dwight St., Room 338, Springfield, Mass. 011

No. MC 140378TA, filed March 22, 1977. Applicant: EMPIRE WELDING SUPPLY CO., INC., 4810 Vasquez Blvd., Denver, Colo. 80216. Applicant's representative: Larry K. Prizzell (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Carbon dioxide,* bulk quantity, from Cheyenne, Wyo., to Denver, Colo., under a continuing contract with Airco Industrial Gases, for 180 days. Supporting shipper: Airco Industrial Gases, 2001 W. 16th St., Broadview, Ill. 60153. Send protests to: Herbert C. Ruoff, District Supervisor, 492 U.S. Customs House, 721 19th St., Denver, Colo. 80202.

No. MC 143080TA, filed March 21, 1977. Applicant: BUCCANEER MOVING & STORAGE, INC., P.O. Box 585, Fernandina Beach, Fla. 32034. Applicant's representative: Sol H. Proctor, 1101 Blackstone Bldg., Jacksonville, Fla. 32202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk, heavy hauling, building materials on flatbed trailers, commodities requiring specialized equipment explosives and household goods), between points in Nassau County Fla., Jacksonville, Fla., and its commercial zone (except Ponte Vedra Beach, Fla., and Orange Park, Fla.), for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: There are approximately 8 statements of support attached to the application, which may be examined at the Intrestate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: G. H. Fauss, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 W. Bay St., Jacksonville, Fla. 32202.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-10738 Filed 4-11-77;8:45 am]

SPECIFICATIONS OF TYPES OF FINANCE CASES IN RESPECT OF WHICH DETERMINATIONS MAY BE MADE BY EMPLOYEE REVIEW BOARDS

It appearing that Item 7.12(c) of the Organization Minutes of the Commission (39 FR 25569) delegates to the Review Boards authority to determine matters in proceedings under the provisions of law set forth in Item 4.4 thereof in cases or types of cases specified from time to time by the Chairman of Division 3 of the Commission, which have involved the taking of testimony at a public hearing or the submission of evidence by opposing parties in the form of affidavits:

It is ordered, That determinations may be made by the Review Boards in all proceedings arising under the provisions of law set forth in Item 4.4 of the Organization Minutes, which have involved the taking of testimony at a public hearing or the submission of evidence of opposing parties in the form of affidavits, other than—

Those proceedings in which a Commissioner or a member of the Board has presided at the hearing or issued an initial decision.

Those proceedings orally argued before Division 3.

Those proceedings involving a railroad, a Class 1 motor carrier, or a Class A water carrier or freight forwarder which have been the subject of an initial decision by an Administrative Law Judge.

Those proceedings which are considered to be the relatively more important cases, including those which appear to involve issues of general transportation importance.

It is further ordered, That the foregoing specifications, to the extent administered by the Office of Proceedings, shall be applied and construed under the direction and suprevision of the Chairman of Division 3.

It is further ordered, That this order supersedes the order entered herein on December 22, 1967, as of the effective date hereof.

And it is further ordered, That this order shall be effective as of the date hereof.

Dated at Washington, D.C., this 5th day of April 1977.

By the Commission, Commissioner Brown.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-10734 Filed 4-11-77;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

	Item
Federal Communications Commission	2, 3
Federal Election Commission	4
Federal Power Commission	5, 9, 10, 11
Indian Claims Commission	12
International Trade Commission	6
Securities and Exchange Commission	7, 8
Tennessee Valley Authority	1

1

AGENCY HOLDING THE MEETING: Tennessee Valley Authority.

TIME AND DATE: 10:30 a.m., Thursday, April 14, 1977.

PLACE: Conference Room B–32, West Tower, 400 Commerce Avenue, Knoxville, Tennessee.

STATUS: Open.

MATTERS TO BE CONSIDERED:

A—PERSONAL ACTIONS

1. Change of status—Jack R. Calhoun from Chief, Nuclear Generation Branch to Assistant Director of Power Production (Nuclear), Chattanooga, Tennessee.

B—CONSULTING AND PERSONAL SERVICE CONTRACTS

None.

C—PURCHASE AWARDS

1. Req. No. 546216—Tower cranes for proposed Phipps Bend Nuclear Plant.

2. Req. No. 820646—Mechanical penetration assemblies for Bellefonte Nuclear Plant.

3. Rasolution relating to rejection of bids and negotiation in response to Invitaiton No. 820181 for 480–volt unit substation for proposed Hartsville and Phipps Bend Nuclear Plants.

4. Req. No. 820116 (Second Reissue) —Weirwall liners for reactor building for proposed Hartsville and Phipps Bend Nuclear Plants.

5. Amendment to Contract 77P–41–T9 with Black Energy Mining Company for coal for TVA steam plants.

6. Req. No. 107872—ACSR conductor cable for Watts Bar-Volunteer 500–kV transmission line.

7. Amendment to indefinite quantity term Contract No. 73X8–62037 with Lewis Electric Supply Co., Inc., Muscle Shoals, Alabama, for connectors, cast lugs, tools, and accessories for any TVA project or warehouse.

8. Amendment to Contract 75C60–84840–2 with Combustion Engineering, Inc., for nuclear steam supply systems for the proposed Yellow Creek Nuclear Plant Units 1 and 2.

9. Reg. No. 821400—Structural steel for control building for the proposed Hartsville and Phipps Bend Nuclear Plants.

10. Amendment to Contract 66C60–90744 with General Electric Company for major equipment package for Browns Ferry Nuclear Plant Units 1 and 2.

11. Reg. No. 546313—Diesel-engine-powered truck crane, construction pool equipment, for proposed Hartsville and Phipps Bend Nuclear Plants.

D—PROJECT AUTHORIZATIONS

None.

E—FERTILIZER ITEMS

1. Letter agreement with International Fertilizer Development Center—research and technical assistance projects.

F—POWER ITEMS

1. Bill of sale and quitclaim deed to the Tennessee Valley Electric Cooperative—sale of section of TVA's deenergized Clifton Junction-Savannah 46–kV transmission line.

2. Bill of sale and quitclaim deed to North Alabama Electric Cooperative—sale of portion of deenergized Huntsville-Scottsboro 46-kV transmission line.

3. Letter agreement with City of Clarksville, Tennessee, for establishment of a 13-kV delivery point at TVA's Edgoten 161–kV Substation.

4. Agreement with the Duck River Electric Membership Corporation—establishment of a 26-kV delivery point at TVA's Lewisburg Substation.

5. Letter agreement with Energy Research and Development Administration—reconnect certain transmission lines.

6. Letter agreement with Energy Research and Development Administration—establishment of a 161-kV tieline.

G—REAL PROPERTY TRANSACTION

1. Filing of condemnation suits.

2. Resolution relating to abandonment and release of phosphate minerals and mining rights in Giles, Maury, and Williamson Counties, Tennessee.

3. Sale at public auction of permanent industrial easement affecting approximately 67 acres of land in Anderson County, Tennessee (tract XMHR–411E) —Melton Hill Reservoir.

H—UNCLASSIFIED

1. Memornadum of Understanding between the U.S. Energy Research and Development Administration and TVA concerning energy research and development related activities.

2. Resolution relation to purchase of insurance for trades and labor pension and health and welfare funds trustees.

3. Policy statement relating to Accounting, Accounts Receivable.

4. 1976 annual report of municipal and cooperative distributors of TVA power.

5. Approval of plans of the U.S. Energy Research and Development Administration for construction of an outfall at Watts Bar Reservoir—Clinch River Mile 16.0R.

6. Revised policy statement relating to Mineral Resources.

Dated: April 7, 1977.

CONTACT PERSON FOR MORE INFORMATION:

John Van Mol, Director of Information, or a member of his staff can respond to requests for information about this meeting. Call 615–632–3257, Knoxville, Tennessee. Information is also available at TVA's Office, 202–343–4537.

[S–133–77 Filed 4–7–77;5:12 pm]

2

AGENCY HOLDING THE MEETING: Federal Communications Commission.

TIME AND DATE: 9:30 a.m., Thursday, April 14, 1977.

PLACE: Room 856, 1919 M Street NW., Washington, D.C.

STATUS: Closed Commission Meeting.

MATTER TO BE CONSIDERED:

Agenda, Item No. and Subject

Hearing—1—Application for Review of Review Board order in consolidated Rochester, New York, and Cheektowaga, New York, AM renewal proceeding (Docket Nos. 20791–2).

CONTACT PERSON FOR MORE INFORMATION:

Samuel M. Sharkey, Jr., FCC Public Information Officer, telephone number (202) 632–7260.

Issued: April 7, 1977.

[S–126–77 Filed 4–7–77;5:05 p.m.]

3

AGENCY HOLDING THE MEETING: Federal Communications Commission.

TIME AND DATE: 9:45 a.m. and 2:00 p.m., Thursday, April 14, 1977.

PLACE: Room 856, 1919 M Street NW., Washington, D.C.

STATUS: Open Commission Meeting.

MATTERS TO BE CONSIDERED:

Agenda, Item No., and Subject

General—1—Application for review filed by Borgen and Murphy (WHHL) concerning request to change call letters of Station WHHL to WDZY, and opposition filed by Shamrock Development Corporation.

General—2—(a) Amendment of Parts 81 and 83 to provide for use of certain frequencies between 5 and 25 MHz at Mobile, Alabama; cross-licensing of frequencies at Miami, Florida, New York, N.Y., and San Francisco, California (Docket No. 20449).

General—2—(b) Amendment of Parts 81 and 83 to provide for use of additional 4 MHz frequency at Mobile, Alabama (Docket No. 20906).

General—3—Petition for waiver of certain Part 15 requirements from Microwave Associates.

Common Carrier—1—Complaint of American Satellite Corporation Against Southwestern Bell Telephone Company (File No. TS 46-75).

Cable Television—1—Notice of Proposed Rule Making concerning amendment of Part 76, Subpart F of the Commission's Rules and Regulations with Respect to the Cable Television Annual Financial Report (FCC Form 326).

Assignment of License and Transfer of Control—1—Applications for: (a) assignment of licenses of stations KBIX, KGBX and KHMO (BAL-8877, BAL-8878, BAL-8876), (b) transfer of control of Springfield Television, Inc. (KYTV), BTC-8180); and request for waiver of Section 73.636(a).

Special—1—Petitions to Amend Part 73 re: broadcast of recorded telephone conversations (RM-2564, 2571).

2:00 P.M.

Special—2—Background briefing for Commissioners and staff concerning the 1979 World Administrative Radio Conference.

CONTACT PERSON FOR MORE INFORMATION:

Samuel M. Sharkey, Jr., FCC Public Information Officer, telephone number (202) 632-7260.

Issued: April 7, 1977.

[S-127-77 Filed 4-7-77;5:05 p.m.]

4

AGENCY HOLDING THE MEETING: Federal Election Commission.

LOCATION: 1325 K Street NW., Washington, D.C. 20463.

DATE AND TIME: Thursday, April 14, 1977, 10:00 a.m.

PORTION OF MEETING OPEN TO THE PUBLIC:

I. Future Meetings.
II. Correction and approval of minutes—March 31, 1977.
III. Certification.
IV. Advisory Opinions:
A. AO 1977-12.
B. AO 1977-13.
C. AO 1977-14.
V. Recommendation to resume FEDERAL REGISTER publication of advisory opinions.
VI. FEC Computer Program.
VII. Report on Legislation.—Proposed Comment on Universal Voting Rights Act.

PORTION OF MEETING CLOSED TO THE PUBLIC:

VIII. Executive session:
A. Compliance:
B. Personnel.

PERSON TO CONTACT FOR INFORMATION:

David Fiske, Press Officer, telephone: 202-523-4065.

MARJORIE W. EMMONS,
Secretary to the Commission.

[S-128-77 Filed 4-7-77;5:05 pm]

5

AGENCY HOLDING THE MEETING: Federal Power Commission.

FEDERAL REGISTER CITATION OF PRVIOUS ANNOUNCEMENT: 42 FR 18340 (April 6, 1977).

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: April 7, 1977, 2:00 p.m.

CHANGES IN THE MEETING:

The following items are added to the meeting:

G-26—Docket No. CP77-296, Texas Gas Transmission Corporation; Docket No. CP 77-310, Tennessee Gas Pipeline Company; and East Tennessee Natural Gas Company.
P-4—Docket No. E-7740, Indiana & Michigan Electric Company.
P-5—Project No. 2413, Georgia Power Company.
P-6—Docket No. ES77-24, Pacific Power & Light Company.

[S-129-77 Filed 4-7-77;5:05 pm]

6

AGENCY HOLDING THE MEETING: International Trade Commission.

The United States International Trade Commission, acting on the authority of 19 U.S.C. 1335 in conformity with 19 CFR 201.37, voted to add the following item to its agenda for the meeting of April 7, 1977:

10. Selection of a nominee for the Annual Justice Tom C. Clark Award for 1977.

Commissioners Minchew, Parker, Leonard, Moore, Bedell, and Ablondi determined by recorded vote that Commission business requires the change in subject matter by addition of the agenda item, and affirmed that no earlier announcement of the addition to the agenda was possible, and directed the issuance of this notice at the earliest practicable time.

If you have any questions concerning the agenda for the April 7, 1977, Commission meeting, please contact the Secretary to the Commission at (202) 523-0161. Access to documents to be considered by the Commission at the meeting is provided for by access to the public files of the Commission, or when such documents are not in such files, as provided for in Subpart C of the Commission's rules (19 CFR 201.17-201.21).

On the authority of 19 U.S.C. 1335 and in conformity with 19 CFR 201.38(a), when a person's privacy interests may be directly affected by holding a portion of a Commission meeting in public, that person may request the Commission to close such portion of public observation.

Such requests should be communicated to the Office of the Chairman of the Commission.

Issued: April 7, 1977.

By order of the Commission.

KENNETH R. MASON,
Secretary.

[S-130-77 Filed 4-7-77; 5:05 pm]

7

AGENCY HOLDING THE MEETING: Securities and Exchange Commission.

5:45 p.m. on Tuesday, April 5, 1977, Room 825, 500 North Capitol Street, Washington, D.C., closed to the public.

The Commission considered a matter respecting the application of its net capital rule to transactions in options and possible enforcement implications related thereto.

Chairman Hills, Commissioners Loomis, Evans and Pollack voted to close this meeting.

The Commissioners, their legal assistants, the Secretary of the Commission and recording secretaries attended the meeting. Certain staff members who are responsible for the calendared matters were present.

The General Counsel of the Commission certified that the items to be considered at the closed meeting may be so considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c) (4) (8) (9)A and (10).

Requests for information concerning the meeting(s) should be directed to Sam Knight (202) 755-1482.

GEORGE A. FITZSIMMONS,
Secretary.

[S-131-77 Filed 4-7-77;5:05 pm]

8

AGENCY HOLDING THE MEETING: Securities and Exchange Commission.

AMENDMENT TO NOTICE OF MEETINGS

10:00 a.m., April 6, 1977, Room 825, 500 North Capitol Street, Washington, D.C. Postponement of consideration of calendared item.

The opinion noticed in 42 FR No. 63, pp. 17580–17583 for consideration on April 6, 1977, will be considered instead on April 21, 1977.

Chairman Hills, Commissioners Loomis, Evans and Pollack have determined that Commission business requires the above change and that no earlier announcement of the changes was possible.

GEORGE A. FITZSIMMONS,
Secretary.

[S-132-77 Filed 4-7-77;5:05 pm]

9

AGENCY HOLDING THE MEETING: Federal Power Commission.

APRIL 7, 1977.

The following notice of meeting is published pursuant to Section 3(a) of the Government in the Sunshine Act (Pub. L. No. 94-409), 5 U.S.C. 552b:

TIME AND DATE: April 8, 1977, following Oral Argument in Docket Nos. CP75-95, et al., El Paso Alaska Company, et al., approximately 3:00 p.m.

PLACE: 825 North Capitol Street, Room 9001, Washington, D.C. 20426.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Docket No. CP75-96, et al., El Paso Alaska Company, et al.

Docket No. RM77-6, Order Providing for Suspension of Proceedings and Prescribing Procedures Pursuant to the Provisions of the Alaska Natural Gas Transportation Act of 1976.

CONTACT PERSON FOR MORE INFORMATION:

Kenneth F. Plumb, Secretary, telephone (202) 275-4166.

[S-134-77 Filed 4-8-77;11:43 am]

10

APRIL 8, 1977.

AGENCY HOLDING THE MEETING: Federal Power Commission.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: (Sent to FR on April 5, 1977).

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: April 12, 1977, 2:00 p.m.

CHANGES IN THE MEETING: Addition of Item P-5, Project No. 2146, Alabama Power Company, upon the affirmative vote of Chairman Dunham, Commissioners Smith, Holloman, and Watt.

[S-135-77 Filed 4-8-77;8:43 am]

11

APRIL 8, 1977.

AGENCY HOLDING THE MEETING: Federal Power Commission.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: Sent to FR on April 6, 1977.

PREVIOUS ANNOUNCED TIME AND DATE OF THE MEETING: April 13, 1977, 2:00 p.m.

CHANGES IN THE MEETING: Upon the affirmative vote of Chairman Dunham, Commissioners Smith, Holloman, and Watt the following items have been added to the agenda:

G-22—Docket No. RI77-47, Imperial Oil Company, Charter Oil Company, Inc., Polumbus Company and Jack Rouse, Western Oil Producers, Inc., Clark Fuel Producing Company, Inc., and W. Earl Griffin.

G-23—Docket Nos. CI76-633 and CI76-644, Tenneco Exporation, Ltd.; Docket No. CI76-678, Tenneco Oil Company; Docket Nos. CI76-722 and CI76-784, Texaco Inc.

G-24—Docket Nos. CP65-393, Florida Gas Transmission Company; Docket Nos. CI65-584, CI77-80 and CI77-81, Amoco Production Company, a Subsidiary of Standard Oil Company of Indiana; Docket No. CI73-70 and CP77-31, Columbia Gulf Transmission Company; Docket No. CP73-157, Natural Gas Pipeline Company of America; Docket No. CP77-31, Tennessee Gas Pipeline Company, a Division of Tenneco, Inc.; Docket No. CP77-37, Sea Robin Pipeline Company.

G-25—Docket Nos. CP73-258, et al., El Paso Eastern Company, et al.; Docket No. CP77-269, El Paso LNG Terminal Company; Docket No. CP77-270, El Paso Eastern Company; Docket No. CP77-271, United Gas Pipe Line Company; Docket No. CP77-272, United LNG Company.

G-26—Docket No. CP76-313, National Fuel Gas Supply Corporation; Docket No. CP76-381, Transcontinental Gas Pipe Line Corporation; Docket No. CP76-356, Columbia Gas Transmission Corporation and National Fuel Gas Supply Corporation; Docket No. RP76- , National Fuel Gas Distribution Corporation.

[S-136-77 Filed 4-8-77;11:43 am]

12

AGENCY HOLDING THE MEETING: Indian Claims Commission.

TIME AND DATE: 10:15 A.M., April 20, 1977.

PLACE: Room 600, 1730 K Street, NW., Washington, D.C.

PORTION OF THE MEETING OPEN TO THE PUBLIC:

Docket 73-A, Seminole
Docket 100-B-1, Klamath and Modoc
Docket 182-A, Fort Sill Apache
Docket 272, Creek
Dockets 326-B and 326-J, Goshute
Docket 342-G, Seneca
Docket 355, Pueblo of Santo Domingo
Third Quarter FY 1977 Financial Plan.

PORTION OF THE MEETING CLOSED TO THE PUBLIC:

Personnel

FOR MORE INFORMATION:

David H. Bigelow, Executive Director, Room 640, 1730 K Street, N.W., Washington, D.C. 20006. Tel. (202) 653-6174.

[S-138-77 Filed 4-11-77;8:01 am]

federal register

TUESDAY, APRIL 12, 1977

PART II

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

■

GRANTS TO STATE AGENCIES FOR PROGRAMS TO MEET THE SPECIAL EDUCATIONAL NEEDS OF CHILDREN IN INSTITUTIONS FOR NEGLECTED OR DELINQUENT CHILDREN

Interim Regulations

Title 45—Public Welfare

CHAPTER I—OFFICE OF EDUCATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 116c—GRANTS TO STATE AGENCIES FOR PROGRAMS TO MEET THE SPECIAL EDUCATIONAL NEEDS OF CHILDREN IN INSTITUTIONS FOR NEGLECTED OR DELINQUENT CHILDREN

Interim Regulations

In accordance with section 503 of the Education Amendments of 1972 (Pub. L. 92-318) and pursuant to the authority contained in section 123 of Title I of the Elementary and Secondary Education Act (20 U.S.C. 241c-3) as amended by Pub. L. 93-380, the Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare on October 22, 1975, published a Notice of Proposed Rulemaking that would amend Title 45 of the Code of Federal Regulations by adding a new Part 116c. Section 123 of Title I continues the program enacted in Pub. L. 89-750 which provides for grants to State agencies directly responsible for the free public education of children in institutions for neglected or delinquent children.

Comments made in response to the notice of proposed rulemaking were received in writing, at a meeting of representatives of applicant State agencies and of the administering State educational agencies held December 1, 1975, and at a public hearing held December 4, 1975. As a result of these comments, the following interim regulations are being published to implement programs authorized by 20 U.S.C. 241c-3, and they will become effective in accordance with section 431(d) of the General Education Provisions Act (20 U.S.C. 1232(d)) as amended by section 405 of Pub. L. 94-482. (See paragraph 6 of this preamble.) Further public comment is invited, and interested parties should direct their written suggestions, objections, or other statements of view to the U.S. Office of Education, 400 Maryland Avenue, SW., Washington, D.C. 20202. Attention: Chairman, Office of Education Task Force on Section 503. Comments should be submitted no later than May 27, 1977. Comments and suggestions submitted in writing will be available for review in the above office between the hours of 8:30 a.m. and 4:00 p.m. Monday through Friday of each week. The program officer who may be contacted about these interim regulations is Mr. Pat O. Mancini, telephone 202/245-2682.

1. *Reorganization of Part 116.* The regulations for programs authorized by Title I of the Elementary and Secondary Education Act have been reorganized into five parts. Part 116 now contains provisions applicable to all Title I programs, while the remaining four Parts deal individually with one of the categories of applicant agencies created by the statute (Local educational agencies, Part 116a; State agencies for Handicapped Children, Part 116b; State agencies for neglected or delinquent children, Part 116c; and State educational agencies in their capacity of grantee for programs for migratory children, Part 116d). Parts 116 and 116a were published as final regulations on September 28, 1976 in 41 FR 42894. Therefore, Part 116, Part 116c, and the applicable provisions of the Office of Education General Provisions Regulations published in the FEDERAL REGISTER in 38 FR 30654 (November 6, 1973), 45 CFR 100, 100b, and 100c constitute all the regulations governing Title I programs conducted by State agencies for children in institutions for neglected or delinquent children.

At present there are no guidelines related to Part 116c. If guidelines are issued in the future, they will be published in the FEDERAL REGISTER and will merely offer suggestions or recommendations for meeting certain mandatory requirements set forth in the regulations.

2. *Section 503 procedures and effect.* Section 503 of the Education Amendments of 1972 requires the Commissioner to study all rules, regulations, guidelines, or other published interpretations or orders issued by him or by the Secretary after June 30, 1965, in connection with, or affecting, the administration of Office of Education programs; to report to the Committee on Labor and Public Welfare of the Senate and the Committee on Education and Labor of the House of Representatives concerning such study; and to publish in the FEDERAL REGISTER such rules, regulations, guidelines, interpretations, and orders with an opportunity for public hearing on the matters so published. These regulations reflect the results of this study as it pertains to programs authorized by section 123 of Title I of the Elementary and Secondary Education Act, as amended.

3. *Citations of legal authority.* As required by section 431(a) of the General Education Provisions Act (20 U.S.C. 1232 (a)) as amended by section 405 of Pub. L. 94-482 and section 503 of the Education Amendments of 1972, a citation of statutory or other legal authority for each section of the regulations has been placed in parentheses on the line following the text of the section.

4. *Summary of comments and responses.* The following is a summary of comments received in response to the Notice of Proposed Rulemaking. Each comment is followed by a response which indicates either a change in the interim regulation or the reason why no change was considered necessary. Specific comments are arranged in the order of the sections of the interim regulation to which they pertain.

Section 116c.1 Applicability.

Comment. One commenter suggested that the reference to neglected or delinquent children be changed to neglected or delinquent "persons."

Response. No change was made in this section because section 123 of the Act is specifically limited to "children in institutions for neglected or delinquent children". For clarification, § 116c.2 defines a child as a person under 21 years of age.

Section 116c.2 Definitions.

1. *Comment.* One commenter suggested that the definition of "adult correctional institution" be modified by substituting "any setting" for "residential institution."

Response. The definition has been modified so as not to characterize the nature of the facility in which the children are confined. Section 116c.5 provides that to be counted in average daily attendance a child must be, among other things, in the custody of the public agency that assigned him or her to an institution.

2. *Comment.* One commenter requested that definitions be added for "special educational needs," and "needs assessment."

Response. Section 116c.12 has been expanded to include the minimal requirements of a needs assessment and now provides guidance for the identification of special educational needs. Therefore, this suggestion was not adopted.

Section 116c.5 Determination of average daily attendance.

Section 116c.2 of the Notice of Proposed Rulemaking provided the following definition:

"'Average daily attendance,' in the case of children in institutions for neglected or delinquent children or in adult correctional institutions, means the average number of such children under 21 years of age (for whom the applicant State agency is directly responsible under State law for providing free public education) who participated on a daily basis in schools operated or supported by that agency, (including schools providing education for these children under contract or other arrangement with the agency), during the latest completed school year in an organized program of instruction:

"(i) Supported by State funds; and

"(ii) Recognized under State law as furnishing elementary and secondary education, but not beyond grade 12."

1. *Comment.* One commenter recommended that average daily attendance be computed in the same manner as for Pub. L. 89-313 (now section 121 of Title I, providing for State operated programs for handicapped children).

Response. Section 123(b) of the Act provides for the distribution of Title I funds in part on the basis of "the number of children in average daily attendance as determined by the Commissioner, at schools for such children operated or supported by that (State) agency." The supplemental nature of Title I requires that children counted and served be actually receiving educational services on a regular basis. Section 116c.5 is intended to satisfy these requirements, with special attention to the unique aspects of institutions for neglected or delinquent children and adult correctional institutions. Both the prior provision for the computation of average daily attendance in State operated or State supported schools for handicapped children (§ 116.1(c)(2), 32 FR

2742, February 9, 1967) and § 116c.5 measure a child's daily attendance by the number of hours he or she participates per day. However, the special requirements of these institutions preclude a requirement of daily participation in the non-federally funded educational program.

2. *Comment.* A number of comments were received concerning the basis on which children must participate in non-federally funded educational programs to be counted in average daily attendance. Specific comments were made that children should be counted if they participate:

(a) On less than a daily basis (particularly those in adult correctional institutions);

(b) On a basis commensurate with their abilities; or

(c) For less than a full day.

Response. We agree that daily participation in a basic educational program is not always feasible, and § 116c.5 does not require it. Moreover, it specifically provides for the counting of children who participate for less than a full day. The supplementary nature of Title I, however, requires that the children counted for funds and eligible to be served under section 123 be regular participants in a continuing educational program in basic school subjects. The Office of Education, having reviewed the comments it received, is of the opinion that 5 hours of participation per week is the minimum which will satisfy that requirement.

3. *Comment.* A number of commenters noted the difficulty of identifying eligible education programs under the definition of average daily attendance contained in the Notice of Proposed Rulemaking. Commenters noted the lack of formal State criteria for the provision of elementary and secondary education or free public education to children in institutions. One commenter suggested that children in rehabilitation programs be considered in average daily attendance.

Response. In pointing out that no uniform view exists among the States as to what constitutes a free public education appropriate for children in institutions for neglected or delinquent children, the commenters have raised a difficult problem. In the absence of a workable consensus, these interim regulations attempt to define the minimal requirements of a free public education for the purposes of section 123 in terms of the type of instruction, namely "classroom instruction in basic school subjects such as reading, mathematics and vocationally oriented subjects." (§ 116c.5(d).)

4. *Comment.* A number of commenters were concerned about the lack of Title I programs for children in State institutions who are not in educational programs supported by other than Federal funds.

Response. No change was made in the regulation. Section 123 provides for grants to State agencies "directly responsible for providing free public education for children" in institutions. The amount of these grants is determined in part by the children's "average daily attendance" in non-federally funded educational programs. The supplementary nature of Title I requires that only those children for whom a free public education is being provided be eligible to receive services provided by Section 123.

Section 116c.12 Information required in applications.

1. *Comment.* One commenter observed that requiring the State agency's application to indicate the approximate ages of the youngest and oldest children in the institutions at which Title I funded services are to be provided served no useful purpose.

Response. Accordingly, this requirement has been eliminated.

2. *Comment.* One commenter suggested that the applicant agency provide a statement of function based on its "philosophy and functional intent" rather than provide specific information for each institution.

Response. The information required concerning existing non-federally funded educational programs and the children they serve is set forth in § 116c.12(a). The State educational agency must have this information for it to meaningfully evaluate the State agency's application and make the various determinations required by § 116c.13. Because a philosophical statement probably would not provide enough detailed information about the educational programs already provided in each institution, the suggestion was not adopted.

3. *Comment.* One commenter suggested that needs assessment be considered only a general requirement and that the State educational agency establish the specific nature of that assessment.

Response. Title I is a supplemental program for children with special educational needs. The only way to identify those needs is through an adequate needs assessment, the minimal requirements of which are set forth in §116c.12(b). However, as suggested, the precise nature of that assessment is left to the State to determine.

4. *Comment.* One commenter recommended that standardized test scores showing underachievement be considered sufficient to document a child's need for supplementary instruction, while two other commenters suggested that the second sentence of § 116c.12(c) in the Notice of Proposed Rulemaking which reads: "This needs assessment shall be based on the best available data concerning the needs of the children particularly as indicated by objective measures of educational deficiency * * *" be modified by substituting the word "including" for the phrase "particularly as indicated by."

Response. Section 116c.12(b) requires State agencies to employ "objective measures of educational achievement" in making a needs assessment, while at the same time making clear that factors other than standardized test scores are to be considered in the design of supplementary educational programs and in the selection of individual children to receive services tailored to their particular needs. The purpose of the needs assessment is to determine the special educational needs to be met and the identity of those children that possess them. Standardized test scores alone are inadequate for these purposes.

5. *Comment.* One commenter suggested that the State educational agency be given program responsibility under Title I for those children who have left the institution and are residing in community treatment facilities.

Response. This suggestion was not adopted. The grants authorized by section 123 of Title I are to be "used only for children in * * * institutions." (emphasis added). Children who are no longer in the custody of the public agency which assigned them to an institution are therefore not eligible to be counted or served under this section.

6. *Comment.* One commenter recommended that § 116c.12(g) of the Notice of Proposed Rulemaking be revised to include remodeling.

Response. The specific recommendation was not adopted. However, §116c.12(c)(6) of the interim regulations now refers to 45 CFR 116.32 which provides that Title I funds may be used to remodel school facilities if "essential" to the success of a project.

Section 116c.13 Criteria for approval of applications.

1. *Comment.* Some commenters suggested that, although they endorsed the emphasis on basic skills, there should be limited flexibility to permit inclusion of related subjects such as social studies, vocational subjects, cultural enrichment, field trips, and socialization activities. Another commenter recommended that activities like these be permitted if the applicant agency demonstrates substantial effort to upgrade basic skills using non-Federal funds.

Response. While § 116c.13(b) does require that Title I funded projects be designed to meet the special educational needs identified in § 116c.12(b) and supplement the non-federally funded educational program, it also affords the State agencies some latitude in formulating the precise nature of the supplementary educational services to be provided. The State agency must, however, define and justify the Title I services it proposes to provide in terms of the educational needs of those children who are eligible to be counted in average daily attendance. Whether Title I funds should be used to provide services that supplement closely related services already provided out of non-Federal funds, or to provide substantially different services, will depend on the educational needs of the children and the nature of the services already provided.

5. *Other significant changes from the notice of proposed rulemaking.*

(a) The definition of average daily attendance contained in § 116c.2 of the

proposed rule has been redrafted and placed in § 116c.5 in order to facilitate the identification of those children who are eligible to be counted in computing average daily attendance.

(b) In order to provide a clearer statement of the responsibilities of State agencies, § 116c.12 has been redrafted as a new section headed "Information required in applications." Paragraph (a) of this new section requires certain information regarding the non-federally funded education program. Paragraphs (b) and (c) establish the basic requirements for a needs assessment and a project description.

(c) The definition of an "institution for delinquent children" found in § 116c.2 has been rewritten to make it clear that the definition includes institutions that receive children who, while not adjudicated as delinquent, have been charged with a violation of State law and have been found to be in need of supervision.

6. *Effective date.* Pursuant to section 431(d) of the General Education Provisions Act (20 U.S.C. 1232(d)), as amended by section 405 of Pub. L. 94-482, these regulations have been transmitted to the Congress concurrently with their publication in the FEDERAL REGISTER. Section 431(d) provides that regulations subject thereto shall become effective on the forty-fifth day after the date of this transmission, subject to the provisions concerning Congressional action and adjournment. Therefore, except with respect to the determination of the amount a State agency is eligible to receive, these regulations shall govern all aspects of the grant-making process for Fiscal Year 1978, including questions relating to the eligibility of children to receive services supported by these grants. However, the amount available to a State agency shall be calculated on the same basis as that calculation was made for grants for Fiscal Year 1977.

NOTE.—The Office of Education 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.

(Catalog of Federal Domestic Assistance Program Number 13.431, Educationally Deprived Children in State Institutions Serving Neglected or Delinquent Children.)

Dated: February 11, 1977.

WILLIAM F. PIERCE,
Acting Commissioner of Education.

Approved: March 31, 1977.

JOSEPH A. CALIFANO, JR.,
Secretary of Health, Education, and Welfare.

Subpart A—General

Sec.
116c.1 Applicability.
116c.2 Definitions.

Subpart B—Amounts Available for Grants and Payments

116c.3 Grants which a State agency is eligible to receive.
116c.4 Amounts available by grants.
116c.5 Determination of average daily attendance.

Subpart C—Program Requirements

116c.11 Applications.
116c.12 Information required in applications.
116c.13 Criteria for the approval of applications.

AUTHORITY: Sec. 101(a)(2)(E), Pub. L. 93-380, 88 Stat. 494 (20 U.S.C. 241c-3), unless otherwise noted.

Subpart A—General

§ 116c.1 Applicability.

(a) *Scope.* The regulations in this Part govern programs and projects for which funds are provided, pursuant to section 123 of Title I of the Elementary and Secondary Education Act of 1965, as amended, to State agencies directly responsible for providing free public education for children in institutions for neglected or delinquent children or in adult correctional institutions, to meet the special educational needs of these children.

(b) *Other applicable provisions.* Assistance provided under this Part is subject to all provisions contained in Part 116 (general requirements relating to Title I of the Act) and the applicable provisions of Parts 100, 100b and 100c of this Title relating to fiscal, administrative, property management, and other matters.

(c) The text of the Title I statute is contained in full in the Appendix to Part 116 of this chapter. (41 FR 42907, September 28, 1976) (section 501(b)(1)(A) of Pub. L. 94-482 amends section 125 of the Title I statute by striking out "Except as provided in section 843 of the Education Amendments of 1974, no" and inserting in its place "No," while section 501(o) of Pub. L. 94-482 amends section 125 by striking out "State agency" both places it appears and inserting in its place "State.")

(20 U.S.C. 241c-3.)

§ 116c.2 Definitions.

"Adult correctional institution" means a facility in which persons are confined as a result of a conviction of a criminal offense, including persons under 21 years of age.

"Child" means, for the purpose of this Part, a person under 21 years of age.

"Custody" means custody as defined by State law. However, for the purposes of this Part a child who resides in an institution 24 hours a day is deemed to be in the custody of the public agency that assigned him or her to that institution.

"Institution" means either an institution for neglected children, an institution for delinquent children, or an adult correctional institution.

"Institution for delinquent children" means a facility which is operated for the care of children who are in the custody of a public agency as a result of a finding under State law that they are either (a) delinquent or (b) in need of treatment or supervision after being charged with a violation of State law, and which has an average length of stay of at least 30 days.

"Institution for neglected children" means a facility (other than a foster home) which is operated for the care of children who are in the custody of a public agency as the result of a finding of neglect under State law, and which has an average length of stay of at least 30 days.

"State agency" means an agency of State government which is directly responsible for the free public education of children in institutions for neglected or delinquent children or in adult correctional institutions. (This education may be provided in schools operated or supported by the State agency or in schools under contract or other arrangement with that agency.) The term does not include an agency whose responsibility for these children is limited to the distribution of State financial assistance to other agencies which State law makes directly responsible for the free public education of these children.

(20 U.S.C. 241c-3.)

Subpart B—Amounts Available for Grants and Payments

§ 116c.3 Grants which a State agency is eligible to receive.

(a) From information supplied by a State agency, the Commissioner shall:

(1) Determine the amount that a State agency (other than the State agency for Puerto Rico) is eligible to receive under this Part for any fiscal year in accordance with the provisions of sections 123, 124, and 125 of Title I of the Act and § 116c.5; and

(2) Determine the amount available for a State agency in Puerto Rico in accordance with sections 123 and 125 of Title I of the Act and § 116c.5.

(b) The Commissioner shall inform the State educational agency of each State of the results of these determinations.

(c) For the purpose of computing an allocation under this Part, the Commissioner may not count a child who is counted in average daily attendance under the provisions of Part 116b (State Operated Programs for Handicapped Children) of this chapter.

(20 U.S.C. 241c-3.)

§ 116c.4 Amounts available for grants.

The State educational agency shall notify each State agency of the amount available to it under § 116c.3 and from that amount shall make funds available to the State agency equal to the cost of programs and projects approved by the State educational agency in accordance with the procedure prescribed by Subpart C of this Part. The amount made available to a State agency under this section shall not exceed the amount the agency is entitled to receive under § 116c.3.

(20 U.S.C. 241c-3, 241g(a).)

§ 116c.5 Determination of average daily attendance.

(a) To be counted in average daily attendance, a child must be:

(1) In the custody of the public agency that assigned him or her to an institution;

(2) One for whom a State agency is providing a free public education; and

(3) In an organized program of instruction (not beyond grade 12), at least five hours per week.

(b) Average daily attendance is computed for each institution on the basis of daily records for the number of days the organized program of instruction was in session during the most recently completed school year.

(c) For the purpose of computing average daily attendance:

(1) A child is counted as being in a full day of attendance for each day he or she attends the organized program of instruction for three (3) or more hours; and

(2) A child is counted as being in one-half (½) day of attendance for each day he or she attends the organized program of instruction for at least one (1) hour, but less than three (3) hours.

(d) For the purpose of this section, an organized program of instruction means an educational program which consists of classroom instruction in basic school subjects such as reading, mathematics, and vocationally oriented subjects, and which is supported by other than Federal funds. Neither the manufacture of goods within the institution nor activities related to institutional maintenance are considered classroom instruction.

(20 U.S.C. 241c-3.)

Subpart C—Program Requirements

§ 116c.11 Applications.

A State agency may apply to the State educational agency for a grant or grants of Federal funds under this Part in the amount authorized by §§ 116c.3 and 116c.4 to be used to meet the special educational needs of children eligible to be counted in average daily attendance in accordance with § 116c.5.

(20 U.S.C. 241c-3, 241e(a), 244(6)(B).)

§ 116c.12 Information required in applications.

The State agency shall include the following information in each application it makes to the State educational agency as authorized by § 116c.11.

(a) *Institutional information.* With respect to each institution at which Title I funded services are to be provided, the application must include:

(1) The name and location;

(2) The classification (i.e., adult correctional, delinquent, or neglected);

(3) The total population at time of application;

(4) The total number of children at the time of application;

(5) The total number of children eligible to be counted in average daily attendance at the time of application;

(6) A description of the nature and scope of the education program currently being conducted for those children counted in paragraph (a)(5) of this section with funds other than those provided under this Part, including types of instruction, number of children being served and number of staff employed in each major area or component, and source of funding.

(b) *Needs assessment.* With respect to the educational needs of the children to be served, the application must include:

(1) A description of the procedures (including objective measures of educational achievement and special diagnostic tests) used to determine the special educational needs of the children eligible to be served, as well as a description of the additional procedures the State agency intends to employ;

(2) An analysis of the results of those procedures, including the special educational needs identified and the number of eligible children exhibiting those needs; and

(3) A summary evaluation of the effectiveness of similar past projects funded by section 123 of Title I in accomplishing their objectives.

(c) *Project descriptions.* With respect to the proposed project, the application must include:

(1) A statement of the educational objectives of the proposed project and the related performance criteria;

(2) A description of each service to be provided as a means of accomplishing the project's objectives;

(3) The estimated number of children to be served by age and anticipated grade placement;

(4) A description of the type and number of staff to be employed, and of any inservice training (including the type of training, frequency, and number and type of staff members who will participate in that training);

(5) A budget based on categories of expenditure prescribed by the State educational agency with appropriate detail by service and by institution;

(6) A description of the use of Title I funds for construction or equipment in accordance with 45 CFR 116.32; and

(7) A description of the procedures and instruments by which the effectiveness of the program will be evaluated, in accordance with 45 CFR 116.43(a).

(20 U.S.C. 241c-3, 241e(a), 244(6)(B).)

§ 116c.13 Criteria for the approval of applications.

A State educational agency shall approve a project for which an application has been made only if it determines that the project is of sufficient size, scope, and quality to give reasonable promise of substantial progress toward meeting the special educational needs of the children to be served. This determination may be made only upon a finding that:

(a) The application contains the information required by § 116c.12 and demonstrates compliance with all other requirements in this Part and the applicable requirements of Parts 100, 100b, 100c, and 116 of this Title;

(b) The project set forth in the application is designed:

(1) To meet the special educational needs of the children to be served, as identified in accordance with § 116c.12(b); and

(2) To supplement the existing programs described in accordance with § 116c.12(a)(6).

(c) The evaluation plans comply with 45 CFR 116.43 and are adequate for measuring the attainment of the objectives described in the application in accordance with § 116c.12(c)(1);

(d) No funds other than those authorized by Title I of the Act are available to provide the services proposed in the application; and

(e) The project has not been designed to meet, nor will it have the effect of meeting, the general needs of the institution, a school within the institution, the student body at large, or the needs of a specified grade within that school.

(20 U.S.C. 241c-3, 241e(a), 244(6)(B).)

[FR Doc.77-10137 Filed 4-11-77;8:45 am]

federal register

TUESDAY, APRIL 12, 1977
PART III



DEPARTMENT OF THE INTERIOR

Geological Survey

■

WARNING AND PREPAREDNESS FOR GEOLOGIC-RELATED HAZARDS

Proposed Procedures

DEPARTMENT OF THE INTERIOR

Geological Survey

WARNING AND PREPAREDNESS FOR GEOLOGIC-RELATED HAZARDS

Proposed Procedures

GEOLOGICAL SURVEY AUTHORITY FOR ISSUING WARNINGS OF GEOLOGIC-RELATED HAZARDS

Under the broad responsibilities assigned to the Geological Survey by its Organic Act of 1879 for the "examination of the geological structure" of the United States, the Survey has for many decades undertaken studies of earthquakes, volcanoes, and other natural hazards. In recent years, as knowledge of these and related geologic phenomena has increased, the Survey has also developed capabilities for predicting some potentially hazardous events in some areas, and has the implicit obligation to inform civil authorities and the public of such predictions.

On May 22, 1974, Congress enacted Public Law 93-288 (88 Stat. 143), which is known as the "Disaster Relief Act of 1974" (hereinafter, "the Act") "to provide an orderly and continuing means of assistance by the Federal Government to State and local governments in carrying out their responsibilities to alleviate the suffering and damage which result from * * * disasters * * *" Section 202(a) of the Act states that "The President shall insure that all appropriate Federal agencies are prepared to issue warnings of disasters to State and local officials." In addition, Section 202(b) states that "The President shall direct appropriate Federal agencies to provide technical assistance to State and local governments to insure that timely and effective disaster warning is provided." The disasters included are "hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, drought, fire, explosion, or other catastrophe * * *" The Act further states in Section 308 that "The Federal Government shall not be liable for any claim based upon the exercise or performance of or the failure to exercise or perform a discretionary function or duty on the part of a Federal agency or an employee of the Federal Government in carrying out the provisions of this Act."

Executive Order 11795 entitled, "Delegating Disaster Relief Functions Pursuant to the Disaster Relief Act of 1974" (30 FR 25939, July 11, 1974) delegates to the Department of Housing and Urban Development the authority to exercise certain of the powers and authorities of the President with respect to Federal disaster assistance. Pursuant to the authority conferred by Section 1 of E.O. 11795, the U.S. Department of Housing and Urban Development conferred limited responsibility under the Act to the Secretary of the Interior (40 FR 52927, November 13, 1975). This authority was, in turn, redelegated by the Secretary of the Interior (Departmental Manual, 220 DM 8, Release 1883, May 3, 1976), "subject to the general policy guidance and coordination of the Assistant Secretary—Energy and Minerals," to the Director, Geological Survey, who is "empowered to exercise the authority, functions, and powers granted by Section 202 of the Disaster Relief Act of 1974 with respect to disaster warnings for an earthquake, volcanic eruption, landslide, mudslide, or other geological castastrophe."

PURPOSE OF STATEMENT

The purpose of this statement is to describe the Geological Survey's capabilities and limitations for advance recognition and warning of various kinds of geologic-related hazards and the procedures proposed to carry out the responsibilities delegated under the Act, and to elicit public comment on the proposed procedures. Application of these capabilities and procedures is largely limited to areas where Geological Survey research and field studies are ongoing. This statement should not be interpreted as indicating the existence of a nationwide operational capability to issue notifications, watches, and warnings of hazardous conditions wherever and whenever they may exist.

Comments regarding these procedures and policies are invited. Comments received by June 30, 1977 will be taken into account in subsequent revisions as appropriate. Comments should be addressed to:

Director, U.S. Geological Survey, National Center, 12201 Sunrise Valley Drive, Reston, Virginia 22092.

V. E. MCKELVEY,
Director,
U.S. Geological Survey.

1. DEFINITIONS

For the purpose of this statement, a geologic hazard is a geological condition, process, or potential event that poses a threat to the health, safety, or welfare of a group of citizens or to the functions or economy of a community or larger governmental entity. A geological disaster or catastrophe is the occurrence of a severe hazardous event. In the context of this statement, the terms "Notice of Potential Hazard," "Hazard Watch," and "Hazard Warning" refer to the issuance of technical information to officials responsible for public safety and to the news media; recommendations or orders to take defensive actions are issued by officials of State and local governments, where the police and public safety authority rests in our governmental system. These terms are defined as follows:

Notice of potential hazard.—The communication of information on the location and possible magnitude or geologic effects of a potentially hazardous geologic event, process, or condition.

Hazard watch.—The communication of information, as it develops from a monitoring program or from observed precursor phenomena, that a potentially catastrophic event of generally predictable magnitude may be imminent in a general area or region and within an indefinite time period (possibly months or years).

Hazard warning.—The communication of information (prediction) as to the time (possibly within days or hours), location, and magnitude of a potentially disastrous geologic event or process.

2. CAPABILITIES TO PREDICT HAZARDOUS EVENTS

(a) Geologic processes and conditions that could result in harm to people and property include earthquakes, volcanic eruptions, landslides, mudflows, subsidence, faulting and fissuring of the ground surface, and glacier-related phenomena such as release of glacier-dammed lakes and rapid ice surges or retreats. Under certain conditions, these events may occur suddenly and affect large numbers of people and property over a wide area; in other instances, however, the processes involved occur slowly or affect very limited areas so that few if any people are endangered.

(b) The present capability of scientists to predict hazardous events varies greatly as to the type of event and as to knowledge of its time, place, and magnitude of effects.

(1) Earthquakes.

(a) *Geographic distribution.* Much of the United States is subject to some degree of earthquake hazard. The western states of Alaska, California, Hawaii, Idaho, Montana, Nevada, New Mexico, Utah, Washington, and Wyoming are particularly susceptible, but major earthquakes have also struck the eastern and central parts of the United States (Hadley and Devine, 1974), particularly Arkansas, Georgia, Kentucky, Indiana, Illinois, Massachusetts, Mississippi, Missouri, New York, North Carolina, South Carolina, and Tennessee.

(b) *Effects.* (i) Earthquake-generated ground shaking, in many instances, causes the most widespread earthquake damage, principally through failure of buildings. Earthquakes also give rise to various geologic processes that may cause injuries and property damage, including surface faulting, landsliding and associated ground failures, generation of large waves in water bodies, and regional vertical movements (downwarping and upwarping).

(ii) The surface effects of earthquakes have been evaluated on the basis of geologic and seismologic studies in parts of Alaska (Page, et al., 1972),[1] California (Borcherdt, 1975), Idaho (Witkind, 1972), Nevada (Bingler, 1974), Utah (U.S. Geol. Survey, 1976), Washington (Pitt, 1972; and U.S. Geol. Survey, 1975), and the eastern United States (Dutton, 1889). The results of regional studies underway in these and other states will be published as they are completed.

(c) *Prediction capability.* (i) Predictions of the precise location, time, and magnitude of specific earthquakes cannot generally be made now. Certain precursors, such as ground tilting and changes in water levels in wells, the magnetic field, and seismic wave velocity

[1] References here and elsewhere in this statement are representative rather than exhaustive of descriptions of the phenomena involved.

characteristics in rock, may be useful in predicting earthquakes. Experimental instrumental arrays have been installed in a few research areas, such as near Hollister, California, to evaluate these precursors and to help develop an earthquake prediction capability.

(ii) Locations of faults that may be the source of future damaging earthquakes have been determined in some regions of the country, particularly in parts of Alaska, California, Nevada, Idaho, Montana, and Utah. Geologic and seimologic studies in these regions, however, are not adequate to assure that all such faults have been delineated. Geologic studies of recurrence intervals of earthquakes have been made on only a few faults, principally in California. Some of these studies provide a basis for estimating the magnitudes of earthquakes that are like to be generated by movement along a particular fault. Broad-scale estimates of the susceptibility of the various regions of the U.S. to earthquake hazards have been made and are published in earthquake hazard maps and reports (Algermissen and Perkins, 1976) which will be updated as new information is acquired. These maps, and the more detailed studies on which they are based, identify those regions known to be highly susceptible to earthquakes, even though they may not identify all faults along which movement may take place.

(iii) Regional earthquake hazard assessments are also underway in parts of New Mexico, New York, South Carolina, and Washington, and in the lower Mississippi Valley.

(2) Volcanic eruptions. (a) *Geographic distribution.* At the present time, volcanoes are active in Alaska and Hawaii; volcanoes in California, Oregon, and Washington are dormant, but have erupted within the last 150 years. The likelihood of future eruptions damaging to man is greatest in the vicinity of volcanoes in these States. Geologic evidence indicates that volcanic activity could occur in other areas, such as Arizona, Nevada, New Mexico, Wyoming, and Idaho (Mullineaux, 1976), where eruptions have occurred as recently as 350 years ago; there is no current evidence, however, to suggest that volcanic activity may occur in these areas in the near future. Broad estimates have been made of regional susceptibility and types of volcanic hazards in the conterminous U.S. and Hawaii and are being published (Crandell, 1976; Crandell and Mullineaux, 1975; Mullineaux, 1976; and Powers, 1948); these will be updated as new information is acquired.

(b) *Effects.* (i) Volcanic eruptions produce a wide variety of primary and secondary hazards to life and property, stemming mainly from hot avalanches, mudflows, ash falls, lava flows, volcanic gases, hot particle and gas clouds, and floods.

(ii) Studies of the products of past volcanic activity in the Cascade Range, including lava flows, ash falls, mudflows, and hot avalanches, have been completed on the volcanoes of Mt. Baker (Hyde and Crandell, 1975), Lassen Peak (Crandell, et al, 1974), Mt. Rainier (Crandell, 1973), and Mt. St. Helens (Crandell and Mullineaux, 1976; Crandell, et al, 1975); similar studies are planned or in progress for other major volcanoes in the Cascade Range, such as Mt. Hood and Mt. Shasta, and for Augustine Volcano in Alaska.

(iii) Detailed studies at Kilauea and Mauna Loa volcanoes in Hawaii show that the products of most historic and prehistoric eruptions are lava flows; subordinate products include ash falls and hot particle and gas clouds. Eruptions issue from fissures and vents, both in the summit areas and along rift zones on the flanks of the volcanoes. Assessments of hazard-susceptible areas have been made for the islands of Hawaii (Mullineaux and Peterson, 1974) and Oahu (Crandell, 1975).

(c) *Prediction capability.* (i) Kilauea and Mauna Loa volcanoes are monitored by an array of instruments and by systematic measurements which permit assessing the likelihood of impending activity (Waesche and Peck, 1966; Kinoshita, et al, 1974). Physical precursors often permit predictions to be made within time frames of weeks or days, and sometimes highly specific signals precede eruptions by one to several hours (Swanson, et al, 1971; Fiske and Kinoshita, 1969).

(ii) A study of the historic cycles of activity on Mauna Loa indicates the possibility of long term prediction of the general locality and the general time frame (months or years) of the next eruptive event (Lockwood, et al, 1976).

(iii) Predictive capability has not been achieved for volcanoes in the Cascade Range or Alaska, although it is possible that the methods developed in Hawaii might be modified and adapted to be useful in these regions. Detailed estimates of hazard-susceptible areas surrounding some of these and other volcanoes have been made as indicated in section (b) ii and iii. Other studies are underway and will be published as completed.

(3) Landslides (including mudflows and mudslides). (a) *Geographic distribution.* Landslides and related hazards occur in every state in the United States. They occur largely in areas of steep terrain, but also along river, valley, and beach bluffs in otherwise flat country. The general distribution of landslide incidence and susceptibility has been assessed for the conterminous U.S. and published as a national overview map at 1:7,500,000-scale (Radbruch-Hall, et al., 1976). This map will be updated as new information becomes available.

(b) *Effects* (i) Many landslides move slowly and commonly are not a great hazard to people. However, they are estimated to cause more than $1 billion damage to property annually.

(ii) Mud and debris flows generated by intense rainfall or rapid snowmelt, large landslides that move abruptly, rockfalls, and landslides into large reservoirs may be hazardous to people and property. Similarly, landslides that dam streams inundate property upstream and can produce severe and dangerous flooding downstream if the barrier is breached suddenly.

(c) *Prediction capability.* (i) A capability to predict the time, place, and magnitude of landslides is possible, but is limited to very small individual landslide areas in which detailed geologic and engineering studies have been conducted, including test borings and laboratory analysis. Consequently, general information on areas potentially susceptible to slope failures will be communicated as a Notice of Potential Hazard. Detection of precursors may allow prediction and warning of landslides in areas of special topical studies, as in the Santa Monica Mountains of southern California (Campbell, 1975).

(ii) In addition to the national overview map of landslide incidence and susceptibility, maps that show landslide deposits at a scale of 1:500,000 have been prepared for the State of Colorado (e.g., Colton, et al., 1976). Larger-scale (1:125,000, 1:62,500, and 1:24,000), more detailed assessments of landslide susceptibility have been made of a number of small areas and a few regions in various parts of the U.S. (Briggs, 1974; Nilsen, 1973; and Simpson, 1976). Such maps are published as they are completed.

(iii) Landslide hazards are evaluated incidental to regional mapping programs or as a part of general geologic hazards studies in selected areas. The Geological Survey is also attempting to delineate and reduce landslide hazards on a nationwide basis.

(4) Glacier-related phenomena. (a) *Geographic distribution.* Large glaciers that are most likely to be hazardous to people and property occur in Alaska and Washington. Smaller glaciers also occur in California, Colorado, Idaho, Montana, Oregon, and Wyoming. Although no regional or national overview of all glacier-related hazards has been made, the distribution of potentially hazardous surging glaciers has been analyzed (Post, 1969), and the areas susceptible to outburst flood hazards have been determined in Alaska (Post and Mayo, 1971) and the Pacific Northwest (Richardson, 1968).

(b) *Effects.* (i) The rate of advance and retreat of glaciers is generally so slow that there is little cause for concern except in the case of glacier surges and where glacier changes result in floods or icebergs. Rapidly advancing glaciers, and especially surging glaciers, may advance over transportation corridors or other works of man or may dam valleys, causing the formation of glacier-dammed lakes. Such lakes, which may also be formed by glacier retreat, may burst out periodically or sporadically, resulting in downstream flooding. Downstream flooding can also be caused by the periodic outbreak of water stored within or under glaciers.

(ii) Icebergs, which are formed by calving from the front of glaciers that end in the sea or large lakes, may be discharged at greatly increased rates when

a glacier starts to retreat or advance (Post, 1975). Retreating ice may also release ice-dammed lakes, resulting in potential flooding of downstream areas.

(iii) The effects of glacier-related hazards have been monitored in only a few isolated instances, such as flooding from glacial Lake George (Post and Mayo, 1971) and glacier outburst floods in Washington (Richardson, 1968).

(c) *Prediction capability.* (i) Long-term prediction of glacier advance and retreat is not possible; however, short-term predictions may be possible with adequate field measurements on the glacier itself. The outbursts of some glacier-dammed lakes can be predicted through the monitoring of lake levels if an adequate history of previous outbursts is available, or if the rate of inflows and the configuration of the glacier bed are known. The prediction of outbursts of water, from within a glacier may be possible, in some cases, given a history of past events and the continuous monitoring of the ice flow pattern of the glacier. Prediction of the size and rate of ice calving from glaciers fronting in the sea or lakes may be possible using photography.

(ii) Areas of susceptibility to glacier-related hazards, as indicated under (a), have been observed, using aircraft and satellite imagery, but available resources do not permit a systematic monitoring program.

(5) Subsidence. (a) *Causes and geographic distribution.* Subsidence is the slow lowering or sudden collapse of the land surface and is common in many areas of the United States. Subsidence, both man-induced and natural, may result from:

Slow compaction of sediments from withdrawal of (1) ground water, as in parts of Arizona, California, and Texas, (2) hydrocarbons, as in parts of Californi.. and Texas, and (3) potentially, fluids for geothermal production in California and the Gulf Coast;

Slow to rapid collapse of the roof above mines because of inadequate support as in many coal mine areas of Colorado, North Dakota, Pennsylvania, and Washington, or where solution mining creates excessively large underground openings as in Kansas, Michigan, and Texas;

Slow to rapid compaction of certain types of materials in which the soil structure collapses when water is added, as in the San Joaquin Valley, California, or when water is expelled as the result of liquefaction during earthquakes,

Slow to rapid collapse over caves, caverns, and solution openings in limestone (karst) areas, as in many southern states and elsewhere; and

Rapid earthquake movement or earth flexuring, principally in Alaska, California, and Hawaii.

The results of topical research projects are released in maps and reports as they are completed.

(b) *Effects.* i. Subsidence normally is a slow process and is not hazardous to life. However, under certain circumstances, where the ground above mines and caverns collapses suddenly, where subsided ground in coastal areas may be inundated by storm waves, and where localized subsidence is severe and affects critical structures such as dams, damage to property, and indirectly to life, may be extensive (Castle and Yerkes, 1976).

ii. Earth fissures (large open cracks) can develop from fluid withdrawal or collapse over cavities. These fissures can damage structures and render property virtually useless for most purposes.

(c) *Prediction capability.* i. Specific subsidence events caused by groundwater withdrawal can be anticipated in certain areas, such as in parts of Alabama (Newton, 1976), California (Lofgren, 1975; and Poland, 1971), and Texas (Gabrysch, 1969), where studies are underway. Once subsidence involving slow compaction of sediments is initiated, the rate can be measured, and in some cases, the ultimate amount can be estimated.

ii. There is no nationwide subsidence program; however, efforts are underway to identify or delineate areas of existing or potential subsidence at small scale (Poland and Davis, 1969; and Davies, et al., 1976). Such hazards also are mapped incidental to general research projects completed or underway in several areas of the country.

3. Provisional Procedures To Report Hazardous Conditions

When and where information is obtained that suggests the development of a hazardous condition, the U.S. Geological Survey will attempt to authenticate it, and communicate such information to appropriate State, local and Federal authorities and to the public. The U.S. Geological Survey recognizes that providing earth-science information, in accordance with its expertise, is only the first of the inputs needed by State and local governments and the public in mitigating the effects of geologic hazards. The actual adoption of the most effective mitigation measures by local authorities will result from a cooperative effort by agencies at all governmental levels and by non-governmental organizations and the public. Decisions for adoption of such mitigation measures should be based upon a broad range of earth-science, engineering, and socio-economic information.

a. *Hazard Identification.*—Information acquired by Geological Survey personnel that indicates a region, area, or locality may be susceptible to geologic or hydrologic conditions or processes that could pose a significant potential hazard to life or property will be conveyed promptly to the Director of the Gological Survey with all supporting evidence and documentation.

b. *Hazard Evaluation.* (1) The Director will submit information pertaining to potentially hazardous conditions or events to carefully selected scientific evaluation panels for review of the scientific basis for the hazard identification. Such panels may be established formally, such as the Survey's Earthquake Prediction Council, which relies on scientific expertise pertaining to a specific type of hazard; or informally, with scientist members changing according to their expertise with different types or areas of potential hazards. Upon review of the evidence, the evaluation panel(s) will transmit the findings and recommendations to the Director. The panel may find that:

(a) A hazard to life or property is unlikely or insufficiently defined to justify a Notice of Potential Hazard without additional information;

(b) A potential hazard to life and/or property exists;

(c) The potential hazard exists and that monitoring by the Geological Survey could lead to a better definition of location or magnitude, extent, or timing of the hazard; or

(d) The hazard conditions are sufficiently well defined as to location, magnitude, and time to warrant the issuance of a Hazard Watch or a Hazard Warning.

(2) Similarly, the Director will also undertake to have reviewed and evaluated identifications or predictions of potentially hazardous events made by scientists outside the Geological Survey, as deemed appropriate or upon the request of the head of an appropriate State or Federal agency. The requestor will be notified promptly of the findings of the evaluation panel and, if appropriate, a Notice of Potential Hazard, a Hazard Watch, or a Hazard Warning will be issued.

c. *Notice of Potential Hazard.* (1) Where the Director has authenticated identification of an area as susceptible to a potentially hazardous condition, but available evidence is insufficient to suggest that a hazardous event is imminent or evidence has not been developed to determine the time of occurrence, the information will be prepared for normal publication.

(2) The Director or his designee will transmit such information, as soon as possible, as a Notice of Potential Hazard to appropriate Federal, State, and local officials responsible for the public safety and welfare and to the public by a press release. The reports and maps cited earlier that show the distribution of earthquake, volcanic, landslide, and subsidence hazards are examples of identifications of potentially hazardous conditions that will form the basis for notices of potential hazards.

(3) Notices of Potential Hazard will be accompanied by a description of the geologic and hydrologic conditions that exist, the factors that suggest that such conditions constitute a potential hazard, and the location or area they may affect. In most instances, it will not be possible to estimate the severity of the hazard or the time it might occur. Information such as possible earthquake recurrence intervals will be given, however, if justified by available information.

(4) Where available evidence suggests that a hazardous event could occur and that precursory phenomena exists that will better define the time, location, and magnitude of the event, the geologic conditions or processes likely to trigger a hazardous event will be monitored by the U.S. Geological Survey within the limits of available funds and manpower

d. *Hazard Watch.* (1) If existing or new information indicates that a region, area, locality, or geologic condition is undergoing change that may be interpreted as a precursor to a potentially hazardous event within an unspecified period of time (possibly months or years), such information will be evaluated and, if authenticated, the Director will assure that such information is transmitted promptly to civil authorities and the public as a Hazards Watch.

(2) Federal, State, and local officials responsible for public safety will be notified in advance of the intent to issue a Hazard Watch to enable them to invoke emergency preparedness plans for an orderly public response.

(3) Hazard Watches will be accompanied, to the extent possible, by a definition of the parameters of the expected event, including, in addition to the place, magnitude, and general time, the possible geologic or hydrologic effects and the uncertainties associated with each.

e. *Hazard Warning.* (1) When developing information from precursory phenomena, which have been monitored through an experimental or operational hazard assessment program, appears to signal a potentially hazardous event within a specific period of time(possibly days or hours), the information will be conveyed promptly to the Director for evaluation and consideration as a hazard prediction.

(2) The Director or his designee will determine whether or not the prediction has a sound scientic basis and is authenticated by a comprehensive evaluation. If a prediction is issued as a result of this review and authentication process, any uncertainties that may exist will be evaluated and stated.

(3) The Director, upon authentication of a prediction of an event of possible catastrophic proportions, will assure that such information is promptly transmitted as a Hazard Warning, first to Federal, State, and local officials responsible for public safety, to enable them to invoke emergency preparedness plans for an orderly public response, and then to the news media.

(4) Hazard Warnings will be accompanied, to the extent possible, by a definition of the parameters of the expected event including, in addition to the time, place, and magnitude, the possible geologic or hydrologic effects, and the uncertainties associated with each.

f. *Communication of Notices of Potential Hazard, Hazard Watches, and Hazard Warnings.* (1) Information leading to a Notice of Potential Hazard or a Hazard Watch will generally be obtained well in advance of an event and can be transmitted directly to concerned officials by letters and to the public by press releases to the news media.

(2) Where potentially hazardous conditions are monitored, local, State, and Federal authorities will be informed periodically of the results of such investigations and technical assistane, to the extent possible, will be extended as requested by these officials to assist in developing possible mitigation measures.

(3) At the present time, a capability to predict a geologic event of possible catastrophic proportions within days or hours does not exist except in rare cases. In such cases, where the information becomes available that suggests a potentially disastrous event may be imminent, public officials will be notified by telephone and such information will be transmitted directly to the public as a Hazard Warning. Public and existing Federal communication facilities, such as the Department of Commerce's Weather Radio System and the Department of Defense's National Warning System will be utilized whenever possible and appropriate.

(4) The Geological Survey will also communicate to responsible Federal Agencies and State and local governments, as soon as practicable, all available new knowledge as to geologic conditions or processes that may affect or alter public response to Notices of Potential Hazard, monitoring programs, Hazard Watches, or Hazard Warnings. This may result in the cancellation of the notice, watch, or warning, or a change in the hazard classification to better reflect an increased degree of uncertainty as to the time of occurrence of the event or a lessened sense of urgency.

(5) Notices of Potential Hazard, Hazard Watches, and Hazard Warnings to governmental agencies will also include:

(a) A statement of the authority of the U.S. Geological Survey for issuing the notice, watch, or warning;

(b) Copies of scientific papers or authentication reports that form the basis of the notice, watch, or warning;

(c) An offer to consult with any reviewers that the Governor or Governors of affected States may wish to appoint;

(d) An offer to provide appropriate technical assistance within areas of expertise in the Geological Survey in evaluating possible geologic hazards, as they may affect people and property;

(e) A statement of what additional steps, if any, the U.S. Geological Survey proposes to take to better define the degree or area of hazard; and

(f) A list of all parties to whom the notice, watch, or warning is being transmitted.

g. *Technical assistance.* (1) As used in this statement, technical assistance pertains to:

(a) advice of available Geological Survey personnel on subjects within their area of expertise—geology, hydrology, chemistry, and, to a limited extent, soil engineering, structural engineering, and land-use planning; and

(b) Deployment of available instruments to better define hazardous conditions, processes, or events.

(2) Technical assistance should not be interpreted to refer to:

(a) Funding for public works or hazard mitigation projects for which funds have not been allocated to the Geological Survey;

(b) Assignment of personnel or equipment to assess hazardous conditions outside geographical or topical areas of ongoing research or mapping programs except for unusual or compelling reasons.

SELECTED REFERENCES

Algermissen, S. T., and Perkins, D. M., 1976, A probabilistic estimate of maximum acceleration in rock in the contiguous United States: U.S. Geol. Survey open-file rept. 76-416, 45 p.

Bingler, E. C., 1974, Earthquake hazard map of the Reno area, Nevada: Nev. Bur. of Mines and Geol. Environmental Map Series, Reno folio.

Borcherdt, R. D., ed., 1975, Studies for seismic zonation of the San Francisco Bay region: U.S. Geol. Survey Prof. Paper 941-A, 102 p.

Briggs, R. P., 1974, Map of overdip slopes that can affect landslides in Allegheny County, Pennsylvania: U.S. Geol. Survey Misc. Field Studies Map MF-543, scale 1:125,000.

Bushnell, K. O., 1975, Map showing areas that correlate with susidence events due to underground mining of the Pittsburgh and Upper Freeport coalbeds, Allegheny, Washington, and Westmoreland Counties, Pennsylvania: U.S. Geol. Survey Misc. Field Studies Map MF-693-C, scale 1:125,000.

Campbell, R. H., 1975, Soil slips, debris flows, and rainstorms in the Santa Monica Mountains and vicinity, southern California: U.S. Geol. Survey, Prof. Paper 851, 51 p.

Castle, R. O., and Yerkes, R. F., 1976, Recent surface movements in the Baldwin Hills, Los Angeles County, California: U.S. Geol. Survey Prof. Paper 882, 125 p.

Colton, R. B., Holligan, J. I., Anderson, L. W., and Patterson, P. E., 1976 Preliminary map of landslide deposits in Colorado: U.S. Geol. Survey Misc. Inv. Map I-964, scale 1:500,000.

Crandell, D. R., 1973, Map showing potential hazards from future eruptions of Mount Rainier, Washington: U.S. Geol. Survey Misc. Inv. Map I-836, scale 1:250,000.

———, 1975, Assessment of volcanic risk on the island of Oahu, Hawaii: U.S. Geol. Survey open-file rept. 75-287, 34 p.

———, 1976, Preliminary assessment of potential hazards from future volcanic eruptions in Washington: U.S. Geol. Survey Misc. Field Studies Map MF-774, scale 1:1,000,000.

Crandell, D. R., and Mullineaux, D. R., 1975, Technique and rationale of volcanic hazards appraisals in the Cascade Range, northwestern United States: Environmental Geology, v. 1, p. 23-32.

———, 1976, Potential hazards from future eruptions of Mount St. Helens Volcano, Washington: U.S. Geol. Survey open-file rept. 76-491, 25 p.

Crandell, D. R., Mullineaux, D. R., and Rubin, Meyer, 1975, Mount St. Helens Volcano, recent and future behavior: Science, February, v. 187, no. 4175, p. 438-440.

Crandell, D. R., Mullineaux, D. R., Sigafoos, R. S., and Rubin, Meyer, 1974 Chaos Crags eruptions and rockfall-avalanches, Lassen Volcanic National Park, California: U.S. Geol. Survey Jour. Research, v. 2, no. 1, p. 49-59.

Davies, W. E., Simpson, J. H., Ohlmacher, G. C., Kirk, W. S., and Newton E. G., 1976, Map showing engineering aspects of karst in the United States: U.S. Geol. Survey open-file map 76-623, scale 1:7,500,000.

Dunrud, C. R., 1976, Engineering geology factors controlling coal-mining subsidence in Utah and Colorado: U.S. Geol. Survey Prof. Paper 969, 39 p.

Dutton, C. E., 1889, The Charleston earthquake of August 31, 1886: U.S. Geol. Survey Annual Report 9, p. 203-528.

Fiske, R. S., and Kinoshita, W. T., 1969, Inflation of Kilauea Volcano prior to its 1967–1968 eruption: Science, v. 165, p. 341–349.

Gabrysch, R. K., 1969, Land-surface subsidence in the Houston-Galveston region, Texas; in Land subsidence: Internat. Assn. Scientific Hydrology, Pub. 88 (IASH–UNESCO), v. 1, p. 43–54.

Gabrysch, R. K., and Bonnet, C. W., 1976, Land-surface subsidence at Seabrook, Texas: U.S. Geol. Survey Water Resources Inf. 76–31.

Hadley, J. B., and Devine, J. F., 1974, Seismotectonic map of the eastern United States: U.S. Geol. Survey Misc. Field Studies Map MF–620, 8 p., 3 map sheets, scale 1:500,000.

Hyde, J. H., and Crandell, D. R., 1975, Origin and age of postglacial deposits and assessment of potential hazards from future eruptions of Mount Baker, Washington: U.S. Geol. Survey open-file report 75–286, 22 p.

Kinoshita, W. T., Swanson, D. A., and Jackson, D. B., 1974, The measurement of crustal deformation related to volcanic activity at Kilauea Volcano, Hawaii: in Physical Volcanology, ed. Civetta, L., Gasparini, P., Luongo, G., and Rapolla, A., Elsevier Scientific Publishing Co., p. 87–115.

Lockwood, J. P., Koyanagi, R. Y., Tilling, R. I., Holcomb, R. T., and Peterson, D. W., 1976, Mauna Loa threatening: Geotimes, v. 21, no. 6, p. 12–15.

Lofgren, B. E., 1969, land subsidence due to the application of water; in Reviews in Engineering Geology II: Geol. Sci. of America, p. 271–303.

———, 1975, Land subsidence due to groundwater withdrawal, Arvin-Maricopa area, California: U.S. Geol. Survey Prof. Paper 437–D, p. D1–D55.

Mullineaux, D. R., 1976, Preliminary overview map of volcanic hazards in the conterminous United States: U.S. Geol. Survey Misc. Field Studies Map MF–786, scale 1:7,500,000.

Mullineaux, D. R., and Peterson, D. W., 1974, Volcanic hazards on the island of Hawaii: U.S. Geol. Survey open-file report 74–239, 61 p.

Newton, J. G., 1976, Early detection and correction of sink hole problems in Alabama, with a preliminary evaluation of remote sensing applications: Alabama Highway Dept., Bur. Research and Develop., Research Rept. HPR–76, 83 p.

Nilsen, T. H., 1973, Preliminary photointerpretation map of landslide and other surficial deposits of the Concord 15-minute quadrangle and the Oakland West, Richmond, and part of the San Quentin 7½-minute quadrangles, Contra Costa and Alameda Counties, California: U.S. Geol. Survey Misc. Field Studies Map MF–493, scale 1:62,500.

Papadopulos, S. S., Wallace, R. H., Jr., Wesselman, J. B., and Taylor, R. E., 1975, Assessment of onshore geopressured-geothermal resources in the northern Gulf of Mexico basin in Assessment of Geothermal Resources of the United States—1975, White, D. E., and Williams, D. L., eds.: U.S. Geol. Survey Circ. 726, p. 125–141.

Page, R. A., Boore, D. M., Joyner, W. B., and Coulter, H. W., 1972, Ground motion values for use in the seismic design of the trans-Alaska pipeline system: U.S. Geol. Survey Circ. 672, 23 p.

Pitt, A. M., 1972, Seismic activity in the Hanford region, Washington, March 23, 1969, to June 30, 1971: U.S. Geol. Survey open-file report, 25 p.

Poland, J. F., 1971, Land subsidence in the Santa Clara Valley, Alameda, San Mateo, and Santa Clara Counties, California: U.S. Geol. Survey Misc. Field Studies Map MF–336, scale 1:125,000.

Poland, J. F., and Davis, G. H., 1969, Land subsidence due to withdrawal of fluids: Geol. Soc. America, Reviews in Eng. Geol. II, p. 187–269.

Post, Austin, 1969, Distribution of surging glaciers in western North America: Jour. Glaciology, vol. 8, no. 53, p. 229–240.

1975, Preliminary hydrography and historic terminal changes of Columbia Glacier, Alaska: U S. Geol. Survey Hyd. Atlas, HA 559, 3 sheets.

Post, Austin, and Mayo, L. R., 1971, Glacier dammed lakes and outburst floods in Alaska: U.S. Geol. Survey Hyd. Atlas HA 455, 3 map sheets, 10 p.

Powers, H. A., 1948, A chronology of the explosive eruptions of Kilauea: Pacific Science, v. 2, no. 4, p. 278–292.

Radbruch-Hall, D. H., Colton, R. B., Davies, W. E., Lucchitta, Ivo, Skipp, B. A., and Varnes, D. J., 1976, Preliminary landslide overview map of the conterminous United States: U.S. Geol. Survey Misc. Field Studies Map MF–771, scale 1:7,500,000.

Richardson, Don, 1968, Glacier outburst floods in the Pacific Northwest: U.S. Geol. Survey Prof. Paper 600–D, p. D79–D86.

Simpson, H. E., 1976, Map showing landslides in the Golden quadrangle, Jefferson County, Colorado: U.S. Geol. Survey Misc. Inv. Map I–761–B, scale 1:24,000.

Swanson, D. A., Jackson, D. B., Duffield, W. A., and Peterson, D. W., 1971, Mauna Ulu eruption, Kilauea, Volcano; Geotimes, v. 16, no. 5, p. 12–16.

U.S. Geol. Survey, 1975, A study of earthquake losses in the Puget Sound area, Washington: U.S. Geol. Survey open-file report 75–375, 298 p.

1976, A study of earthquake losses in the Salt Lake City area, Utah: U.S. Geol. Survey open-file report 76–89, 357 p.

Witkind, I. J., 1972, Earthquake hazard map of the Henrys Lake quadrangle, Idaho and Montana: U.S. Geol. Survey Misc. Inv. Map I–781–E, scale 1:62,500.

Yerkes, R. F., and Castle, R. O., 1969, Surface deformation associated with oil and gas field operations in the United States, in Land subsidence; Internat. Assn. Scientific Hydrology, Pub. 88 (IASH–UNESCO), v. 1, p. 55–56.

Waesche, H. H., and Peck, D. L., 1966, Volcanoes tell secrets in Hawaii: Natural History, March 1966, p. 21–29.

[FR Doc.77–10732 Filed 4–11–77;8:45 am]

federal register

TUESDAY, APRIL 12, 1977
PART IV



ENVIRONMENTAL PROTECTION AGENCY

■

CONTROL OF TOXIC SUBSTANCES

General Provisions and Inventory Reporting Requirements; Supplemental Notice

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 700, 710]

[OTS-081001A FRL 707-6]

TOXIC SUBSTANCES CONTROL

General Provisions and Inventory Reporting Requirements; Supplemental Notice

AGENCY: Office of Toxic Substances, Environmental Protection Agency.

ACTION: Supplemental notice to rules proposed pursuant to the authority of Section 8(a), the Toxic Substances Control Act (90 Stat. 2003; 15 U.S.C. 2601, et seq., hereinafter referred to as TSCA).

SUMMARY: This supplemental notice provides additional information pertaining to the proposed inventory reporting regulations which would establish a new 40 CFR Part 700 and 710. Section 1 of this notice, Guide to the Use of the TSCA Candidate List of Chemical Substances, explains the meaning of the various informational entries contained in the Candidate List, describes the organization and content of each section of the list, and elaborates on instructions for reporting chemical substances for the inventory. Comment is solicited on the clarity of the guide. Section 2, Concerning Appendix A of the Candidate List, specifies the criteria used for selecting minerals to be included in Appendix A of the Candidate List and lists those minerals currently under consideration for inclusion there. Proposed additions to, deletions from, or exclusions from the minerals list in accordance with the criteria stated in Section 2 are solicited.

DATES: Comments must be received on or before May 9, 1977.

FOR FURTHER INFORMATION CONTACT:

Cynthia C. Kelly or George Semeniuk, Office of Toxic Substances (WH-557), Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, 202-755-4880.

SUPPLEMENTARY INFORMATION: On March 9, 1977, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (42 FR 13130) proposed regulations which would establish a new 40 CFR Part 700 and 710. Part 700, General Provisions, would prescribe the scope of the rules under TSCA and definitions applicable to such rules. Part 710, Inventory Reporting, would prescribe what chemical substances must be reported for inclusion on an inventory of chemical substances required by Section 8(b) of TSCA; procedures for reporting chemical substances for the inventory; exemptions from such reporting requirements and certain prohibitions; and procedures for handling claims of confidentiality.

As discussed in the preamble to the proposed regulations, a Candidate List of chemical substances would be used to simplify reporting of chemical substances for the inventory. Soon, EPA will publish in the FEDERAL REGISTER a notice of availability of that Candidate List of chemical substances. Following procedures proposed at § 710.4, a person intending to report for the inventory a chemical substance which appears on the Candidate List could do so by deriving the necessary information concerning that chemical substances from the list, and by completing, signing, and submitting to EPA inventory reporting Form A (EPA Form No. __). A person intending to report for the inventory a chemical substance not identified on the Candidate List would do so by completing, signing, and submitting to EPA inventory reporting Form B (EPA Form No. __). Proposed inventory reporting Forms A and B were published in Appendix I of the proposed regulations.

Section 1 of this notice, Guide to the Use of the TSCA Candidate List of Chemical Substances, is intended to assist persons who will be reporting chemical substances for the inventory in understanding how to use the Candidate List and how to report chemical substances using the appropriate forms. EPA specifically solicits comment on the clarity of this assistance document and welcomes suggested improvements.

Section 710.5(a)(5) of the proposed regulations provided that any mineral specifically designated in Appendix A of the Candidate List would be exempt from the reporting requirements for compilation of the inventory and would automatically be included in the inventory. Any mineral not included in Appendix A would be subject to the general reporting requirements.

Section 2 of this notice, Concerning Appendix A of the Candidate List, specifies the criteria used in selecting minerals for Appendix A and lists those minerals currently under consideration for inclusion in that appendix. EPA specifically solicits proposed additions to, deletions from, or exclusions from the minerals list. Any request to add a mineral to the list must clearly show that the mineral satisfies the criteria stated in Section 2 for placing that mineral on the list. Any request for deleting or excluding a mineral from the list must show that the mineral does not satisfy the criteria.

PUBLIC COMMENTS: Interested persons are invited to submit written comments on this supplemental notice. To receive full consideration, comments must be received on or before May 9, 1977. Comments should be filed in triplicate and bear the identifying notation OTS-081001A. Comments should be addressed to the Federal Register Section, Office of Toxic Substances (WH-557), Attention: Vickie Briggs, Environmental Protection Agency, 401 M Street, SW., Washington, D.C., 20460. All written comments filed pursuant to this notice will be available for public inspection in the Office of Toxic Sustances, Room 715, from 8:30 a.m. to 4:30 p.m., Monday through Friday.

In order to provide interested persons an opportunity to comment in person on the proposed regulations and subjects presented in this notice, the Agency, as announced previously in the FEDERAL REGISTER, will hold a public meeting on April 18, 1977 at the Jefferson Memorial Auditorium, Department of Agriculture, 14th and Independence Avenue, SW., Washington, D.C., from 9 a.m. to 4:30 p.m.

EPA will record the proceedings and make a transcript available for public inspection by May 3, 1977 in the Office of Toxic Substances from 8:30 a.m. to 4 p.m. on normal business days.

Subject to time limitations, EPA will give anyone who wants to make an oral presentation an opportunity to do so. Such persons should notify, in writing or by telephone, Mrs. Vickie Briggs, Office of Toxic Substances (WH-557), Environmental Protection, Agency, Room 715, East Tower, 401 M Street, SW., Washington, D.C., 20460, telephone number 202-426-9819 by April 11, 1977. Written requests should include the following document control number: OTS-081002.

Dated: March 28, 1977.

KENNETH L. JOHNSON,
Acting Assistant Administrator for Toxic Substances.

SECTION 1—GUIDE TO THE USE OF THE TSCA CANDIDATE LIST OF CHEMICAL SUBSTANCES

INTRODUCTION

The Toxic Substances Control Act (TSCA) requires that the Environmental Protection Agency (EPA) compile and publish by November 11, 1977 an inventory of existing commercial chemical substances. All persons who manufacture, process, or import chemical substances for commercial purposes in the United States should refer to inventory reporting requirements as published in the FEDERAL REGISTER.

To facilitate the reporting process, the TSCA Candidate List of Chemical Substances has been developed. The Candidate List contains information for approximately 30,000 chemical substances. The content of the Candidate List was derived from existing compilations of chemicals. The inclusion of a particular substance does not imply that the substance is or has been manufactured, processed, or imported for commercial purposes. The Candidate List was conceived solely as a tool to support and simplify reporting of chemicals to EPA. If a given chemical substance appears in the Candidate List, the information required for reporting that chemical substance to EPA is contained in the Candidate List. Therefore, persons are strongly encouraged to use the information contained in the Candidate List to the greatest extent possible. Otherwise, a great deal of effort may be expended needlessly.

To make the use of the Candidate List as efficient and reliable as possible, the content has been arranged into four sections, each of which provides a different means of locating chemical substances cited in the Candidate List:

Substance Name Section: an alphabetically ordered listing of chemical substance names for all substances on the Candidate List.

Formula Section: a listing of all substances on the Candidate List of known chemical constitution ordered by molecular formula,[1]

Number Section: a listing of all substances on the Candidate List ordered by Chemical Abstracts Service (CAS) Registry Number, and

Chemical Substances of Unknown or Variable Composition, Complex Reaction Products, and Biological Materials (UVCB) Section: a listing of names of chemical substances on the Candidate List that do not have specific molecular formula representations, grouped into subsets of closely related substances. For the sake of brevity, this section is referred to henceforth as the UVCB Section.

In some cases, it may be necessary to consult more than one section of the Candidate List to determine reliably whether a particular substance is cited in the list. For example, a single chemical substance may be known by a variety of substance names, all of which describe the substance. While a great many names will be present in the Substance Name Section, it is probable that not all names which are known for all the Candidate List substances will be included. The absence of particular name in the Substance Name Section does not mean that the chemical substance is not present in the Candidate List; the substance may be identified in the list by a synonomous substance name. If a user is unable to find the name of the chemical substance in the Substance Name Section, he should consult an alternate section of the Candidate List before concluding that the substance itself is not cited. For a substance which has a definite chemical structure, a user can derive the molecular formula and consult the Formula Section. For a substance which cannot be described by a molecular formula, it may be possible to find an equivalent substance description in the UVCB Section. Depending on the type of information available to a given user, it may be more useful to consult the Formula Section, the Number Section, or the UVCB Section directly, without first examining the Substance Name Section. The four sections of the Candidate List are described in detail in subsequent sections of the Guide.

Appendix A to the Candidate List describes certain chemical substances which are excluded from initial inventory reporting requirements. In some cases, substances which are cited in Appendix A also may appear in the body of the Candidate List. In the event of duplication, Appendix A takes precedence over the Candidate List, i.e., materials which are present in Appendix A need not be reported, even if they also are present in the Candidate List itself.

CAS Registry Numbers. The Chemical Abstracts Service (CAS) Chemical Registry System [2] is a computer-based system that identifies a large number of chemical substances on the basis of their molecular structures and assigns to each substance a unique identifying number called a CAS Registry Number. A small percentage of chemical substance registrations do not have associated structural information that is specfic enough to permit the generation of a unique computer-language description of the structure. CAS Registry Numbers for such substances are assigned through the Chemical Registry System on the basis of manual determinations that the substances are uniquely and consistently identified.

A CAS Registry Number is included for each of the entries in the Candidate List. Registry Numbers have no chemical significance in themselves and are assigned in sequential order as substances are entered into the CAS Chemical Registry System. Each Registry Number designates only one chemical substance in terms of atoms, valence bonds, and stereochemistry, insofar as that substance has been elucidated and defined.

A CAS Registry Number consists of up to nine digits which are separated into three groups by hyphens. The first group, starting from the left, has up to six digits; the second group has two digits; and the final group consists of a single check digit which is used to verify by computer the validity of the total Registry Number.

Certain CAS Registry Numbers which appear in the Candidate List are preceded by asterisks (*). The asterisk is used to highlight Registry Numbers for substances which appear in the UVCB Section. (Those Registry Numbers which are preceded by asterisks do not appear in any of the CAS abstract and index publications and services which cite Registry Numbers.)

CA Index Names. For most chemical substances which have been assigned CAS Registry Numbers, CAS has also assigned a unique, fully systematic name known as the Chemical Abstracts (CA Index Name. CA Index Names are derived according to a rigorous, comprehensive set of nomenclature rules to ensure that a single, preferred name can be constructed for each chemical substance. In most cases, the CA Index Name for a substance contains sufficient information to permit derivation of the corresponding chemical structural diagram.

A CA Index Name is usually included for each substance cited in the Candidate List,[3] except for those substances which appear in the UVCB Section. (Since the latter substances do not appear in the Chemical Substance Indexes to CA, CAS has not generated CA Index Names for them. CAS has, however, selected a preferred form of the names for such substances for inclusion in the Substance Name Section and the Number Section.)

A CA Index Name may be made up of several parts, each of which plays a specific role in completing the description of a chemical substance. The principal portion of a CA Index Name is the "heading parent", which describes the fundamental or most significant feature(s) of the chemical substance, as determined by application of the CAS nomenclature rules. The heading parent forms the basis for ordering CA Index Names in alphabetical listings. Additional parts of the CA Index Name are appended to the heading parent to describe substituent groups attached to the parent substance, derivative information, and stereochemistry. Thus, CA Index Names appear in what is known as "inverted" form. For example, the CA Index Name for styrene is Benzene, ethenyl-; the "uninverted" form of this name is ethenylbenzene. The effect of using CA Index Names in their inverted form is to bring together in the Substance Name Section entries for related substances which have the same heading parent.

Other Substance Names. The Substance Name Section of the Candidate List also includes for most substances the various synonymous names which have been recorded for that substance in the chemical literature which has been analyzed by CAS. The nomenclature file within the CAS Chemical Registry System currently contains almost six million substance names that are associated with more than 3.75 million unique substances. Of these, more than one million names are designations which have been used in the literature; many of these names do not convey information on the chemical constitutions of the substances they represent. Such names are variously described as common names, trade names, trivial names, or nonsystematic names.

Many frequently encountered chemical substances have been identified in the chemical literature by several synonymous names. All such names in the CAS files for Candidate List substances have been selected for inclusion in the Substance Name Section. Thus, the Substance Name Section furnishes access to chemical substances through a variety of commonly used synonyms, as well as through highly systematic CA Index Names. Note, however, that synonyms are excluded from the Formula Section and the Number Section.

Molecular Formulas. The term molecular formula, as used in the Candidate List, means a summation of the actual number and kinds of atoms present in a molecule of a chemical substance.[1] For example, C_2H_6 is the molecular formula for benzene, and C_2H_6 the molecular formula for ethane.

The element symbols in the molecular formulas in the Candidate List are arranged according to the Hill System,[4] as follows:

a. For carbon-containing compounds—C first, followed immediately by H (if present), then the remaining symbols alphabetically.

b. For compounds that do not contain carbon, the order of symbols is strictly alphabetical.

The use of molecular formulas in the Formula Section of the Candidate List is discussed in a later section of this Guide. The comments in the following two paragraphs apply to molecular formulas as they appear in the Substance Name Section and the Number Section. Molecular formulas are not present in the UVCB Section.

In the case of salts and molecular addition compounds (e.g., 1:1 molecular complex of 1,3,5-trinitrobenzene with aluminum chloride), the molecular for-

See footnotes on p. 19303.

mulas for the components are presented separately. Component ratios for salts and molecular addition compounds are specified when known. For example:

Sulfurous acid, disodium salt
$H_2O_3S \cdot 2Na$

A lower case x before the second and any subsequent formulas indicates that the ratio is unknown.

Copolymer formulas also are presented with the formulas of the monomers shown individually. No ratios are indicated for copolymers; the total formula combination for copolymers or the single formula for homopolymers is enclosed in parentheses followed by a subscript, lower case x. For example:

2-Propenenitrile, polymer with 1,3-butadiene and ethenylbenzene
$(C_4H_6 \cdot C_8H_8 \cdot C_3H_3N)_x$

Polymeric repeating unit formulas are enclosed in parentheses and followed by subscript n. End groups, when included in the registration, have the summation of their individual formula units cited at the end of the total formula. For example:

Poly(oxy-1,2-ethanediyl), a-hydro-ω-hydroxy- $(C_2H_4O)_nH_2O$

Code Designations. Associated with every entry in the Substance Name Section, the Number Section, and the Formula Section of the Candidate List is a computer checkable alphanumeric called a code designation [6]. Code designations do not appear in the UVCB Section. These alphanumerics were developed solely for the purpose of detecting transcription or keyboarding errors which might occur during the reporting or inventory compiling processes. They have no significance other than providing a link between a particular entry and its location in the Candidate List. Specific instructions for the use of code designations in reporting descriptions of chemical substances are provided in the final section of this Guide.

SUBSTANCE NAME SECTION

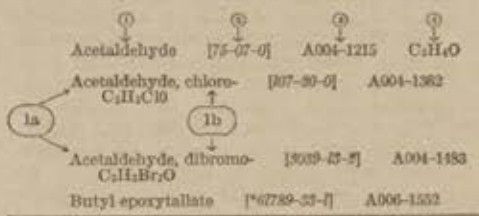
The Substance Name Section consists of an alphabetic listing of names of the substances included in the TSCA Candidate List of Chemical Substances. The names which appear in this section are of three main types: (a) the CA Index Name for most substances other than for those presented in the UVCB Section, (b) names chosen by CAS to represent substances which appear in the UVCB Section, and (c) the various synonymous names by which the substance is known to chemical investigators and in commerce and manufacturing. A sample page from the Substance Name Section appears as Attachment 1.

Names in the Substance Name Section are ordered alphabetically. Locant numbering [8], stereochemical descriptions, and other italicized characters are considered only in ordering names having otherwise identical strings of alphabetic characters. Purely numerical designations appear ahead of the alphabetic listing in increasing numerical order. Alphanumeric designations which have numeric characters preceding the alphabetic characters (eg., 4M2AP) are ordered following the pure numerics, in increasing numerical order of the characters preceding the first alphabetic character. Alphanumeric designations in which the numeric characters are preceded by one or more alphabetic characters (e.g., SQ 1089) are ordered in the main alphabetic sequence based on the string of alphabetic characters. Alphanumeric designations in which numeric characters are separated by punctuation other than a comma are ordered on the basis of the digits preceding the punctuation and not on the basis of the total set of digits (e.g. A 443/31 is ordered between A 435 and A 446). (Note that names containing locants, e.g., 2-Butene, are not considered alphanumeric designations.)

CA Index Names are presented in "inverted" form, with the heading parent appearing first, followed by a comma, and then a description of the substituent groups attached to the parent substance, derivative information, and stereochemistry. Ordering is based first on the heading parent (with all substances sharing a common parent appearing at the same place in the listing) and next on the alphabetic character string in the remainder of the name.

In addition to the name, each entry in this Section contains the CAS Registry Number for the substance, its molecular formula, if known, and a code designation.

ILLUSTRATIVE KEY TO ENTRIES IN THE SUBSTANCE NAME SECTION [7]



1. The *substance name* (1) is the heading and appears in lightface type. The name may be comprised of a heading parent (1a) and an appended descriptive term (1b). When an entry cannot be completed on one line, the second and subsequent lines are indented under the heading.

2. The *CAS Registry Number* (2) appears in lightface italic type, enclosed in brackets.

3. The *code designation* (3) is printed in lightface type.

4. The *molecular formula* (4) appears in lightface type for substances of known chemical constitution.

FORMULA SECTION

In the Formula Section, molecular formulas are listed for all substances of known chemical constitution appearing in the TSCA Candidate List of Chemical Substances. Each formula entry is accompanied by a CA Index Name, a CAS Registry Number, and a code designation, for each substance having that molecular formula. Where two or more substances share the same molecular formula, their names are ordered alphabetically by the principles described for the Substance Name Section. A sample page from the Formula Section appears as Attachment 2.

Element symbols in the molecular formulas are arranged according to the Hill System, as described earlier. The resulting complete molecular formulas are arranged in alphabetical order in the Formula Section, with each chemical element and its particular numerical suffix being considered as a separate unit. Thus, H_2 is ordered before H_3, and all formulas beginning with CH appear ahead of all those beginning with CH_2.

Example:
$Al_2Ca_3O_{12}$
CCl_4
$CHCl_3$
CHNO
CH_2O
CH_2Cl
CO
C_2Ca
$C_2H_4O_2$
$C_2H_4AlBr_2$
CaO_3Ti
H_2Sn

Salts, molecular addition compounds, and copolymers are represented in the Formula Section by the molecular formula for only one of their components, rather than by a summation formula which includes all the components. The molecular formula chosen to represent a substance of this type is the formula of the component whose name is selected as the principal heading for the substance in the CA Chemical Substance Index. [9] For example, the substance "2-Propenenitrile, polymer with 1,3-butadiene and ethenylbenzene" would be found in the Formula Section only at the molecular formula of its principal component, 2-Propenenitrile (C_3H_3N). The substance would not be found at the molecular formula for either of its other components.

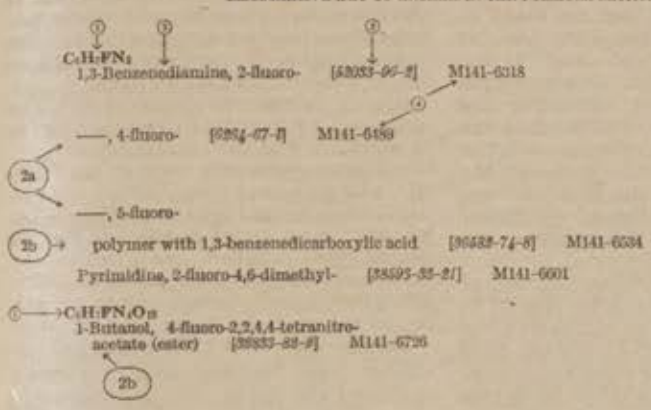
In general, metal salts of acids appear at the molecular formulas of the acids; salts of organic bases with inorganic acids or common organic acids appear at the molecular formulas of the bases; salts with more complex organic acids appear at the molecular formulas of the acids; molecular addition compounds and copolymers appear at the molecular formula of the component chosen to receive the principal index name for the

See footnotes on p. 19303.

substance by the nomenclature policies used for CA indexes.*

Thus, a user of the Formula Section who wishes to find an entry for a salt, molecular addition compound, or copolymer is advised to consult entries at the molecular formulas for each of the components before concluding that the substance is not cited in the Formula Section.

ILLUSTRATIVE KEY TO ENTRIES IN THE FORMULA SECTION†



1. The *molecular formula* (1) is the heading and appears in boldface type.

2. The *substance names* (2) appear in lightface type, arranged in alphabetic order below the heading. When the name or entry is not completed on one line, the second and subsequent lines are indented. A long dash (2a) replaces the heading parent name when it is repeated. When a modification phrase (2b) is required to complete the substance description, it is half-intended under the parent substance name.

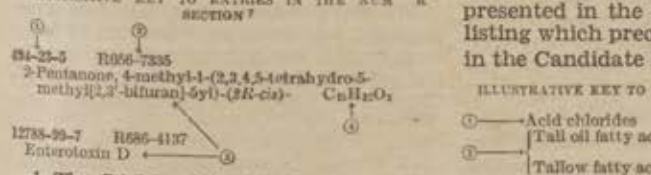
3. The *CAS Registry Number* (3) appears in lightface italic type.

4. The *code designation* (4) appears in lightface type.

NUMBER SECTION

In the Number Section, the substances appearing in the TSCA Candidate List of Chemical Substances are listed in ascending CAS Registry Number order. Each Registry Number entry is accompanied by a name (usually a CA Index Name) for the substance represented by that Registry Number, the molecular formula of the substance, when known, and a code designation. CAS has chosen, for inclusion in the Number Section, preferred forms of substance names for substances of unknown or variable composition, complex reaction products, and biological materials. A sample page from the Number Section appears as Attachment 3.

ILLUSTRATIVE KEY TO ENTRIES IN THE NUMBER SECTION†



1. The *CAS Registry Number* (1) is the heading and appears in boldface type.

2. The *code designation* (2) follows the CAS Registry Number, in lightface type.

3. The preferred *substance name* (3) (usually a CA Index Name) appears in lightface type.

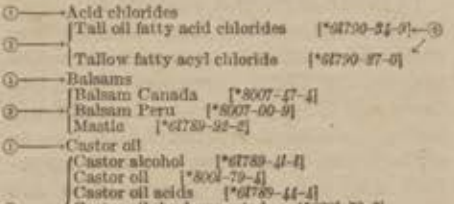
4. The *molecular formula* (4) appears in lightface type for substances of known chemical constitution.

CHEMICAL SUBSTANCES OF UNKNOWN OR VARIABLE COMPOSITION, COMPLEX REACTION PRODCTS, AND BIOLOGICAL MATERIALS (UVCB) SECTION

A small percentage of the chemicals included in the TSCA Candidate List of Chemical Substances are substances of unknown or variable composition, complex reaction products, or biological materials. These are substances which lack an accepted molecular formula representation. They can be found by name in the Substance Name Section of the Candidate List or by CAS Registry Number in the Number Section; they cannot be found in the Formula Section. The UVCB Section is intended to provide an alternate method for finding these substances on the Candidate List. A sample page from the UVCB Section appears as Attachment 4.

Chemical substances in the UVCB Section have been grouped into subsets consisting of relatively small numbers of closely related substances. Typically, the subsets highlight a structural feature of the substance (e.g., the subset headings "Acid chlorides", "Alkaline earth compounds", "Polyoxyalkylenes") or a significant precursor (e.g., "Castor oil", "Tallow"), or provide a general description (e.g., "Resins," "Waxes"). The subset headings used for this Section are presented in the form of a hierarchical listing which precedes the UVCB Section in the Candidate List.

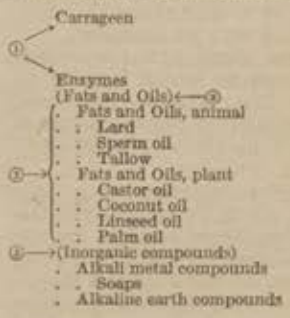
ILLUSTRATIVE KEY TO ENTRIES IN THE UVCB SECTION



In the UVCB Section, each subset heading (1) is listed in alphabetic order. The names of the individual Candidate List substances (2) are then listed in alphabetic order under each subset heading, along with their CAS Registry Numbers (3). The names which appear in the UVCB Section are those which appeared in the original compilations used in deriving the Candidate List; no attempt has been made to standardize the nomenclature used to describe these substances. Please note that the subset headings (1) are *not* Candidate List substances. Only the substances listed under the subset headings along with their CAS Registry Numbers are candidate substances. A subset of substances whose heading is the name of a specific substance (e.g., "Castor oil," "Tallow") will usually include the heading substance as well as all derivatives of that substance which are on the Candidate List.

Most of the substances in the UVCB Section have been assigned to more than one subset heading. For example, the substance Polyethylene glycol diester of castor oil acids [*61790-99-6] has been placed under the subset headings "Castor oil" and "Polyoxyalkylenes". Naphtenic acid, iron salt [*1338-14-3] has been placed under "Group VIII element compounds" and "Naphthenic acids". Trimethyl (soybean oil alkl) ammonium chloride [*61790-41-8] appears under "Quaternary ammonium compounds" and "Soybean oil".

To assist users in searching for substances in the UVCB Section, the subset headings developed for the section are listed precedeing the section itself in a general hierarchy or arrangement of terms in order of increasing specificity. This will serve to guide the user to the most appropriate subsets for the substances of interest. The following key illustrates the organization of subset headings on the hierarchical listing:



The most general subset headings (1) are placed alphabetically at the left margin of the hierarchy. Subset headings of greater specificity (2) are placed alphabetically below the more general headings. Increasing specificity of headings is indicated by a series of periods before the headings. Thus, under the general heading "Fats and Oils" there will be found the following headings of increasing specificity—"Fats and Oils, plant" (preceded by one period), and under it "Castor oil" (preceded by two periods). Terms of hierarchical importance which have not yet been used as

See footnotes on p. 19303.

subset headings but which are necessary to provide a logical framework for the hierarchy are enclosed in parentheses (3).

A searcher wishing to determine whether a particular substance, which lacks a molecular formula representation, is on the Candidate List but identified by a name which the searcher did not anticipate should check the names listed under the appropriate subset heading(s) in the UVCB Section. To determine the appropriate subset heading(s), the searcher should first scan the hierarchical list of subset headings and select the most specific headings which are applicable for the material of interest. A substance which falls within a given sequence of subset headings of increasing specificity (e.g., "Fats and Oils;" "Fats and Oils, plant;" "Coconut oil") will be found only under the most specific heading in the sequence which is applicable. In some cases, the user will find the substance fits into a fairly specific subset because the substance is one of a large number of related substances in the UVCB Section (e.g., the sodium salt of sulfated coconut oil will be found under "Coconut oil"). In other cases, the most specific applicable subset may be very generic because the substance does not come from a class of related materials which has been judged large enough to justify a separate subset (e.g., the sodium salt of sulfated mustard seed oil will be found under "Fats and Oils, plant").

COMMENTARY ON INSTRUCTIONS FOR REPORTING

There are two forms for reporting substances to be included in the TSCA Inventory of Chemical Substances. Draft forms were published with the proposed regulations for compiling the inventory on March 9, 1977 in the FEDERAL REGISTER (42 FR 13130). After receiving public comment, these forms may be amended. Accordingly, this commentary on completing the forms may be amended.

The first form, Form A, is for reporting those substances which appear on the Candidate List. The second form, Form B, is for reporting those substances which could not be found on the Candidate List.

Two identifying numbers from the Candidate List are to be recorded in the appropriate columns on Form A for the substances proposed for inclusion on the TSCA Inventory. One is the CAS Registry Number which should be recorded in the same format as found on the Candidate List (i.e., with hyphens, and with a preceding asterisk where appropriate); enclosing brackets need not be recorded. The second number to be recorded for each substance is a code designation which appears along with the name of each substance in the Substance Name Section, the Formula Section, and the Number Section. For a particular substance, different code designations appear for that substance in each of these sections; all such code designations are valid for that substance and any one of them may accompany the CAS Registry Number for the substance when it is reported. Code designations have not been included as part of the substance identification information in the UVCB Section. Persons reporting substances found in the UVCB Section are asked to record (1) the CAS Registry Number found in the UVCB Section and (2) the code designation which appears with that same CAS Registry Number in the Number Section. (Because more than one name appears for most substances on the Candidate List, the names found in the UVCB Section and in the Number Section for a given CAS Registry Number may not be identical; nevertheless, the names should be synonymous.)

Form B is for reporting substances which could not be found on the Candidate List and which are proposed for inclusion on the TSCA Inventory. It is essential that chemical substances proposed for addition to the TSCA Inventory be identified as clearly and precisely as possible. Items 5, 6, and 7 on Form B are used for reporting the substance description.

To report a chemical substance which is not found on the Candidate List and for which a CAS Registry Number is known, complete Form B by checking the box provided in Item 5 of Form B and by listing in Item 7 the appropriate CAS Registry Number along with a corresponding substance name. No additional chemical structure information need be entered on Form B if the CAS Registry Number and substance name are listed. One copy of Form B may be used to report as many chemical substances as practical, for which CAS Registry Numbers are known. Care should be taken to ensure that the CAS Registry Number being reported does indeed identify precisely the substance proposed for inclusion on the Inventory. CAS Registry Numbers are highly specific. Different positional and stereochemical isomers have distinct CAS Registry Numbers. Similarly, salts of acids and bases have CAS Registry Numbers which are distinct from those of the acids or bases themselves. To help ensure that the proper CAS Registry Numbers have been selected, one substance name should be included for each Number reported. CAS Registry Numbers should not be reported when there is any doubt about their applicability for the substances of interest.

When CAS Registry Numbers are not known for substances proposed for inclusion on the TSCA Inventory, Items 6 and 7 on Form B should be completed and only one substance should be reported on each copy of Form B.

In Item 6 of Form B, indicate by checking the appropriate box whether the chemical substance proposed for addition to the TSCA Inventory belongs to Class 1 or Class 2. Class 1 substances are distinct chemical entities which can be represented by definite chemical structure diagrams. Class 2 substances are those which cannot be represented by definite chemical structure diagrams.

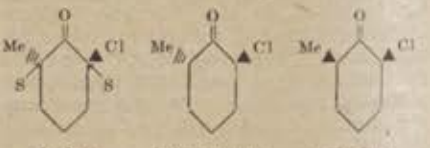
One or more names should be proposed in Item 6 for each substance.

In the case of a Class 1 substance, propose if possible, a systematically derived name that uniquely defines the substance. Also provide the common names by which the substance is identified in the scientific and technical literature, or in product listings. Colour Index names or constitution numbers are the preferred means of identification for dyes.

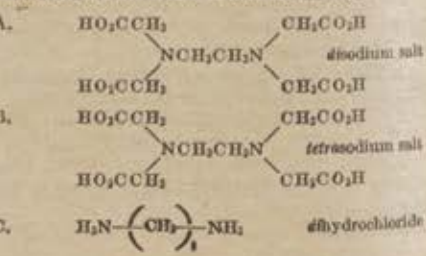
Class 2 substances should be identified in Item 6 by proposed names which are as descriptive of the substances as possible. Names commonly used in the scientific and technical literature or in product listings should also be provided when known. Colour Index names and Enzyme Commission numbers are preferred for dyes and enzymes, respectively. Scientific (i.e., genus/species) names are preferred for bacteria, fungi, and yeasts.

Persons completing Form B are to provide in Item 7 supplementary information that will aid in uniquely identifying chemical substances proposed for the TSCA Inventory.

For Class 1 substances, a structure diagram and a molecular formula[1] should be provided. The structure diagram should indicate clearly the identity of the atoms and the nature of the bonds joining the atoms. Commonly used, functional group abbreviation or shortcuts are acceptable (e.g., —Me, —Et, —Pr, —CO_2H, —SO_3H, —SO_2, —NH_2, —NO_2). Carbon atoms in ring systems and their attached hydrogen atoms need not be explicitly identified. Any ionic charges or stereochemistry should be shown clearly. Substances with unknown stereochemistry, but which are otherwise uniquely defined structurally, should be treated as Class 1 substances. All known sterochemical details should be provided. Indicate whether the stereochemistry shown in the diagram is relative or absolute, if known. Stereochemistry will be assumed to be relative unless otherwise specified. For example:



When a substance is an addition compound, a salt, or an ester and one or both components are polybasic, please specify the ratio of the components or note that the ratio is unknown. For example:



See footnotes on p. 19303.

The molecular formula for Class 1 substances should be recorded in Item 7A.[1] This is simply an inventory or summation of the kinds and numbers of atoms present in the molecule. In the case of molecular addition compounds or salts, the molecular formula may be presented either in a single summation formula or in the dot-disconnet format used by CAS, as shown in the following examples:

A. $H_2N-(CH_2)_5-NH_2$ dihydrochloride

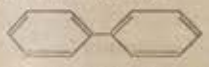
$C_5H_{14}Cl_2N_2$ or $C_5H_{12}N_2 \cdot 2HCl$

B. $HO_2C-(CH_2)_3-CO_2H$ disodium salt

$C_5H_6Na_2O_4$ or $C_5H_8O_4 \cdot 2Na$

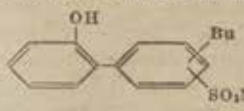
By definition, Class 2 substances will not have a complete chemical structure diagram to be reported in Item 7. In some cases, however, it may still be possible to provide a partial or incomplete structure diagram. For example:

A. Hexabromobiphenyl

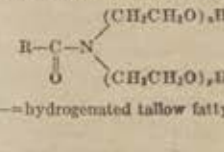


hexabromo derivative

B. Sodium butyl(o-hydroxyphenyl)benzenesulfonate



C. Ethoxylated hydrogenated tallow amide



R—C—= hydrogenated tallow fatty acid radical

Since in many cases it will not be possible for persons reporting Class 2 substances to provide any type of supporting structure diagram, they should provide, to the best of their ability, a description of the method used in the final reaction sequence to produce the reported substance. This description should include the identity of the immediate precursor substance(s), the nature of the reaction, and the reactants whether or not they are implied by the reaction term. This information may be provided in the form of a reaction scheme. The precursor substance(s) should be identified with its CAS Registry Number, if known. Reaction description terms should be as specific as possible (e.g., acetylation, alkaline hydrolysis, chlorination, diazotization, epoxidation). General reaction terms should, if possible, be avoided (e.g., addition, condensation, reaction). If the substance has been extracted from a natural source or reaction mass, then the source and the nature of the extract and the extraction process should be specified. The following are examples of how supplementary information for Class 2 substances might be reported in Item 7.

A. Linseed oil *8001-26-1 $\xrightarrow[\text{hydrogenation}]{H_2\ (1333\text{-}74\text{-}0)}$

B. Castor oil acids *61789-44-4 $\xrightarrow[\text{esterification}]{\text{methanol (67-56-1)}}$ methyl ester

C. Glycerol monoester of hydrogenated cottonseed oil acids *61789-07-9 $\xrightarrow[\text{acetylation}]{\text{acetic anhydride (108-24-7)}}$ acetate ester

D. (Scrap) leather $\xrightarrow[\text{hydrolysis}]{NaO\ (1310\text{-}73\text{-}2)\ (\text{aqueous})}$ protein hydrolyzates (low molecular weight polypeptides)

E. Protein hydrolyzate from leather + Tallow fatty acyl chloride (*61790-27-0) $\xrightarrow[\text{acylation}]{}$

NOTE.—Because of its greater specificity, "acylation" is preferred to "addition" or "condensation."

F. Tannins *1401-55-4 + HCHO 50-00-0 $\xrightarrow[\text{"2:1" condensation}]{}$ methyleneditannin

G. Graphite $\xrightarrow[\text{oxidation}]{KNO_3\ (7757\text{-}79\text{-}1)}$ graphitic oxide

Synthetic polymers proposed for the TSCA Inventory should be identified in terms of the monomers from which they have been manufactured. Chain transfer reagents used in telomerization reactions also should be identified. Monomer names should be included in the polymer name provided in Item 6.

Monomer structure diagrams should be provided in Item 7 for every Class 1 monomer. Monomers should be identified by their CAS Registery Numbers, if known. It is not necessary to specify monomer ratios or molecular weight values, or to differentiate between random, block, or graft copolymers. Polymer chemical post-treatments (e.g., esterification, etherification, partial hydrolysis, sulfonation) should be reported as specifically as possible. In the case of a post-treated polymer, the CAS Registry Number reported should be that of the polymer and not that of the monomer(s) since the polymer is the immediate precursor of the substance being reported. No molecular formula need be provided in Item 7A for polymers. The following are examples of how polymers should be reported by name in Item 6 and by structure or other supplementary detail in Item 7.

A. Butadiene-vinylidene chloride copolymer

$CH_2{=}CHCH{=}CH_2 / CH_2{=}CCl_2$ copolymer

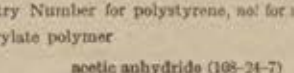
(106-99-0) (75-35-4)

B. Telomer of 1-hexene with carbon tetrachloride

$CH_3(CH_2)_3CH{=}CH_2 / CCl_4$ telomer

(592-41-6) (56-23-5)

C. Poly(ethylene oxide) mono(2-ethylhexyl) ether



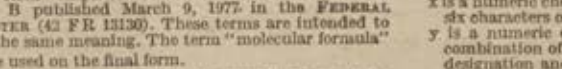
NOTE.—This substance might also be described as ethoxylated 2-ethylhexanol.

D. Sulfonated polystyrene

polystyrene (9003-53-6) $\xrightarrow[\text{sulfonation}]{SO_3\ (7446\text{-}11\text{-}9)}$

NOTE.—9003-53-6 is the CAS Registry Number for polystyrene, not for styrene itself.

E. Acetylated 2-hydroxyethyl methacrylate polymer



(25249-16-5)

NOTE.—25249-16-5 is the CAS Registry Number for the polymer, not the monomer.

FOOTNOTES

[1] The term "molecular formula" is used here instead of the term "empirical formula" which is used in draft Form B published March 9, 1977 in the FEDERAL REGISTER (42 FR 13130). These terms are intended to have the same meaning. The term "molecular formula" will be used on the final form.

[2] For information regarding the overall design of the CAS Registry System, see *J. Chem. Inf. Comput. Sci.*, 1976, 16(2), 111-21.

[3] CA Index Names cited in the Candidate List are based upon either the CA Eighth Collective Index Period or CA Ninth Collective Index Period nomenclature policies. The Eighth Collective Index Period covers CA Volumes 66-75 (1967-1971), and the Ninth Collective Index Period covers CA Volumes 76-85 (1972-1976). The nomenclature policy reflected by the CA Index Name for a particular CAS Registry Number depends upon the most recent use of that Registry Number in the CAS processing system. Names based on the Ninth Collective Index Period have been selected for use in the Candidate List whenever they were available. In either case, however, the CA Index Name uniquely identifies the chemical substance associated with a particular registration.

[4] *J. Am. Chem. Soc.* 1900, 22(8), 478-94.

Code designations take the following general form:

annn-nnxy

where:

a is a single alphabetic character.

n is a numeric.

x is a numeric check character calculated from the first six characters of the code designation.

y is a numeric check character calculated from the combination of the first seven characters of the code designation and the CAS Registry Number which appears in the entry.

Code designations which appear in the Substance Name Section begin with the alphabetic characters "A" and "B," while the alphabetic characters used in code designations in the Number Section and the Formula Section are "R" and "M," respectively. Within each section, the portion of the code designation cited above as "nnn-nn" is assigned in ascending numerical sequence.

Two computer checkable characters have been included in the code designations to provide for efficient detection of transcription and keyboarding errors.

[5] These are the numerals or Greek or Roman letters used to designate the positions of unsaturated bonds or attachments of chemical groups in a molecule. More information regarding use of locants in chemical substance names may be found in the Chemical Abstracts Volume 76 Index Guide, Section IV, Paragraphs 114-120.

[6] The illustrative key entries are intended to show the section format only. They do not necessarily identify substances or substance information to be found on the Candidate List.

[7] Information regarding CA Index name selection principles and order of precedence of compounds may be found in the Chemical Abstracts Volume 76 Index Guide, Section IV, Paragraphs 105 and 106.

ATTACHMENT 1.—SAMPLE PAGE FROM THE SUBSTANCE NAME SECTION

Abbocillin-DC [*6130-64-9*] A003-1001 $C_{16}H_{18}N_2O_4S.C_{13}H_{20}N_2O_2.H_2O$
Abbocort [*50-03-3*] A003-1113 $C_{23}H_{32}O_6$
Abbolexin [*326-43-2*] A003-1228 $C_{13}H_{14}N_2O.ClH$
Abbolexin [*553-69-5*] A003-1332 $C_{13}H_{14}N_2O$
Abbot 2780 [*522-24-7*] A003-1450 $C_{16}H_{18}N_2S$
Abbott 2780 [*522-24-7*] A003-1566 $C_{16}H_{18}N_2S$
Abcid [*122-11-2*] A003-1675 $C_{12}H_{14}N_4O_4S$
Abensanil [*103-90-2*] A003-1781 $C_8H_9NO_2$
Abequose [*56816-60-5*] A003-1812 $C_8H_{16}O_4$
D-Abequose [*56816-60-5*] A003-1928 $C_8H_{12}O_4$
Abhrak [*12001-26-2*] A003-2013
$\Delta^{6,8(14)}$-Abietadienoic acid [*79-54-9*] A003-2127 $C_{20}H_{30}O_2$
7,13-Abietadien-18-oic acid [*514-10-3*] A003-2232 $C_{20}H_{30}O_2$
8,13-Abietadien-18-oic acid [*1945-53-5*] A003-2342 $C_{20}H_{30}O_2$
Abiethyl alcohol, tetrahydro-* [*13393-93-6*] A003-2465 $C_{20}H_{36}O$
Abietic acid, copper salt [*10248-55-2*] A003-2574 $C_{20}H_{30}O_2.xCu$
Abietic acid, dihydro-, triester with glycerol [*125-93-9*] A003-2686 $C_{63}H_{98}O_6$
Abietic acid [*514-10-3*] A003-2791 $C_{20}H_{30}O_2$
Abietic acid, neopentanetetrayl ester [*127-23-1*] A003-2816 $C_{85}H_{124}O_8$
Abietic acid, zinc salt [*6798-76-1*] A003-3028 $C_{20}H_{30}O_2.^1/_2Zn$
Abietic acid, dihydro-, tetraester with pentaerythritol [*127-24-2*] A003-3138 $C_{85}H_{132}O_8$
(-)-Abietic acid [*514-10-3*] A003-3241 $C_{20}H_{30}O_2$
l-Abietic acid [*514-10-3*] A003-3357 $C_{20}H_{30}O_2$
Abietic acid methyl ester [*127-25-3*] A003-3476 $C_{21}H_{32}O_2$
Abietin [*531-29-3*] A003-3587 $C_{16}H_{22}O_5$
Abietinol [*666-84-2*] A003-3690 $C_{20}H_{32}O$
Abietol [*666-84-2*] A003-3712 $C_{20}H_{32}O$
Abietoline [*10107-95-6*] A003-3822 $C_{22}H_{34}O_3$
Abietyl alcohol, dihydro- [*26266-77-3*] A003-3948 $C_{20}H_{34}O$
Abietyl alcohol [*666-84-2*] A003-4032 $C_{20}H_{32}O$
Abietyl alcohol, dehydro- [*3772-55-2*] A003-4143 $C_{20}H_{30}O$
Abietyl alcohol, tetrahydro- [*13393-93-6*] A003-4253 $C_{20}H_{36}O$
Abiguanil [*57-67-0*] A003-4364 $C_7H_{10}N_4O_2S$
Abikoviromycin [*31774-33-1*] A003-4483 $C_{10}H_{11}NO$
Abiocine [*128-46-1*] A003-4562 $C_{21}H_{41}N_7O_{12}$
Abiol [*99-76-3*] A003-4611 $C_8H_8O_3$
Abirol [*72-63-9*] A003-4728 $C_{20}H_{28}O_2$
ABL [*143-07-7*] A003-4834 $C_{12}H_{24}O_2$
A-Blastomase [*8060-16-0*] A003-4956
Abminthic [*514-73-8*] A003-5043 $C_{23}H_{23}N_3S_2.I$
Abnormal blood pigment [*9008-37-1*] A003-5156
ABOB hydrochloride [*3160-97-6*] A003-5260 $C_6H_{13}N_3O.ClH$
Abramycin [*60-54-8*] A003-5377 $C_{21}H_{24}N_2O_8$
Abrastol [*516-18-7*] A003-5496 $C_{10}H_8O_4S.^1/_2Ca$
Abricycline [*751-97-3*] A003-5518 $C_{27}H_{33}N_3O_8$
Abril wax 10DS [*110-30-5*] A003-5626 $C_{36}H_{76}N_2O_2$
Abrine [*526-31-8*] A003-5737 $C_{12}H_{14}N_2O_2$
L-Abrine [*526-31-8*] A003-5965 $C_{12}H_{14}N_2O_2$
L-Abrine acetyl deriv [*1301-02-6*] A003-6165 $C_{14}H_{16}N_2O_3$
L-Abrine hydrochloride [*5965-27-5*] A003-6275 $C_{12}H_{14}N_2O_2.ClH$
L-Abrine Nitrate [*5965-28-6*] A003-6385 $C_{12}H_{14}N_2O_2.HNO_3$
L-Abrine Picrate [*6424-13-1*] A003-6418 $C_{12}H_{14}N_2O_2.xC_6H_3N_3O_7$
Abrodan [*126-31-8*] A003-6521 $CH_3IO_3S.Na$
Abrodil [*126-31-8*] A003-6637 $CH_3IO_3S.Na$
Abromine [*107-43-7*] A003-6749 $C_3H_{11}NO_2$
Abroval [*496-67-3*] A003-6857 $C_6H_{11}BrN_2O_2$
ABS [*9003-56-9*] A003-6971 $(C_8H_8.C_4H_6.C_3H_3N)_x$
ABS 60 [*9003-56-9*] A003-7170 $(C_8H_8.C_4H_6.C_3H_3N)_x$
Abscisic acid [*21293-29-8*] A003-7285 $C_{15}H_{20}O_4$
cis-Abscisic acid [*21293-29-8*] A003-7537 $C_{15}H_{20}O_4$
(*S*)-(+)-Abscisic acid [*21293-29-8*] A003-7751 $C_{15}H_{20}O_4$
2-*cis*,4-*trans*-Abscisic acid [*21293-29-8*] A003-7867 $C_{15}H_{20}O_4$
Abscisin II [*21293-29-8*] A003-7988 $C_{15}H_{20}O_4$
cis-trans-(+)-Abscissic acid [*21293-29-8*] A003-8187 $C_{15}H_{20}O_4$
ABS copolymer [*9003-56-9*] A003-8294 $(C_8H_8.C_4H_6.C_3H_3N)_x$
Absentol [*127-48-0*] A003-8315 $C_6H_9NO_3$
Absin [*77-66-7*] A003-8423 $C_9H_{13}BrN_2O_3$
Absinthin [*1362-42-1*] A003-8546 $C_{30}H_{40}O_8$
ABS-methyl methacrylate polymer [*9010-94-0*] A003-8652 $(C_8H_8.C_3H_8O_2.C_4H_6.C_3H_3N)_x$
Abson [*9003-56-9*] A003-8760 $(C_8H_8.C_4H_6.C_3H_3N)_x$
Abson 821 [*9003-56-9*] A003-8876 $(C_8H_8.C_4H_6.C_3H_3N)_x$
Abson 69163 [*9003-56-9*] A003-8997 $(C_8H_8.C_4H_6.C_3H_3N)_x$
Abson 89110 [*9003-56-9*] A003-9080 $(C_8H_8.C_4H_6.C_3H_3N)_x$
Abson 89131 [*9003-56-9*] A003-9102 $(C_8H_8.C_4H_6.C_3H_3N)_x$
Abson 89140 [*9003-56-9*] A003-9219 $(C_8H_8.C_4H_6.C_3H_3N)_x$
Abson 89151 [*9003-56-9*] A003-9326 $(C_8H_8.C_4H_6.C_3H_3N)_x$
Abson 820X14 [*9003-56-9*] A003-9433 $(C_8H_8.C_4H_6.C_3H_3N)_x$
Absorbable gelatin sponge [*9000-70-8*] A003-9559
ABS plastic [*9003-56-9*] A003-9661 $(C_8H_8.C_4H_6.C_3H_3N)_x$
ABS resin [*9003-56-9*] A003-9777 $(C_8H_8.C_4H_6.C_3H_3N)_x$
ABSROM [*9003-56-9*] A003-9884 $(C_8H_8.C_4H_6.C_3H_3N)_x$
Abstem [*8013-88-5*] A003-9912 $C_6H_8O_7.CH_2N_2.Ca$
Abstenil [*97-77-8*] A004-0054 $C_{10}H_{20}N_2S_4$
ABS terpolymer [*9003-56-9*] A004-0168 $(C_8H_8.C_4H_6.C_3H_3N)_x$
Abstinil [*97-77-8*] A004-0277 $C_{10}H_{20}N_2S_4$
Abstinyl [*97-77-8*] A004-0384 $C_{10}H_{20}N_2S_4$
Abufene [*107-95-9*] A004-0414 $C_8H_7NO_2$
Aburamycin B [*7059-24-7*] A004-0520 $C_{37}H_{62}O_{26}$
Abyssinin [*1397-75-7*] A004-0633 $C_{32}H_{56}O_{12}$
AC 6 [*9002-88-4*] A004-0742 $(C_2H_4)_x$
AC 8 [*9002-88-4*] A004-0858 $(C_2H_4)_x$
AC 33 [*9010-88-2*] A004-1069 $(C_5H_8O_2.C_3H_8O_2)_x$
AC 394 [*9002-88-4*] A004-1178 $(C_2H_4)_x$
AC 528 [*78-34-2*] A004-1287 $C_{12}H_{26}O_6P_2S_4$
AC 601 [*4663-83-6*] A004-1397 $C_{10}H_{13}NO_3$
AC 617 [*9002-88-4*] A004-1415 $(C_2H_4)_x$
AC 680 [*9002-88-4*] A004-1536 $(C_2H_4)_x$
AC-695 [*86-35-1*] A004-1646 $C_{11}H_{12}N_2O_2$
Ac-1075 [*147-94-4*] A004-1754 $C_9H_{13}N_3O_5$
AC 1198 [*695-53-4*] A004-1861 $C_5H_7NO_3$
AC 1220 [*9002-88-4*] A004-1988 $(C_2H_4)_x$
AC 1802 [*37640-71-4*] A004-2075 $C_{21}H_{36}N_2$
AC 3901 [*5827-10-1*] A004-2185 $C_5H_{11}N_2O_4PS_2$
AC 5223 [*2439-10-3*] A004-2294 $C_{13}H_{29}N_3.C_2H_4O_2$
AC 5230 [*50-78-2*] A004-2318 $C_9H_8O_4$
AC 5727 [*64-00-6*] A004-2426 $C_{11}H_{15}NO_2$
AC 400 [*24937-78-8*] A004-2544 $(C_4H_6O_2.C_2H_4)_x$
AC 430 [*24937-78-8*] A004-2651 $(C_4H_6O_2.C_2H_4)_x$
AC 17 [*51480-26-5*] A004-2761 $C_{10}H_{12}N_4O_3S.Na$
AC 12008 [*78-52-4*] A004-2871 $C_8H_{19}O_2PS_3$
AC 12402 [*2550-75-6*] A004-2996 $C_9H_6Cl_8$
AC 18133 [*297-97-2*] A004-3085 $C_8H_{18}N_2O_2PS$
AC-18737 [*2778-04-3*] A004-3102 $C_9H_{13}O_4PS$
AC 24055 [*1933-50-2*] A004-3216 $C_{10}H_{14}N_4O$
AC 43064 [*333-29-9*] A004-3326 $C_7H_{14}NO_2PS_3$
AC 47031 [*947-02-4*] A004-3438 $C_7H_{14}NO_2PS_2$
AC 47470 [*950-10-7*] A004-3553 $C_8H_{16}NO_2PS_2$
AC 52160 [*3383-96-8*] A004-3662 $C_{16}H_{26}O_6P_2S_2$
AC 92100 [*13071-79-9*] A004-3777 $C_8H_{21}O_2PS_3$
7-ACA [*957-68-6*] A004-3885 $C_{10}H_{12}N_2O_5S$
Acabel [*5205-82-3*] A004-3916 $C_{22}H_{28}NO_3.CH_3O_4S$
Acacetin [*480-44-4*] A004-4091 $C_{16}H_{12}O_5$
Acacetin diacetate [*5892-39-7*] A004-4114 $C_{20}H_{16}O_7$
Acacetin-*8*-rutinoside, monohydrate [*480-36-4*] A004-4226 $C_{28}H_{32}O_{14}$
Acacetin 7-*O*-rutinoside [*480-36-4*] A004-4333 $C_{28}H_{32}O_{14}$
Acacia [**9000-01-5*] A004-4445
Acacia dealbata gum [**9000-01-5*] A004-4567
Acacia gum [**9000-01-5*] A004-4674
Acacia senegal [**9000-01-5*] A004-4781
Acacia syrup [**9000-01-5*] A004-4897
Acacic acid [*1962-14-7*] A004-4917 $C_{20}H_{36}O_5$
Acaciin [*480-36-4*] A004-5011 $C_{28}H_{32}O_{14}$
Acaciol [*14735-72-9*] A004-5127 $C_{16}H_{15}NO_3$
N-AcADAB [*1591-56-6*] A004-5231 $C_{16}H_{18}N_4O$
Acadyl [*66-76-2*] A004-5348 $C_{19}H_{12}O_6$
Acalin Red S 2B [*6472-50-0*] A004-5454 $C_{34}H_{26}N_4O_6S_2.2Na$
Acalmid [*79-93-6*] A004-5578 $C_{11}H_{15}ClO_2$
Acalo [*79-93-6*] A004-5685 $C_{11}H_{15}ClO_2$
Acamol [*103-90-2*] A004-5798 $C_8H_9NO_2$
Acamylophenine [*54-30-8*] A004-5815 $C_{19}H_{32}N_2O_2$
Acamylophenine dihydrochloride [*5892-41-1*] A004-5927 $C_{19}H_{32}N_2O_2.2ClH$
Acaprin [*135-14-8*] A004-6018 $C_{21}H_{20}N_4O.2CH_3O_4S$
Acapron [*135-14-8*] A004-6131 $C_{21}H_{20}N_4O.2CH_3O_4S$
Acaraben [*510-15-6*] A004-6246 $C_{16}H_{16}Cl_2O_3$
Acaralate [*5836-10-2*] A004-6354 $C_{17}H_{16}Cl_2O_3$
Acaricydol E 20 [*80-33-1*] A004-6467 $C_{12}H_8Cl_2O_2S$
Acarin [*115-32-2*] A004-6581 $C_{14}H_9Cl_5O$
Acarithion [*786-19-6*] A004-6609 $C_{11}H_{16}ClO_2PS_2$
Acavyl [*66-76-2*] A004-6714 $C_{19}H_{12}O_6$
ACB [*13988-20-0*] A004-6829 $C_9H_7ClN_2O_2$
ACC 18133 [*297-97-2*] A004-6938 $C_8H_{18}N_2O_2PS$
Accelerate [*129-67-9*] A004-7029 $C_8H_{16}O_5.2Na$
Accelerator CZ [*95-33-0*] A004-7148 $C_{13}H_{16}N_2S_2$
Accelerator D [*102-06-7*] A004-7258 $C_{13}H_{12}N_2$
Accelerator EFK [*14634-93-6*] A004-7368 $C_{18}H_{20}N_2S_4Zn$
Accelerator factor [*9001-24-5*] A004-7479
Accelerator globulin [*9001-24-5*] A004-7592
Accelerator HX [*5459-93-8*] A004-7619 $C_8H_{17}N$
Accelerator L [*137-30-4*] A004-7729 $C_8H_{12}N_2S_4Zn$
Accelerator M [*149-30-4*] A004-7831 $C_7H_5NS_2$
Accelerator T [*137-26-8*] A004-7948 $C_6H_{12}N_2S_4$
Accelerator Thiuram [*137-26-8*] A004-8031 $C_6H_{12}N_2S_4$
Accelerine [*138-89-6*] A004-8155 $C_8H_{10}N_2O$
Accenon [*86-35-1*] A004-8263 $C_{11}H_{12}N_2O_2$
Accent [*142-47-2*] A004-8373 $C_5H_8NO_4.Na$
Acco Fast Bordeaux GP salt [*96-96-8*] A004-8483 $C_7H_6N_2O_3$
Acco Fast Red KB base [*95-79-4*] A004-8512 C_7H_6ClN
Acco Naf-Sol AS-D [*135-61-5*] A004-8627 $C_{18}H_{18}NO_2$
Acco Naf-Sol AS-KB [*135-63-7*] A004-8738 $C_{18}H_{14}ClNO_2$
Acco Naf-Sol AS-SW [*135-64-8*] A004-8847 $C_{21}H_{18}NO_2$
Acco Naf-Sol *AS*-ITR [*92-72-8*] A004-8957 $C_{19}H_{16}ClNO_4$

ATTACHMENT 2.—SAMPLE PAGE FROM THE FORMULA SECTION

CW
Tungsten carbide, WC [12070-12-1] M008-3337
CZr
Zirconium carbide, ZrC [12070-14-3] M008-3440
C_2AgN_2
Argentate(1-), bis(cyano-C)-,
potassium [506-61-6] M008-3558
sodium [21430-69-3] M008-3671
C_2AuKN_2
Gold potassium cyanide, $AuK(CN)_2$ [554-07-4] M008-3782
C_2AuN_2
Aurate(1-), bis(cyano-C)-,
potassium [13967-50-5] M008-3894
sodium [15280-09-8] M008-3911
C_2BaN_2
Barium cyanide [542-62-1] M008-4093
C_2BrF_3
Ethene, bromotrifluoro- [598-73-2] M008-4111
$C_2Br_2F_4$
Ethane, 1,2-dibromo-1,1,2,2-tetrafluoro- [124-73-2] M008-4236
C_2Br_4
Ethene, tetrabromo- [79-28-7] M008-4341
C_2Ca
Calcium carbide, CaC_2 [75-20-7] M008-4455
C_2CaN_2
Calcium cyanide [592-01-8] M008-4563
$C_2Ca_3O_{12}Si_2$
Tilleyite [12261-87-9] M008-4689
C_2CdN_2
Cadmium cyanide [542-83-6] M008-4703
C_2ClF_3
Ethene, chlorotrifluoro- [79-38-9] M008-4814
homopolymer [9002-83-9] M008-4923
polymer with ethene [25101-45-5] M008-5015
C_2ClF_3O
Acetyl chloride, trifluoro- [354-32-5] M008-5123
C_2ClF_5
Ethane, chloropentafluoro- [76-15-3] M008-5247
C_2Cl_2
Ethyne, dichloro- [7572-29-4] M008-5351
$C_2Cl_2F_2$
Ethene, 1,1-dichloro-2,2-difluoro- [79-35-6] M008-5467
$C_2Cl_2F_4$
Ethane, 1,1-dichloro-1,2,2,2-tetrafluoro- [374-07-2] M008-5571
——, 1,2-dichloro-1,1,2,2-tetrafluoro- [76-14-2] M008-5696
——, dichlorotetrafluoro- [1320-37-2] M008-5711
$C_2Cl_2O_2$
Ethanedioyl dichloride [79-37-8] M008-5821
$C_2Cl_3F_3$
Ethane, trichlorotrifluoro- [26523-64-8] M008-5935
——, 1,1,1-trichloro-2,2,2-trifluoro- [354-58-5] M008-6024
——, 1,1,2-trichloro-1,2,2-trifluoro- [76-13-1] M008-6138
C_2Cl_3N
Acetonitrile, trichloro- [545-06-2] M008-6251
C_2Cl_4
Ethene, tetrachloro- [127-18-4] M008-6368
$C_2Cl_4F_2$
Ethane, tetrachlorodifluoro- [28605-74-5] M008-6477
——, 1,1,1,2-tetrachloro-2,2-difluoro- [76-11-9] M008-6580
——, 1,1,2,2-tetrachloro-1,2-difluoro- [76-12-0] M008-6616
C_2Cl_4O
Acetyl chloride, trichloro- [76-02-8] M008-6727
C_2Cl_5F
Ethane, pentachlorofluoro- [354-56-3] M008-6839
C_2Cl_6
Ethane, hexachloro- [67-72-1] M008-6943
$C_2Cl_6O_2S$
Methane, sulfonylbis[trichloro- [3064-70-8] M008-7035
C_2CoN_2
Cobalt cyanide, $Co(CN)_2$ [542-84-7] M008-7144
C_2CuN_2
Cuprate(1-), bis(cyano-C)-,
potassium [13682-73-0] M008-7264
——, dicyano-,
sodium [21445-44-3] M008-7375
C_2F_4
Ethene, tetrafluoro- [116-14-3] M008-7487
homopolymer [9002-84-0] M008-7599
C_2F_6
Ethane, hexafluoro- [76-16-4] M008-7610
$C_2HBrClF_3$
Ethane, 2-bromo-2-chloro-1,1,1-trifluoro- [151-67-7] M008-7733
C_2HBrF_4
Ethane, 2-bromo-1,1,1,2-tetrafluoro- [124-72-1] M008-7841
C_2HBr_3O
Acetaldehyde, tribromo- [115-17-3] M008-7953
$C_2HBr_3O_2$
Acetic acid, tribromo- [75-96-7] M008-8048
C_2HBr_5
Ethane, pentabromo- [75-95-6] M008-8153
$C_2HClF_2O_2$
Acetic acid, chlorodifluoro- [76-04-0] M008-8271
$C_2HCl_2F_3$
Ethane, 2,2-dichloro-1,1,1-trifluoro- [306-83-2] M008-8386
C_2HCl_3
Ethene, trichloro- [79-01-6] M008-8498
C_2HCl_3O
Acetaldehyde, trichloro- [75-87-6] M008-8517
Acetyl chloride, dichloro- [79-36-7] M008-8624
$C_2HCl_3O_2$
Acetic acid, trichloro-,
compd. with N'-(4-chlorophenyl)-N,N-dimethylurea (1:1) [140-41-0] M008-8742
compd. with N,N-dimethyl-N'-phenylurea (1:1) [4482-55-7] M008-8858 [76-03-9] M008-8969
sodium salt [650-51-1] M008-9050
C_2HCl_5
Ethane, pentachloro- [76-01-7] M008-9163
C_2HF_3
Ethene, trifluoro-,
homopolymer [24980-67-4] M008-9285
C_2HF_3O
Acetaldehyde, trifluoro- [75-90-1] M008-9304
$C_2HF_3O_2$
Acetic acid, trifluoro- [76-05-1] M008-9411
lithium salt [2923-17-3] M008-9521
thallium(3+) salt [23586-53-0] M008-9636
C_2HN_3
Cyanamide, cyano- [504-66-5] M008-9751
C_2HNa
Sodium acetylide, $Na(C_2H)$ [1066-26-8] M008-9863
C_2H_2
Ethenylidene [2143-69-3] M008-9978
Ethyne [74-86-2] M009-0023
$C_2H_2AsCl_3$
Arsonous dichloride, (2-chloroethenyl)- [541-25-3] M009-0136
$C_2H_2AuO_2S$
Aurate(1-), [mercaptoacetato(2-)]-,
calcium [16925-54-5] M009-0253
$C_2H_2Br_2$
Ethene, dibromo- [25429-23-6] M009-0360
——, 1,2-dibromo- [540-49-8] M009-0472
$C_2H_2Br_2Cl_2$
Ethane, 1,2-dibromo-1,1-dichloro- [75-81-0] M009-0586
$C_2H_2Br_2F_2$
Ethane, 1,2-dibromo-1,1-difluoro- [75-82-1] M009-0617
$C_2H_2Br_2O$
Acetyl bromide, bromo- [598-21-0] M009-0724
$C_2H_2Br_2O_2$
Acetic acid, dibromo- [631-64-1] M009-0839
$C_2H_2Br_4$
Ethane, tetrabromo- [25167-20-8] M009-0947
——, 1,1,2,2-tetrabromo- [79-27-6] M009-1035
$C_2H_2ClF_3$
Ethane, chlorotrifluoro- [1330-45-6] M009-1145
——, 2-chloro-1,1,1-trifluoro- [75-88-7] M009-1262
C_2H_2ClN
Acetonitrile, chloro- [107-14-2] M009-1373
$C_2H_2Cl_2$
Ethene, dichloro- [25323-30-2] M009-1487
——, 1,1-dichloro- [75-35-4] M009-1592
homopolymer [9002-85-1] M009-1612
——, 1,2-dichloro- [540-59-0] M009-1737
(Z)- [156-59-2] M009-1842
$C_2H_2Cl_2O$
Acetaldehyde, dichloro- [79-02-7] M009-1955
Acetyl chloride, chloro- [79-04-9] M009-2041
$C_2H_2Cl_2O_2$
Acetic acid, dichloro-,
compd. with N-(1-methylethyl)-2-propanamine (1:1) [660-27-5] M009-2155
compd. with sulfinylbis[methane] (1:1) [7304-86-1] M009-2272 [79-43-6] M009-2387
$C_2H_2Cl_3N$
Ethylidenimine, 2,2,2-trichloro- [507-39-1] M009-2496
$C_2H_2Cl_3NO$
Acetamide, 2,2,2-trichloro- [594-65-0] M009-2510
$C_2H_2Cl_4$
Ethane, tetrachloro- [25322-20-7] M009-2623
——, 1,1,2,2-tetrachloro- [79-34-5] M009-2748
$C_2H_2CuO_2$
Copper, [1,2-ethenediolato(2-)-O,O']- [288-55-1] M009-2858
$C_2H_2Cu_3O_8$
Azurite [1319-45-5] M009-2966
$C_2H_2F_2$
Ethene, 1,1-difluoro- [75-38-7] M009-3057
homopolymer [24937-79-9] M009-3163

ATTACHMENT 3.—SAMPLE PAGE FROM THE NUMBER SECTION

56-33-7 R002-6237
Disiloxane, 1,1,3,3-tetramethyl-1,3-diphenyl- $C_{16}H_{22}OSi_2$
56-34-8 R002-6346
Ethanaminium, *N,N,N*-triethyl-, chloride $C_8H_{20}N.Cl$
56-35-9 R002-6455
Distannoxane, hexabutyl- $C_{24}H_{54}OSn_2$
56-38-2 R002-6571
Phosphorothioic acid, *O,O*-diethyl *O*-(4-nitrophenyl) ester $C_{10}H_{14}NO_5PS$
56-40-6 R002-6681
Glycine $C_2H_5NO_2$
56-41-7 R002-6791
L-Alanine $C_3H_7NO_2$
56-45-1 R002-6810
L-Serine $C_3H_7NO_3$
56-47-3 R002-6921
Pregn-4-ene-3,20-dione, 21-(acetyloxy)- $C_{23}H_{32}O_4$
56-49-5 R002-7017
Benz[*j*]aceanthrylene, 1,2-dihydro-3-methyl- $C_{21}H_{16}$
56-53-1 R002-7134
Phenol, 4,4'-(1,2-diethyl-1,2-ethenediyl)bis-, (*E*)- $C_{18}H_{20}O_2$
56-54-2 R002-7243
Cinchonan-9-ol, 6'-methoxy-, (9*S*)- $C_{20}H_{24}N_2O_2$
56-55-3 R002-7352
Benz[a]anthracene $C_{18}H_{12}$
56-57-5 R002-7464
Quinoline, 4-nitro-, 1-oxide $C_9H_6N_2O_3$
56-59-7 R002-7581
Vasopressin, 2-L-phenylalanine-8-L-lysine- $C_{46}H_{65}N_{15}O_{12}S_2$
56-65-5 R002-7603
Adenosine 5'-(tetrahydrogen triphosphate) $C_{10}H_{16}N_5O_{13}P_3$
56-69-9 R002-7719
Tryptophan, 5-hydroxy- $C_{11}H_{12}N_2O_3$
56-72-4 R002-7828
Phosphorothioic acid, *O*-(3-chloro-4-methyl-2-oxo-2*H*-1-benzopyran-7-yl) *O,O*-diethyl ester $C_{14}H_{16}ClO_5PS$
56-73-5 R002-7937
D-Glucose, 6-(dihydrogen phosphate) $C_6H_{13}O_9P$
56-75-7 R002-8024
Acetamide, 2,2-dichloro-*N*-[2-hydroxy-1-(hydroxymethyl)-2-(4-nitrophenyl)ethyl]-, [*R*-(*R**,*R**)]- $C_{11}H_{12}Cl_2N_2O_5$
56-81-5 R002-8145
1,2,3-Propanetriol $C_3H_8O_3$
56-82-6 R002-8254
Propanal, 2,3-dihydroxy-, (±)- $C_3H_6O_3$
56-83-7 R002-8363
D-Fructofuranose, 6-(dihydrogen phosphate) $C_6H_{13}O_9P$
56-84-8 R002-8472
L-Aspartic acid $C_4H_7NO_4$
56-85-9 R002-8596
L-Glutamine $C_5H_{10}N_2O_3$
56-86-0 R002-8618
L-Glutamic acid $C_5H_9NO_4$
56-87-1 R002-8727
L-Lysine $C_6H_{14}N_2O_2$
56-88-2 R002-8836
L-Homocysteine, *S*-(2-amino-2-carboxyethyl)-, (*R*)- $C_7H_{14}N_2O_4S$
56-89-3 R002-8946
L-Cystine $C_6H_{12}N_2O_4S_2$
56-91-7 R002-9031
Benzoic acid, 4-(aminomethyl)- $C_8H_9NO_2$
56-92-8 R002-9155
1*H*-Imidazole-4-ethanamine, dihydrochloride $C_5H_9N_3.2ClH$
56-93-9 R002-9264
Benzenemethanaminium, *N,N,N*-trimethyl-, chloride $C_{10}H_{16}N.Cl$
56-94-0 R002-9379
Benzenaminium, 3,3'-[1,10-decanediylbis[(methylimino)carbonyl]oxy]]bis[*N,N,N*-trimethyl-, dibromide $C_{22}H_{32}N_4O_4.2Br$
56-95-1 R002-9488
2,4,11,13-Tetraazatetradecanediimidamide, *N,N'''*-bis(4-chlorophenyl)-3,12-diimino-, diacetate $C_{22}H_{26}Cl_2N_{10}.2C_2H_4O_2$
56-97-3 R002-9512
Pyridinium, 1,1'-(1,3-propanediyl)bis[4-[(hydroxyimino)methyl]-, dibromide $C_{15}H_{18}N_4O_2.2Br$
57-00-1 R002-9623
Glycine, *N*-(aminoiminomethyl)-*N*-methyl- $C_4H_9N_3O_2$
57-03-4 R002-9737
1,2,3-Propanetriol, 1-(dihydrogen phosphate) $C_3H_9O_6P$
57-06-7 R002-9841
1-Propene, 3-isothiocyanato- C_4H_5NS
57-08-9 R002-9953
Hexanoic acid, 6-(acetylamino)- $C_8H_{15}NO_3$
57-09-0 R003-0012
1-Hexadecanaminium, *N,N,N*-trimethyl-, bromide $C_{19}H_{42}N.Br$
57-10-3 R003-0120
Hexadecanoic acid $C_{16}H_{32}O_2$
57-11-4 R003-0238
Octadecanoic acid $C_{18}H_{36}O_2$
57-12-5 R003-0347
Cyanide CN
57-13-6 R003-0457
Urea CH_4N_2O
57-14-7 R003-0571
Hydrazine, 1,1-dimethyl- $C_2H_8N_2$
57-15-8 R003-0681
2-Propanol, 1,1,1-trichloro-2-methyl- $C_4H_7Cl_3O$
57-22-7 R003-0798
Vincaleukoblastine, 22-oxo- $C_{46}H_{56}N_4O_{10}$
57-24-9 R003-0816
Strychnidin-10-one $C_{21}H_{22}N_2O_2$
57-27-2 R003-0927
Morphinan-3,6-diol, 7,8-didehydro-4,5-epoxy-17-methyl-, (5α,6α)- $C_{17}H_{19}NO_3$
57-30-7 R003-1014
2,4,6(1*H*,3*H*,5*H*)-Pyrimidinetrione, 5-ethyl-5-phenyl-, monosodium salt $C_{12}H_{12}N_2O_3.Na$
57-33-0 R003-1139
2,4,6(1*H*,3*H*,5*H*)-Pyrimidinetrione, 5-ethyl-5-(1-methylbutyl)-, monosodium salt $C_{11}H_{18}N_2O_3.Na$
57-37-4 R003-1246
Benzeneacetic acid, α-hydroxy-α-phenyl-, 2-(diethylamino)ethyl ester, hydrochloride $C_{20}H_{25}NO_3.ClH$
57-39-6 R003-1358
Aziridine, 1,1',1''-phosphinylidynetris[2-methyl- $C_9H_{18}N_3OP$
57-40-9 R003-1465
Aziridine, 1,1'-(phenylphosphinylidene)bis[2-methyl- $C_{12}H_{17}N_2OP$
57-41-0 R003-1586
2,4-Imidazolidinedione, 5,5-diphenyl- $C_{15}H_{12}N_2O_2$
57-42-1 R003-1602
4-Piperidinecarboxylic acid, 1-methyl-4-phenyl-, ethyl ester $C_{15}H_{21}NO_2$
57-43-2 R003-1711
2,4,6(1*H*,3*H*,5*H*)-Pyrimidinetrione, 5-ethyl-5-(3-methylbutyl)- $C_{11}H_{18}N_2O_3$
57-44-3 R003-1829
2,4,6(1*H*,3*H*,5*H*)-Pyrimidinetrione, 5,5-diethyl- $C_8H_{12}N_2O_3$
57-47-6 R003-1934
Pyrrolo[2,3-*b*]indol-5-ol, 1,2,3,3a,8,8a-hexahydro-1,3a,8-trimethyl-, methylcarbamate (ester), (3a*S*-*cis*)- $C_{15}H_{21}N_3O_2$
57-48-7 R003-2028
D-Fructose $C_6H_{12}O_6$
57-50-1 R003-2140
α-D-Glucopyranoside, β-D-fructofuranosyl $C_{12}H_{22}O_{11}$
57-53-4 R003-2253
1,3-Propanediol, 2-methyl-2-propyl-, dicarbamate $C_9H_{18}N_2O_4$
57-55-6 R003-2365
1,2-Propanediol $C_3H_8O_2$
57-56-7 R003-2474
Hydrazinecarboxamide CH_5N_3O
57-57-8 R003-2598
2-Oxetanone $C_3H_4O_2$
57-62-5 R003-2618
2-Naphthacenecarboxamide, 7-chloro-4-(dimethylamino)-1,4,4a,5,5a,6,11,12a-octahydro-3,6,10,12,12a-pentahydroxy-6-methyl-1,11-dioxo-, [4*S*-(4α,4aα,5aα,6β,12aα)]- $C_{22}H_{23}ClN_2O_8$
57-63-6 R003-2727
19-Norpregna-1,3,5(10)-trien-20-yne-3,17-diol, (17α)- $C_{20}H_{24}O_2$
57-64-7 R003-2836
Benzoic acid, 2-hydroxy-, compd. with (3a*S*-*cis*)-1,2,3,3a,8,8a-hexahydro-1,3a,8-trimethylpyrrolo[2,3-*b*]indol-5-yl methylcarbamate (1:1) $C_{15}H_{21}N_3O_2.C_7H_6O_3$
57-65-8 R003-2946
Benzeneacetic acid, 3,5-diiodo-4-(3-iodo-4-methoxyphenoxy)-, 2-(diethylamino)ethyl ester, hydrochloride $C_{21}H_{24}I_3NO_4.ClH$
57-66-9 R003-3039
Benzoic acid, 4-[(dipropylamino)sulfonyl]- $C_{13}H_{19}NO_4S$
57-67-0 R003-3151
Benzenesulfonamide, 4-amino-*N*-(aminoiminomethyl)- $C_7H_{10}N_4O_2S$
57-68-1 R003-3269
Benzenesulfonamide, 4-amino-*N*-(4,6-dimethyl-2-pyrimidinyl)- $C_{12}H_{14}N_4O_2S$
57-71-6 R003-3372
2,3-Butanedione, monooxime $C_4H_5NO_2$
57-74-9 R003-3486
4,7-Methano-1*H*-indene, 1,2,4,5,6,7,8,8-octachloro-2,3,3a,4,7,7a-hexahydro- $C_{10}H_6Cl_8$
57-83-0 R003-3517
Pregn-4-ene-3,20-dione $C_{21}H_{30}O_2$
57-85-2 R003-3628
Androst-4-en-3-one, 17-(1-oxopropoxy)-, (17β)- $C_{22}H_{32}O_3$
57-86-3 R003-3738
Pregna-1,4-diene-3,20-dione, 11,21-dihydroxy-16-methyl-, (11β,16α)- $C_{22}H_{30}O_4$
57-87-4 R003-3847
Ergosta-5,7,22-trien-3-ol, (3β,22*E*)- $C_{28}H_{44}O$
57-88-5 R003-3956
Cholest-5-en-3-ol (3β)- $C_{27}H_{46}O$
57-91-0 R003-4041
Estra-1,3,5(10)-triene-3,17-diol, (17α)- $C_{18}H_{24}O_2$

ATTACHMENT 4.—SAMPLE PAGE FROM THE UVCB SECTION

Palm kernel acids, sodium salt [*61789-89-7]
Palm oil acids, sodium salt [*61790-79-2]
Peanut oil acids, potassium salt [*61789-56-8]
Peanut oil acids, sodium salt [*61789-57-9]
Resin acid, potassium salt [*61790-50-9]
Resin acid, sodium salt [*61790-51-0]
Soybean oil acids, potassium salt [*61790-24-7]
Soybean oil acids, sodium salt [*61790-25-8]
Tall oil acids, potassium salt [*61790-44-1]
Tall oil acids, sodium salt [*61790-45-2]
Tall oil soaps, limed and sulfurized [*61790-02-1]
Tallow acids, potassium salt [*61790-32-7]
Tallow acids, sodium salt [*8052-48-0]

Soybean oil
Benzyldimethyl(soybean oil alkyl)ammonium chloride [*61789-74-0]
Dimethylbis(soybean oil alkyl)ammonium chloride [*61788-92-9]
N,N-Dimethyl(soybean oil alkyl)amine [*61788-91-8]
Epoxidized soya oils [*61788-96-3]
Ethyldimethyl(soybean oil alkyl)ammonium bromide [*61788-99-6]
N-Ethyl-*N*-(soybean oil alkyl)morpholinium ethyl sulfate [*61791-34-2]
Glycerol monoester of hydrogenated soybean oil acids [*61789-08-0]
Polyethylene glycol monoester of soybean oil acids [*61791-07-9]
Soybean oil acids, potassium salt [*61790-24-7]
Soybean oil acids, sodium salt [*61790-25-8]
(Soybean oil alkyl)amine [*61790-18-9]
(Soybean oil alkyl)amine, acetate [*61790-58-7]
(Soybean oil alkyl)amine, ethoxylated [*61791-24-0]
N-(Soybean oil alkyl)morpholine [*61791-40-0]
N-(Soybean oil alkyl)trimethylenediamine [*61791-67-1]
Soybean oil, ethoxylated [*61791-23-9]
Soybean oil, sulfated, sodium salt [*61790-16-7]
Trimethyl(soybean oil alkyl)ammonium chloride [*61790-41-8]

Spermaceti
Spermaceti [*8002-23-1]

Sperm oil
Chlorosulfurized sperm oil [*61789-46-6]
Sperm oil [*8002-24-2]
Sperm oil alcohol, ethoxylated [*61791-21-7]
Sperm oil alcohol, ethoxylated and sulfated, sodium salt [*61791-22-8]
Sperm oil, sulfated, sodium salt [*8016-76-0]
Sulfurized sperm oil [*61790-05-4]

Sulfates
Coconut oil acids-ethanolamine salt, sulfated, potassium salt [*61790-80-5]
Coconut oil acids-ethanolamine salt, sulfated, sodium salt [*61790-75-8]
Coconut oil acids-isopropanolamine condensate, sulfate, sodium salt [*61790-76-9]
Coconut oil, sulfated, sodium salt [*61789-20-6]
Cod oil, sulfated, sodium salt [*61789-21-7]
Cottonseed oil, sulfated, sodium salt [*61789-27-3]
N-Ethyl-*N*-(soybean oil alkyl)morpholinium ethyl sulfate [*61791-34-2]
Glycerol monoester of coconut oil acids, sulfated, ammonium salt [*61789-03-5]
Glycerol monoester of coconut oil acids, sulfated, sodium salt [*61789-04-6]
Herring oil, sulfated, ammonium salt [*61788-82-7]
Herring oil, sulfated, sodium salt [*61788-83-8]
Lard, sulfated, sodium salt [*61788-51-0]
Mixed fish oils, sulfated, sodium salt [*61788-64-5]
Mixed vegetable oil acids, sulfated, sodium salt [*61788-67-8]
Mixed vegetable oils, sulfated [*61790-19-0]
Mustard seed oil, sulfated, sodium salt [*61788-68-9]
Neat's-foot oil acids-ethanolamine condensate, sulfated, ammonium salt [*61790-74-7]
Neat's-foot oil, sulfated, sodium salt [*61788-70-3]
Peanut oil, sulfated, sodium salt [*61789-58-0]
Redfish oil, sulfated, sodium salt [*61790-21-4]
Ricebean oil, sulfated, sodium salt [*61790-22-5]
Soybean oil, sulfated, sodium salt [*61790-16-7]
Sperm oil alcohol, ethoxylated and sulfated, sodium salt [*61791-22-8]
Sperm oil, sulfated, sodium salt [*8016-76-0]
Tall oil acids-polyalkylenepolyamine condensate, sulfuric acid salt [*61790-77-0]
Tall oil, sulfated, sodium salt [*61790-35-0]
(Tallow alkyl)amine, sulfated, ethoxylated [*61791-27-3]
Tallow, sulfated, sodium salt [*61790-30-5]
Whale oil, sulfated, sodium salt [*61790-08-7]
Wool grease, sulfated, sodium salt [*61790-09-8]

Sulfides
Phenol, sulfurated [*61788-41-8]
Phosphosulfurized polybutene [*61788-35-0]
Sulfurized lard oil [*61790-49-6]
Sulfurized methyl oleate, copper-treated [*61788-34-9]
Tall oil soaps, limed and sulfurized [*61790-02-1]
Tall oil sulfurized [*61790-36-1]

Sulfonic acids
Herring oil, sulfonated [*61788-84-9]
N-(2-Hydroxyethyl)-*N*-(tallow alkyl)sulfosuccinamic acid, disodium salt [*61791-35-3]
N-Methyl-*N*-(tall oil acyl)taurine, sodium salt [*61791-41-1]
N-Methyl-*N*-(tallow acyl)taurine, sodium salt [*61791-43-3]
Oil-soluble petroleum sulfonate, barium salt [*61790-48-5]
Oil-soluble petroleum sulfonate, calcium salt [*61789-86-4]
Oil-soluble petroleum sulfonate, magnesium salt [*61789-87-5]
Oil-soluble petroleum sulfonates [*61789-85-3]
Petroleumsulfonic acid, water-soluble, sodium salt [*61789-62-6]
Sulfosuccinic acid, bis(tallow monoglyceride) ester, sodium salt [*61791-65-9]
Sulfosuccinic acid, 2-(coconut oil amido)ethyl ester, disodium salt [*61791-66-0]

Tall oil
Anhydrosorbitol monoester of tall oil acids [*61791-48-8]
Anhydrosorbitol sesquiester of tall oil acids [*61791-49-9]
Anhydrosorbitol tetraester of tall oil acids [*61791-50-2]
Anhydrosorbitol triester of tall oil acids [*61791-51-3]
1-Benzyl-1-(2-hydroxyethyl)-2-nor(tall oil alkyl)-2-imidazole [*61791-37-5]
Butyl epoxytallate [*61789-33-1]
Calcium-manganese tallate [*61789-35-3]
Cobalt tallate [*61789-52-4]

SECTION 2—CONCERNING APPENDIX A OF THE CANDIDATE LIST

Section 710.5(a)(5) of the proposed regulation provided that any mineral specifically designated in Appendix A of the Candidate List would be exempt from the reporting requirements for compilation of the inventory and would be automatically included on the inventory of chemical substances. Any mineral not included in Appendix A, however, would be subject to the general reporting requirements.

The following list entitled "Minerals Currently Under Consideration for Inclusion in Appendix A of the Candidate List" was prepared for EPA by the Department of Interior's Bureau of Mines. The Bureau included all known minerals and rock products which have been produced or processed for the commercial market within the past three years. Minerals mined and consumed wholly in foreign countries were excluded. In reviewing the minerals on this list, EPA intends to apply the following criteria in selecting minerals to be included in Appendix A of the Candiate List:

(1) The mineral has been manufactured or processed for a commercial purpose in the United States during the period beginning July 1, 1974.

(2) The mineral is obtained from a mine, well, or by collection from the land or waters and is unprocessed, dried, or processed only by mechanical or gravitational means such as crushing, grinding, floating, settling, or sieving.

(3) The mineral is not now recognized to be of immediate toxicological concern to warrant EPA identifying at this time each of its manufacturers.

(4) The mineral is described by a name which identifies it as specifically and narrowly as possible.

EPA now recognizes that some of the minerals on this list do not meet these criteria for a variety of reasons. For example, some entries such as flyash and charcoal do not meet the second criteria with respect to processing. With respect to the third criteria concerning toxicological effects, several minerals such as asbestos, uranium ore, and mercury ore may be considered inappropriate for Appendix A. Finally, several materials on the list are identified in broad classes. EPA is concerned that such broad classes may include minerals which on the basis of toxicological criteria would otherwise be excluded from Appendix A. Such classes as "feldspar group minerals" and "quartz group minerals" will need to be examined in this regard.

In citing these examples, EPA seeks only to illustrate the considerations which will be taken into account in assembling Appendix A. EPA solicits examination by the public of each entry on the Minerals Under Consideration List with regard to its suitability for inclusion in Appendix A of the Candidate List. EPA also solicits other proposed additions or exclusions. Any request to include a mineral in Appendix A must clearly show that the mineral satisfies the criteria stated above for placing that mineral in Appendix A of the Candidate List. Any request to exclude a mineral for Appendix A must show that the mineral does not satisfy the above stated criteria.

MINERALS CURRENTLY UNDER CONSIDERATION FOR INCLUSION IN APPENDIX A OF THE CANDIDATE LIST

acmite
actinolite
aeschynite
aikinite
alaskite
albite
allanite
alum
alumina
aluminum ore
aluminum phosphates
aluminum silicates
aluminum sulfates
ambatoarinite
amber
amblygonite
amethyst
ampangabeite
amphibole group minerals
amphibolite
analcime
anatase
ancylite
andalusite
andesite
angelsite
anhydrite
ankerite
anorthite
anorthoclase
anthophyllite
anthracite
antigorite
antimonite
antlerite
apatite
aplite
apophyllite
aquamarine
aragonite
arfvedsonite
argentite
argillite
arkose
arsenopalladinite
arsenopyrite
asbestos
atacamite
attapulgite
auerlite
augite
autunite
azarite
azurite

babingtonite
baddeleyite
bakerite
ball clay
barite
basalt
bassanite
bassetite
bastnaesite
bauxite
bazzite
beckelite
bacquerelite
bentonite
bertrandite
beryl
betaflite
bentonitic clay
bikitaite
biotite
bismite
bismuthinite
bismutite
blomstrandine-priorite
boehmite
boracite
borax
bornite
braggite
brannerite
brewsterite
brine
britholite
brochantite
brucite
burkeite
buszite

calcite
calcium-arsenite
calcium silicates
caliche
cancrinite
cappelenite
carnotite
caryocerite
cassiterite
cenosite
celsian
cerargyrite
cerite
cerussite
chabazite
chalcedony
chalcocite
chalcolamprite
chalcophanite
chalcopyrite
chalk
charcoal
cheralite
chert
china clay
chlorite
chrome ore
chromite
chrysoberyl
chrysocolla
chrysolite
chrysotile
churchite
cinnabar
clarkeite
clay
claystone
clinoptilolite
coal
cobaltite
cobalt ore
codazzite
coffinite
coke
conglomerate
cooperite
copper ore
coral
corundum
covellite
crocidolite
crude oil
cryolite
cubanite
cummingtonite
cuprite
curite

dachiardite
dacite
davidite
delorenzite
dewindtite
diamond
diaspore
diatomite
dietzite
diopside
diorite
dioptase
dolomite
dolomitic lime
dumontite
dunite

edingtonite
emerald
emery
enargite
enstatite
epistilbite
epsomite
erikite
erionite
eschwegeite
eucryptite

faujasite
fayalite
feldspar group minerals
ferberite
ferghanite
ferrierite
fire clay
flint clay
fluocerite
fluorapatite
fluorite
fluorspar
flyash
forsterite
fourmarierite
franklinite
fuchsite
fuller's earth

gabbro
gadolinite
gahnite
galena
gallite
garnet
garnierite
garronite
gaylussite
gem stones
germanite
geocronite
gersdorffite
geversite
gibbsite
gismondine
glauberite
glaucodot
glauconite
glaucophane
goethite
gmelinite
gold ore
gonnardite
granite
granite pegmatite
granodiorite
graphite
gravel
greenalite
greenockite
greensand
grunerite
gummite
gypsite
gypsum

halite
halite ores
halloysite
harmotome
hardystonite
hastite
hatchettolite
hauynite
hectorite
hedenbergite
hellandite
hematite
hemimorphite
hercynite
herschelite
hetaerolite
heterogenite
heulandite
hexagonite
hollingsworthite
hornblende
howlite
huebnerite
hutchinsonite
hyalophane
hydroboracite
hydrohetaerolite
hydrothorite
hydroxyapatite
hyperstene

ianthinite
illite
ilmenite
ilmenorutile
ilsemannite
inyoite
irarsite
iron ore
ishikawaite

jacobsite
jadeite
jamesonite
jarosite
johannite
johnstrupite
jordisite

kalkowskite
kaolin
kaolinite
kasolite
kehoeite
kernite
kieserite
knopite
koppite
kyanite

labradorite
lanthanite
lapis lazuli
laumontite
lauterite
lazurite
lead ore
lemontite
lepidocrocite
lepidolite
lessinglite
leucite
leucoxene
levynite
lignite
limestone
limonite
linnaeite
lizardite
loellingite
loparite
lorandite
ludwigite-paigeite

mackintoshite
maghemite
magnesioferrite
magnesite
magnetite
malachite
manganese ore
manganite
marble
marcasite
marl
marmatite
melanocerite
mendelyeevite
mercury ore
mesolite

metacinnabarite
mica
michenerite
microcline
microsommite
minnesotaite
mirabilite
molybdenite
molybdenum ore
monazite
moncheite
montmorillonite
mordenite
mosandrite
mudstone
mullite
muscovite

nagatelite
nagyagite
nahcolite
native copper
natrolite
natural gas
natural gas condensates
nepheline syenite
nephelite
niccolite
nickel ore
niter
noselite
novaculite

ochre
offretite
otavite
oil shale
oligoclase
olivine
opal
orpiment
orthoclase

parisite
parsonite
pavlingite
pearceite
pearl
peat
pectolite
pegmatite
pentlandite
periclase
peridotite
perlite
perovskite
petalite
petroleum
phenacite
phillipsite
phlogopite
phonolite
phosphate rock
phosphates
phosphorite
picrolite
pisekite
pitchblende
plagioclase
platinum ore
plumboniobite
pollucite
polybasite
polycrase
polygorskite
polyhalite
polymignite
potash
potassium prehnite
powellite
prehnite
priceite
proustite
pumice
pumicite

pynnhotite
pyrargyrite
pyrite
pyrolusite
pyrophyllite
pyroxene group minerals
pyroxene augite
pyroxene hypersthene
pyroxenefyalite
pyroxenite
pyrrhotite

quartz group minerals
quartzite

rammelsbergite
rare earths
rauvite
realgar
renardite
renierite
resins
retzian
rhabdophanite
rhodochrosite
rhyolite
rhodonite
richterite
riebeckite
rinkite
rinkolite
rock salt
rosasite
rottenstone
rowlandite
ruby
rutherfordline
rutile

safflorite
salt
samiresite
sand
sandstone
saponite
sapphire
sartorite
sassolite
saxonite
scheelite
schefferite
schist
scolecite
scoria
searlesite
sepiolite
sericite
serpentine
shale
shale oil
shard
siderite
silica
silica sand
silica stone
sillimanite
silts
siltstone
silver ore
skodowskite
skutterudite
slate smaltite
smithsonite
soapstone
sodalite
soddyite
sperrylite
sphalerite
spinel
spodumene
stannite
staurolite
steatite
stellarite
stibiconite
stibnite

stitchtite
stilbite
stilpnomelane
stromeyerite
strontia
strontianite
sylvanite
sylvite

taconite
talc
teepleite
tennantite
tengerite
tetrahedrite
thalenite
thenardite
thompsonite
thoria
thorianite
thorite
thorogummite
thortveitite
tin ore
titanium ore
topaz
torbernite
tornebohmite
tourmaline
travertine
tremolite
tripoli
tritomite
troegerite
trona
tscheffkinite
tuff
tungsten ore
turquoise
tyuyamunite

uraninite
uranium ore
uranocircite
uranophane
uranopilite
uranosphaerite
uranospathite
uranospinite
uranothallite
urbanite
urea
uvanite

vanadium ore
vermiculite
viseite
vrbaite
vysotskite
voglite
volcanic glass
voltzite

wairakite
wallonstonite
walpurgite
water
weinschenkite
wolframite
wollastonite
wurtzite

xenotime

yttrialite
yttrocerite
yttrocrasite
yttrofluorite
yugawavelite

zeolites
zeunerite
zinc-copper chalcanthite
zinc-copper melanterite
zincite
zinc ore
zinkenite
zippeite
zircon
zirkelite

[FR Doc.77-9682 Filed 4-11-77;8:45 am]

federal register

TUESDAY, APRIL 12, 1977

PART V



FEDERAL ELECTION COMMISSION

■

ADVISORY OPINION REQUESTS

FEDERAL ELECTION COMMISSION

[Notice 1977-24, AOR 1977-16]

ADVISORY OPINION REQUESTS

Pursuant to 2 U.S.C. 437f(c) and the procedures reflected in Part 112 of the Commission's regulations, published on August 25, 1976 (41 FR 35954), Advisory Opinion Request 1977-16 has been made public at the Commission. Copies of AOR 1977-16 were made available on April 6, 1977. These copies of the advisory opinion request were made available for public inspection and purchase at the Federal Election Commission, Public Records Division, at 1325 K Street NW., Washington, D.C. 20463.

Interested persons may submit written comments on any advisory opinion request within ten days after the date the request was made public at the Commission. These comments should be directed to the Office of the General Counsel, Advisory Opinion Section, at the Commission. Persons requiring additional time in which to respond to any advisory requests will normally be granted such time upon written request to the Commission. All timely comments received by the Commission will be considered before the Commission issues an advisory opinion. Comments on pending requests should refer to the specific AOR number of the requests and statutory references should be to the United States Code citations rather than to the Public Law citations.

A description of the request recently made public as well as the identification of the requesting party follows hereafter:

AOR 1977-16: May a political committee established as a "search committee" function as though it were a principal campaign committee for purposes of the disclosure and contribution limit provisions of the Act; may such a committee at some future time be designated as the principal campaign committee of the candidate who it selects? Requested by Robert Eaton, on behalf of the Iowa 1980 U.S. Senate Campaign Committee, West Des Moines, Iowa.

Dated: April 7, 1977.

VERNON W. THOMSON,
Chairman for the
Federal Election Commission.

[FR Doc.77-10615 Filed 4-11-77;8:45 am]

Advance Orders are now being Accepted
for delivery in about 6 weeks

CODE OF FEDERAL REGULATIONS

(Revised as of January 1, 1977)

Quantity	Volume	Price	Amount
_____	Title 8—Aliens and Nationality	$2.60	$_____

[A Cumulative checklist of CFR issuances for 1977 appears in the first issue of the Federal Register each month under Title 1]

PLEASE DO NOT DETACH

MAIL ORDER FORM To:
Superintendent of Documents, Government Printing Office, Washington, D.C. 20402

Enclosed find $..... (check, money order, or Supt. of Documents coupons) or charge to my
Deposit Account No. ..... Please send me ..... copies of:

PLEASE FILL IN MAILING LABEL BELOW

Name .....
Street address .....
City and State ..... ZIP Code .....

FOR USE OF SUPT. DOCS.
Enclosed.....
To be mailed later.....
Subscription.....
Refund.....
Coupon refund.....
Postage.....
Foreign Handling.....

FOR PROMPT SHIPMENT, PLEASE **PRINT OR TYPE** ADDRESS ON LABEL BELOW, INCLUDING **YOUR ZIP CODE**

U.S. GOVERNMENT PRINTING OFFICE
ASSISTANT PUBLIC PRINTER
(SUPERINTENDENT OF DOCUMENTS)
WASHINGTON, D.C. 20402

OFFICIAL BUSINESS

POSTAGE AND FEES PAID
U.S. GOVERNMENT PRINTING OFFICE
375
SPECIAL FOURTH-CLASS RATE
BOOK

Name .....
Street address .....
City and State ..... ZIP Code .....