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federal register

TUESDAY, MAY 3, 1977

highlights

PRIVACY ACT

OFR announced publication guidelines for the 1977 compilation on Friday, April 8, 1977 (42 FR 18760). Agencies are reminded to consult that issue regarding their publication responsibilities.

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reminders

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

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

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

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

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

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

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

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

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

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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:

Subscription orders (GPO)	202–783–3238
Subscription problems (GPO)	202–275–3050
"Dial - a - Regulation" (recorded summary of highlighted documents appearing in next day's issue).	202–523–5022
Scheduling of documents for publication.	523–5220
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A Cumulative List of CFR Sections Affected is published separately at the end of each month. The guide lists the parts and sections affected by documents published since the revision date of each title.

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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 May.

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rules and regulations

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of Housing and Urban Development

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: This amendment changes the headnote, Community Development Corporation, to New Community Development Corporation to reflect a recent organization redesignation. Also, this amendment changes the title of an existing Schedule C position from Confidential Secretary to the Administrator, New Communities Administration, to Administrative Aide to the General Manager, New Community Development Corporation, to reflect this same organizational redesignation and to more accurately describe the duties of the position. Finally, this amendment excepts from the competitive service under Schedule C one position of Executive Assistant to the General Manager, New Community Development Corporation, because the position is confidential in nature.

EFFECTIVE DATE: May 3, 1977

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202–632–4533.

Accordingly, 5 CFR 213 is amended by (1) amending the headnote of § 213.3384(j); (2) adding § 213.3384(j) (4) and (5); and (3) revoking § 213.3384(k) (1) as set out below:

§ 213.3384 Department of Housing and Urban Development.

* * * * *

(j) *New Community Development Corporation.* * * *

(4) One Administrative Aide to the General Manager.

(5) One Executive Assistant to the General Manager.

(k) *Office of the New Communities Administration.*

(1) [Revoked]

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

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

[FR Doc.77–12649 Filed 5–2–77;8:45 am]

PART 213—EXCEPTED SERVICE

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: This addition excepts from the competitive service under Schedule C one position of Private Secretary to the Counselor to the Secretary because of the confidential nature of the position.

EFFECTIVE DATE: May 3, 1977.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202–632–4533.

Accordingly, 5 CFR 213.3384(a) (64) is added as set out below.

§ 213.3384 Department of Housing and Urban Development.

(a) *Office of the Secretary.* * * *

(64) One Private Secretary to the Counselor to the Secretary.

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

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

[FR Doc.77–12650 Filed 5–2–77;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Labor

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: This addition excepts from the competitive service under Schedule C the following positions in the Employment and Training Administration because they are confidential in nature: (1) Special Assistant to the Administrator/Deputy Assistant Secretary for Employment and Training; (2) Private Secretary to the Administrator/Deputy Assistant Secretary for Employment and Training; and (3) Confidential Staff Assistant to the Assistant Secretary for Employment and Training.

EFFECTIVE DATE: May 3, 1977.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202–632–4533.

Accordingly, 5 CFR 213.3315(a) (52), (53) and (54) are added as set out below:

§ 213.3315 Department of Labor.

(a) *Office of the Secretary.* * * *

(52) One Special Assistant to the ETA Administrator/Deputy Assistant Secretary for Employment and Training.

(53) One Private Secretary to the ETA Administrator/Deputy Assistant Secretary for Employment and Training.

(54) One Confidential Staff Assistant to the Assistant Secretary for Employment and Training.

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

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

[FR Doc.77–12652 Filed 5–2–77;8:45 am]

PART 213—EXCEPTED SERVICE

Department of State

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: This amendment excepts from the competitive service under Schedule C one position of Special Assistant to the Under Secretary for Coordinating Security Assistance Programs because the position is confidential in nature.

EFFECTIVE DATE: May 3, 1977

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202–632–4533.

Accordingly, 5 CFR 213.3304(a) (11) is amended to read as follows:

§ 213.3304 Department of State.

(a) *Office of the Secretary.* * * *

(11) One Personal Assistant and one Special Assistant to the Under Secretary for Coordinating Security Assistance Programs.

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

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

[FR Doc.77–12653 Filed 5–2–77;8:45 am]

PART 213—EXCEPTED SERVICE

U.S. International Trade Commission

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: Part 213 is amended to show that one position of Congressional Liaison to the Commissioners is excepted under Schedule C because the position is confidential in nature.

EFFECTIVE DATE: May 3, 1977.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202-632-4533.

Accordingly, 5 CFR 213.3339(h) is added to read as follows:

§ 213.3339 U.S. International Trade Commission.

* * * * *

(h) One Congressional Liaison to the Commissioners.

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

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

[FR Doc.77-12651 Filed 5-2-77;8:45 am]

Title 7—Agriculture

CHAPTER I—AGRICULTURAL MARKETING SERVICE (STANDARDS, INSPECTION, MARKETING PRACTICES), DEPARTMENT OF AGRICULTURE

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

Subpart—United States Standards for Grades of Various Canned or Frozen Fruits and Vegetables

AGENCY: Food Safety and Quality Service, Agriculture.

ACTION: Final rule.

SUMMARY: The product description of various grade standards for certain processed fruits and vegetables are being changed to reflect new section numbers for Food and Drug Definitions and Standards of Identity. The section numbers were changed when the Food and Drug Definitions and Standards of Identity were recently recodified.

EFFECTIVE DATE: May 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Dale C. Dunham, Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, Food Safety and Quality Service, U.S. Department of Agriculture, Washington, D.C. 20250, 202-447-4694.

SUPPLEMENTARY INFORMATION: The Food and Drug Definitions and Standards of Identity for various processed fruits and vegetables, which are integrally incorporated into the product description of U.S. Department of Agriculture grade standards, were recodified effective March 15, 1977 (42 FR 14302). As a result, it is necessary to amend the affected United States Department of Agriculture grade standards to properly incorporate the Food and Drug Definitions and Standards of Identity citations.

Reprints of the U.S. Department of Agriculture grade standards will not reference the new Food and Drug section numbers until such time as the individual grade standards are revised or reprinted.

In consideration of the foregoing, Part 52 of Chapter I of Title 7 of the Code of Federal Regulations is amended as follows:

	U.S. standards for grades of—	References to 21 CFR—	Changed to 21 CFR—
Sec. 52.....:			
331	Canned applesauce	27.80	145.110(a)
441(a)	Canned green beans and canned wax beans	51.10	155.120(a)
441(b)		51.15	155.120(a)
471	Canned lima beans	51.990	155.200
521	Canned beets	51.990	155.200
551	Canned blackberries	27.35	145.120
581	Canned blueberries	27.35	145.120
671	Canned carrots	51.990	155.200
771	Canned red tart pitted cherries	27.30	145.125(a)
821	Canned sweet cherries	27.30	145.125(a)
851	Canned cream style corn	51.20	155.130(a)
881	Canned whole kernel corn	51.20	155.130(a)
1051	Canned fruit cocktail	27.40	145.135(a)
1061	Fruit jelly	29.2	150.140
1111	Fruit preserves (or jams)	29.3	150.160
1141	Canned grapefruit	27.90	145.145(a)
1481	Canned mushrooms	51.990	155.201
1551	Canned orange juice	27.108	146.141
1581	Frozen concentrated orange juice	27.109	146.146
1611	Canned pears	27.20	145.175(a)
1641(a)	Canned field peas	51.990	155.200
1641(b)	Canned black-eye peas	51.990	155.200
1711	Canned pineapple	27.50	145.180(a)
1761	Canned pineapple juice	27.54	146.185(a)
1781	Canned plums	27.45	145.185(a)
1811	Canned white potatoes	51.990(c)(3)	155.200
1901	Canned spinach	51.990	155.200
2041	Canned sweetpotatoes	51.990	155.200
2101	Tomato catsup	53.10	155.194
2221	Concentrated orange juice for manufacturing	27.114	146.153
		27.115	146.154
2251	Canned concentrated orange juice	27.110	146.150
2281	Canned peas	51.1	155.170(a)
2541	Canned asparagus	51.990	155.200
2561(a)	Canned Clingstone peaches	27.2	145.170(a)
		27.6	145.171
2601	Canned Freestone peaches	27.2	145.170(a)
		27.6	145.171
2641(a)	Canned apricots	27.10	145.115(a)
		27.14	145.116
2681(a)	Canned pimientos	51.990	155.200
2801	Apple butter	29.1	155.110
2821	Canned figs	27.70	145.130
		27.73	145.131
3061	Peanut butter	46.1	164.150
3311	Canned raspberries	27.35	145.120
3331	Canned okra	51.990	155.200
3621	Canned tomato juice	53.1	156.145
4021	Canned grapes	27.25	145.140
5041	Tomato paste	53.30	155.191
5081	Canned tomato puree	53.20	155.192
5161	Canned tomatoes	53.40	155.190(a)
5201	Concentrated tomato juice	53.20	155.192
5601	Canned dried prunes	27.15	145.190
5641	Pasteurized orange juice	27.107	146.140
5681	Orange juice from Concentrate	27.111	146.145
6241	Canned solid-pack apricots	27.10	145.115(a)

Notice of proposed rulemaking, public procedure thereon, and the postponement of the effective time of this action later than May 1, 1977, (5 U.S.C. 553) are impracticable, unnecessary, and contrary to the public interest in that (1) no substantive rule or change of rule is involved, (2) recodification in the Code of Federal Regulations is an editorial change only, and (3) additional time is not required by the users of the grade standards to comply with any portion of these amendments.

(Agricultural Marketing Act of 1946, secs. 203, 205, 60 Stat. 1087, as amended, 1090, as amended (7 U.S.C. 1622, 1624).)

Dated to become effective May 1, 1977.

Dated: April 26, 1977.

WILLIAM T. MANLEY,
Acting Deputy Administrator, Commodity Operations.

[FR Doc.77-12470 Filed 5-2-77;8:45 am]

CHAPTER II—FOOD AND NUTRITION SERVICE, DEPARTMENT OF AGRICULTURE

[FSP No. 1977-1.2, Amdt. No. 105]

PART 271—PARTICIPATION OF STATE AGENCIES AND ELIGIBLE HOUSEHOLDS

Food Stamp Program; Maximum Monthly Allowable Income Standards and Basis of Coupon Issuance

APPENDIX A—48 STATES AND DISTRICT OF COLUMBIA

AGENCY: Food and Nutrition Service, USDA.

ACTION: Final rule.

SUMMARY: This amendment revises the maximum allowable income standards and basis of coupon issuance for the 48 States and the District of Columbia appearing in Appendix A to Part 271 which were effective January 1, 1977. Semi-annual adjustments in the coupon allot-

ments, to reflect food price changes published by the Bureau of Labor Statistics, are required by the Food Stamp Act. These adjustments will continue to provide households with coupon allotments sufficient to purchase nutritionally adequate diets.

EFFECTIVE DATE: July 1, 1977.

FOR FURTHER INFORMATION CONTACT: Grant Tolley, Chief, Program Development Branch, Food Stamp Division, Food and Nutrition Service, U.S. Department of Agriculture, Washington, D.C. 20250 (447-8325).

SUPPLEMENTARY INFORMATION:

APPENDIX A—48 STATES AND DISTRICT OF COLUMBIA

[FSP No. 1977-1.2, Amdt. No. 105]

Section 7(a) of the Food Stamp Act, as amended, requires that the value of the coupon allotment be adjusted semi-annually by the nearest increment that is a multiple of two to reflect changes in the prices of food published by the Bureau of Labor Statistics. Under this provision, an adjustment based on the cost of the Thrifty Food Plan in February 1977 has been made in the coupon allotment for all except the one-person household. The cost of food did not increase enough for a change in the coupon allotment for the one-person household, since Section 7(a) specifies that no such adjustment shall be made unless the increase in the coupon allotment is a minimum of $2.00.

Prior to the amendment to the Act requiring semi-annual adjustment of the value of the coupon allotment, the adjustments were made at the beginning of each fiscal year; i.e., in July based on the cost of the food plan in the preceding December. With the enactment of the semi-annual adjustment, the law specified that the first adjustment be made in January 1974 to reflect changes in food prices through August 1973. Similar procedures have been used for subsequent semi-annual adjustments; i.e., the July adjustment based on the cost of the food plan in the preceding February and the January adjustment based on the cost of the food plan in the preceding August, as required by the Act. The income standards and coupon allotments to become effective on July 1, 1977 are based on the cost of the Thrifty Food Plan in February 1977.

Households in which all members are included in the Federally-aided public assistance grant, general assistance grant, or supplemental security income benefit shall be determined to be eligible to participate in the program while receiving such grants without regard to the income and resources of the household members.

The maximum allowable income standards for determining eligibility of all other applicant households, including those in which some members are recipients of Federally-aided public assistance, general assistance, or supplemental security income benefit, in any State (other than Alaska, Hawaii, Puerto Rico, Guam, or the Virgin Islands) or in the District of Columbia shall be as follows:

Household size:	*Maximum allowable monthly income standards—48 States and District of Columbia*
One	[1] $245
Two	[1] 322
Three	447
Four	567
Five	673
Six	807
Seven	893
Eight	1,020
Each additional member	+127

[1] 1976 USDA Poverty Guideline. "Income" as the term is used in the notice is as defined in paragraph (c) of § 271.3 of the Food Stamp Program Regulations.

Pursuant to sections 7 (a) and (b) of the Food Stamp Act, as amended, (7 U.S.C. 2016, Pub. L. 91-671), the face value of the monthly coupon allotment which State agencies are authorized to issue to any household certified as eligible to participate in the Program and the amount charged for the monthly coupon allotment in the 48 States and the District of Columbia shall be:

Monthly coupon allotments and purchase requirements—48 States and District of Columbia

Monthly net income	For a household of—							
	1 person	2 persons	3 persons	4 persons	5 persons	6 persons	7 persons	8 persons
	The monthly coupon allotment is—							
	$50	$94	$134	$170	$202	$242	$268	$306
	And the monthly purchase requirement is—							
0 to $19.99	0	0	0	0	0	0	0	0
$20 to $29.99	1	1	0	0	0	0	0	0
$30 to $39.99	4	4	4	4	5	5	5	5
$40 to $49.99	6	7	7	7	8	8	8	8
$50 to $59.99	8	10	10	10	11	11	12	12
$60 to $69.99	10	12	13	13	14	14	15	16
$70 to $79.99	12	15	16	16	17	17	18	19
$80 to $89.99	14	18	19	19	20	21	21	22
$90 to $99.99	16	21	21	22	23	24	25	26
$100 to $109.99	18	23	24	25	26	27	28	29
$110 to $119.99	21	26	27	28	29	31	32	33
$120 to $129.99	24	29	30	31	33	34	35	36
$130 to $139.99	27	32	33	34	36	37	38	39
$140 to $149.99	30	35	36	37	39	40	41	42
$150 to $169.99	33	38	40	41	42	43	44	45
$170 to $189.99	38	44	46	47	48	49	50	51
$190 to $209.99	38	50	52	53	54	55	56	57
$210 to $229.99	40	56	58	59	60	61	62	63
$230 to $249.99	40	62	64	65	66	67	68	69
$250 to $269.99		68	70	71	72	73	74	75
$270 to $289.99		74	76	77	78	79	80	81
$290 to $309.99		74	82	83	84	85	86	87
$310 to $329.99		74	88	89	90	91	92	93
$330 to $359.99			94	95	96	97	98	99
$360 to $389.99			103	104	105	106	107	108

Monthly net income	For a household of—							
	1 person	2 persons	3 persons	4 persons	5 persons	6 persons	7 persons	8 persons
	The monthly coupon allotment is—							
	$50	$94	$134	$170	$202	$242	$268	$306
	And the monthly purchase requirement is—							
$390 to $419.99			113	113	114	115	116	117
$420 to $449.99			116	122	123	124	125	126
$450 to $479.99				131	132	133	134	135
$480 to $509.99				140	141	142	143	144
$510 to $539.99				146	150	151	152	153
$540 to $569.99				146	159	160	161	162
$570 to $599.99					168	169	170	171
$600 to $629.99					174	178	179	180
$630 to $659.99					174	187	188	189
$660 to $689.99					174	196	197	198
$690 to $719.99						205	206	207
$720 to $749.99						210	215	216
$750 to $779.99						210	224	225
$780 to $809.99						210	232	234
$810 to $839.99							232	243
$840 to $869.99							232	252
$870 to $899.99							232	261
$900 to $929.99								266
$930 to $959.99								266
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$1,020 to $1,049.99								266

For issuance to households of more than eight persons use the following formula:

A. *Value of the Total Allotment.* For each person in excess of eight, add $38 to the monthly coupon allotment for an eight-person household.

B. *Purchase Requirement.* 1. Use the purchase requirement shown for the eight-person household for households with incomes of $899.99 or less per month.

2. For households with monthly incomes of $900 or more, use the following formula:

For each $30 worth of monthly income (or portion thereof) over $899.99, add $9 to the monthly purchase requirement for an eight-person household with an income of $899.99.

3. To obtain maximum monthly purchase requirements for households of more than eight persons, add $34 for each person over eight to the maximum purchase requirement shown for an eight-person household.

The total monthly coupon allotments for some households are not divisable by four. This results in total coupon allotments of uneven dollar amounts for those households which choose to purchase one-fourth or three-fourths of their coupon allotment. For such households, the State agency shall round the face value of one-fourth or three-fourths of the total coupon allotment up to the next higher whole dollar amount and shall not change the purchase requirement for such allotment.

NOTE.—The Food and Nutrition Service has determined that this document contains a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821 and OMB Circular A-107 and certifies that an Economic Impact Statement has been prepared.

In view of the need for placing this notice into effect on July 1, 1977, and the lead-time needed by State agencies for implementation, it is hereby determined that it is impracticable and contrary to the public interest to give notice of proposed rulemaking with respect to this notice.

(Catalog of Federal Domestic Assistance Programs, No. 10.551, Food Stamps.)

Dated: APRIL 26, 1977.

CAROL TUCKER FOREMAN,
Assistant Secretary.

[FR Doc.77-12402 Filed 5-2-77;8:45 am]

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

PART 701—NATIONAL RURAL ENVIRONMENTAL PROGRAMS FOR 1975 AND SUBSEQUENT YEARS

Drought and Flood Conservation Program

AGENCY: Agricultural Stabilization and Conservation Service, USDA.

ACTION: Final rule.

SUMMARY: The purpose of this rule is to implement a special emergency agricultural conservation program in designated drought and flood damaged areas in the United States. The program assistance consists of sharing costs with eligible land owners of practices designed to alleviate the effects of drought or flood on agricultural resources. Up to 80% of the costs of installing applicable practices will be paid to eligible farmers and ranchers based on determinations made by State and county ASC committees and where applicable, on technical determinations by the Soil Conservation Service. This assistance is offered as a part of an overall drought emergency program in response to the serious effects of drought on widespread areas primarily in the central and western States and to damage to farmland from floods.

EFFECTIVE DATE: May 3, 1977.

FOR FURTHER INFORMATION CONTACT:

Robert J. Mondloch (ASCS) (202) 447-6221.

SUPPLEMENTARY INFORMATION: It is essential that these provisions be effective as soon as possible since it is imperative that farmers take immediate action to alleviate the effects of the drought. Accordingly, it is hereby found and determined that compliance with notice, public procedure, and 30-day effective date provisions of 5 U.S.C. 553 is impracticable and contrary to the public interest. The impact of the drought which began in the early 1970's, and has continued without significant relief into 1977, is causing widespread damage to soil resources through wind erosion in many central and western States. Agricultural water supplies are at record lows in many areas. Certain measures can be undertaken by farmers to alleviate wind erosion damage and to extend limited agricultural water supplies. Also, practices can be carried out by eligible agricultural producers to repair and restore their land where it has been damaged by flood during the program period. This program is designed to have immediate impact on these problems by providing financial assistance to install practices which will decrease loss of soil from wind erosion, extend available water supplies and for other drought and flood related measures. As an incentive to stimulate immediate action by farmers, up to 80% of the cost of the practices will be paid for as a grant to eligible producers. Eligibility will be confined to agricultural producers in those areas designated by the President or Secretary of Agriculture for drought or flood disaster relief. The program is available only through September 30, 1977.

Accordingly, 7 CFR Part 701 is amended by adding to the table of contents and the text the following subpart:

Subpart—Drought and Flood Conservation Program

Subpart—Drought and Flood Conservation Program

§ 701.85 Program objective.

The objective of the Drought and Flood Conservation Program is to rebuild or restore the productive capacity of soil, repair flood-damaged farmland, conserve agricultural soil and water, and prevent other environmental problems resulting from flood, wind erosion, and other extended drought problems in areas designated by the President or the Secretary.

§ 701.86 Distribution of funds.

Funds available for practices to be performed under the program will be distributed among States and counties on the basis of need to alleviate the impact of the drought or flood.

§ 701.87 Eligible land and person.

Eligibility of land and person is the same as for the Agricultural Conserva-

tion Program as provided in § 701.7 and § 701.8.

§ 701.88 Selection of Practices.

The practices to be included in the county program shall be only those practices for which cost-sharing is essential to permit accomplishment of the program objective as stated in § 701.85.

§ 701.89 Eligible practice categories.

Emergency practice categories for which cost-sharing may be authorized are the following:

(a) Establishing Vegetative Cover.
(b) Emergency Wind Erosion Control Measures.
(c) Emergency Modification of Irrigation Systems for Conservation of Water.
(d) Developing Emergency Sources of Irrigation Water.
(e) Fire Breaks and Other Pre-Fire Suppression Measures.
(f) Developing Livestock Water to Prevent Erosion Due to Overgrazing.
(g) Stabilizing Drought or Flood Damaged Resources.
(h) Maintaining Stands of Permanent Herbacious or Woody Vegetation.
(i) Emergency Soil Moisture Conservation.
(j) Restoring Drought or Flood Damaged Conservation Measures.
(k) Other Special Practices as Recommended by the County Committee and Concurred in by the State Committee.

§ 701.90 Rates of cost-sharing.

(a) Levels of cost-sharing shall not be in excess of 80 percent of the average cost for all practices in the program as recommended by the county committee and approved by the State committee. (See § 701.19 for special provisions for low-income farmers.)

(b) For the purpose of establishing rates of cost-sharing, the average cost of performing a practice may be the average cost for a State, a county, or a part of a county, as determined by the State committee.

§ 701.91 Starting of practices.

Cost will not be shared for practices, or components of practices, which are started before a request is made to the county committee.

§ 701.92 Method of approval.

The county committee will determine the extent to which Federal funds will be made available to share the cost of each approved practice, taking into consideration the county allocation, the conservation and environmental problems created by drought or flood in the county and of the land involved, and the practices for which requested cost-sharing is considered by the county committee as most needed. The method approved shall provide for the issuance of notices of approval showing for each approved practice the number of units of the practice for which the Federal Government will share in the cost and the amount of the cost-share for the performance of that number of units of the practice. To the extent practicable, notices of approved practices shall be issued before performance of the practice is started. No practice may be approved for cost-sharing except as authorized by the county program, or in accordance with procedures incorporated therein. Available funds for cost-sharing shall not be allocated on a pro-rata basis.

§ 701.93 Maximum cost-share limitation.

For each program year the total of all cost-shares to any person with respect to farms and ranches (§ 701.2(b)) in the United States, Puerto Rico, and the Virgin Islands for approved practices, which are not carried out under pooling agreements shall not exceed the sum of $2,500, and those carried out under pooling agreements shall not exceed the sum of $10,000, except that the total of cost-shares paid to any person under the Drought and Flood Conservation Program and the Agricultural Conservation Program shall not exceed the sum of $10,000. (Also see § 701.73.)

§ 701.94 Completion of practices.

Cost-sharing for the practices contained in this part is conditioned upon the performance of the practice in accordance with applicable specifications and program provisions. Approval for cost-sharing must be issued by September 30, 1977, with completion of all components of the practice by November 30, 1977, except that the county committee may extend the completion date if completion is delayed for reasons beyond the control of the farmer.

§ 701.95 Time of filing payment application.

Payment of cost-shares will be made only upon application submitted on the prescribed form to the county office by a date established by the county committee. Any application for payment may be rejected if any information required of the applicant is not submitted to the county office within the applicable time limit.

§ 701.96 Other program provisions.

Other provisions as contained in §§ 701.2 (b), (e), (g), 701.17, 701.18, 701.19, 701.22 and 701.24 and in the Subpart, General Provisions, shall apply to the Drought and Flood Conservation Program.

Signed at Washington, D.C., on April 28, 1977.

VICTOR A. SENECHAL,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.77-12716 Filed 5-2-77;8:45 am]

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

[Lemon Regulation 89; Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Amendment to Final Rule.

SUMMARY: This amendment increases the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period April 24–30, 1977. The amendment recognizes that demand for lemons has improved, since the regulation was issued. This action will increase the supply of lemons available to consumers.

DATES: Weekly regulation period April 24–30, 1977.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, 202–447–3545.

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

(2) Demand in the lemon markets has improved since the regulation was issued. Amendment of the regulation is necessary to permit lemon handlers to ship a larger quantity of lemons to market to supply the increased demand. The amendment will increase the quantity permitted to be shipped by 20,000 cartons, in the interest of producers and consumers.

(3) It is further found that it is impracticable and is contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553), because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to

effectuate the declared policy of the act is insufficient, and this amendment relieves restrictions on the handling of lemons.

(b) *Order, as amended.* Paragraph (b)(1) of § 910.389 Lemon Regulation 89 (42 FR 20811) is amended to read as follows: "The quantity of lemons grown in California and Arizona which may be handled during the period April 24, 1977, through April 30, 1977, is established at 270,000 cartons."

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

Dated: April 27, 1977.

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

[FR Doc.77-12601 Filed 5-2-77;8:45 am]

CHAPTER X—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; MILK), DEPARTMENT OF AGRICULTURE

PART 1068—MILK IN THE UPPER MIDWEST MARKETING AREA

Suspension of Provision of the Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Suspension of rules.

SUMMARY: This action suspends a requirement under the Upper Midwest milk marketing order that handlers make a partial payment for milk received from producers by the 25th day of the month. The suspension, which was requested by handlers, will permit handlers to make such payments about 8 days later so that their partial payments and final payments for milk will be spaced about 15 days apart. The suspension applies for the period of May through October 1977.

FOR FURTHER INFORMATION CONTACT:

Clayton H. Plumb, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, 202–447–6273.

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding: Notice of proposed suspension, issued April 8, 1977; published April 13, 1977 (42 FR 19350).

This order of suspension is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. et seq.), and of the order regulating the handling of milk in the Upper Midwest marketing area.

Notice of proposed rulemaking was published in the FEDERAL REGISTER (42 FR 19350) concerning a proposed suspension of a certain provision of the order. Interested persons were afforded opportunity to file written data, views, and arguments thereon.

After consideration of all relevant material, including the proposal set forth in the aforesaid notice, data, views, and arguments filed thereon, and other available information, it is hereby found and determined that for the months of May 1977 through October 1977 the following provision of the order does not tend to effectuate the declared policy of the Act:

Section 1068.73(a)(4) "If received from a producer for whom payment is not being made pursuant to paragraph (a) (2) and (3) of this section and who has not discontinued shipping to such handler, at not less than the uniform price at this plant location for the preceding month, adjusted by the butterfat differential for the proceding month."

Statement of Consideration. The provision that is hereby suspended requires handlers to make a partial payment to producers for whom a cooperative is not collecting payment on or before the 25th day of the month. The provision has been suspended since November 1976.

An extension of the suspension was requested by several handlers that are regulated under the Upper Midwest order. The handlers stated that the payment dates under the order were confusing to their producers because such dates are on the 18th and 25th days of the month, only 7 days apart, while their producers, who until last year were not under the order, historically had been accustomed to being paid about 15 days apart. Under the suspension now in effect, these handlers are making a partial payment on or about the 3rd day of the month, 15 days prior to the final payment date.

Written views on the proposed extension of the suspension were received from 5 dairy farmers, one cooperative association, 8 handlers, and one trade association representing proprietary plants. Two dairy farmers opposed the suspension; all other views were in favor of it.

Since it is possible that a hearing will be held within the next six months, the suspension should only be extended for the months of May 1977 through October 1977. If a hearing has not been held, the need for continuing the suspension may be reviewed at a later time.

It is hereby found and determined that thirty days' notice of the effective date hereof is impractical, unnecessary, and contrary to the public interest in that the suspension does not require of persons affected substantial or extensive preparation prior to the effective date and notice of proposed rulemaking was given interested parties and they were afforded opportunity to file written data, views, or arguments concerning this suspension.

Therefore, good cause exists for making this order effective upon publication in the FEDERAL REGISTER.

It is therefore ordered, That the aforesaid provision of the order is hereby suspended for the months of May 1977 through October 1977.

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

Effective date. May 3, 1977.

Signed at Washington, D.C., on: April 28, 1977.

ROBERT H. MEYER,
Assistant Secretary for Marketing Services.

[FR Doc.77-12600 Filed 5-2-77;8:45 am]

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. Z; FC–0056, FC–0057, FC–0058, FC–0059]

PART 226—TRUTH IN LENDING

Official Staff Interpretations

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Official Staff Interpretation(s).

SUMMARY: The Board is publishing the following official staff interpretations of Regulation Z, issued by a duly authorized official of the Division of Consumer Affairs.

EFFECTIVE DATE: April 29, 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: (1) Identifying details have been deleted to the extent required to prevent a clearly unwarranted invasion of personal privacy. The Board maintains and makes available for public inspection and copying a current index providing identifying information for the public subject to certain limitations stated in 12 CFR Part 261.6.

(2) Official staff interpretations may be reconsidered upon request of interested parties and in accordance with 12 CFR Part 226.1(d)(2). Every request for reconsideration should clearly identify the number of the official staff interpretation in question, and should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

(3) 15 U.S.C. 1640(f).

12 CFR Part 226, FC–0056

§ 226.2(r) Card used to make a claim under a medical insurance policy is not a credit card.

§ 226.4(i) A discount offered to induce cash payment rather than reliance upon an insurance policy is not a finance charge.

MARCH 28, 1977.

This will respond to your letter of * * *, in which you request a formal Board interpretation of §§ 226.2(r) and 226.4(i) of regulation Z. You indicate that your client, a hospital, accepts cards issued by a medical insurance company in lieu of cash payment for medical services. The card identifies those covered by insurance policies issued by the company. You ask whether the presentation of the card to cover medical treatment is a

"credit card" transaction if the insurance company and not the patient is billed for the services. You also ask if a hospital or medical clinic becomes subject to § 226.4(i) by offering a discount if a patient pays in cash rather than using the card.

Section 226.2(r) defines "credit card" as any card that is used "* * * to obtain * * * services on credit." "Credit" is defined as: "* * * the right granted by a creditor to a customer to defer payment of a debt, incur debt and defer its payment, or purchase property or services and defer payment therefor."

A credit card transaction, therefore, must involve the use of a card to defer a debt. It appears that the card you describe is presented by the patient to make a claim under a medical insurance policy. Assuming that the claim is valid, the patient's liability for the debt is extinguished, not deferred. Under such circumstances, no credit card transaction has occurred because the patient has not received an extension of credit.

Your second question relates to a practice of offering a discount for those who pay in cash rather than using the medical insurance card described above. You ask whether offering such a discount subjects the hospital or medical clinic offering it to the requirements of § 226.4(i).

Section 226.4(i) requires that a discount offered to induce "* * * payments for a purchase by cash, * * * rather than by use of an open end credit card account * * *" is a finance charge, unless the three criteria of that section are met. It is the opinion of the staff that since the card you describe is not used in connection with "an open end credit card account," but rather in connection with an insurance policy, § 226.4(i) is not applicable to the transaction.

This is an official staff interpretation of Regulation Z issued in accordance with § 226.1(d)(3) of the regulation and limited in its application to the facts and issues outlined herein.

We hope this response has been helpful. If we may be of further assistance, please do not hesitate to contact us.

Sincerely,

JERAULD C. KLUCKMAN,
Associate Director.

12 CFR Part 226, FC–0057

§§ 226.7(b) and 226.7(f) Change in billing cycle from staggered dates to single date necessitates change in terms disclosure regarding interim periodic rate where normal periodic rate is on a monthly basis. Change in terms notice should tell interim rate or how to compute it. Periodic statements should reflect actual interim periodic rate. Where transition billing cycle does not vary normal billing cycle by more than 4 days, no additional disclosures are required.

MARCH 28, 1977.

This is in reply to your letter of * * *, in which you requested an official staff interpretation concerning a method for converting from multiple billing dates to a single billing date for an open end credit plan.

The facts as outlined in your letter are as follows:

The creditor of the open end credit plan currently sends monthly periodic statements to customers using a staggered billing date system under which some customers have closing dates on the 3rd day of each month, others on the 6th, still others on the 9th, etc. The creditor wants to eliminate the staggered billing system and, instead, wishes to have a uniform closing date on the 9th of each month for all customers. Under the terms of the open end credit plan, the creditor's finance charge is assessed on the previous balance outstanding at the beginning of the billing cycle at a monthly periodic rate of 1½ per cent (18 percent A.P.R.) on the first 500 dollars, and at a monthly periodic rate of 1 per cent (12 per cent A.P.R.) on the excess over $500.

The creditor's plans for making the transition are as follows:

The creditor would make the transition from staggered closing dates to a single closing date during a period of no more than two months, and would advise its customers, in the manner required under § 226.7(f), of the change in billing cycle and of the method to be used in calculating the finance charges during the transition cycle which, staff assumes, will include an explanation of the different periodic rates. No customer would be assessed a finance charge in excess of the previously stated annual percentage rate.

You state that the shortest billing cycle during the transition would be 15 days and the longest cycle would be 45 days. The billing statements would be mailed to the customer no less than 14 days prior to the date by which payment of the new balance must be made in order to avoid the imposition of an additional finance charge.

To determine the finance charge during the transition cycle, the creditor would prorate the finance charge calculated in the usual manner. For example, in a transition billing cycle of 20 days, if the customer's previous balance is $300 and the finance charge would normally be $4.50, the customer would be assessed a finance charge of only $3.00 for the 20-day period. The customers would be advised on the periodic statement that for that specific transition cycle the periodic rate for the relevant range of balances is 1 per cent (instead of 1½ per cent). Additionally, the customer's minimum periodic payment would be similarly pro-rated for a shorter cycle but would remain the same for a longer than normal cycle. Under the contemplated method of calculation, the annual percentage rate would continue to be 18 per cent for balances of $500 or less and 12 per cent on the excess over $500.

You asked two questions with respect to the above stated facts and proposed transition implementation. First, you asked whether this method of changing to a single billing date complies with Regulation Z. Second, you asked whether customers with closing dates of the 6th, 9th, or 12th of the month need be given any additional notification or additional disclosures or whether any recalculations would be required.

With respect to your first question, in staff's view, the only required change in terms disclosure which this situation presents is in the periodic rate and, consequently, the finance charge for the period. Therefore, if the notice of change in terms correctly informs the customer of the changed periodic rate (either by disclosing the changed rate or by explaining how it will be determined) and if the periodic statement also informs the customer of the changed periodic rate (numerically) and the proper amount of the finance charge given that periodic rate, the staff believes that the method of converting from a multiple billing date system to a single billing date system which you outlined is proper under the regulations.

In staff's view, it is not necessary to prorate the amount of the minimum periodic payment for shorter billing cycles. However, if the creditor chooses to do so, this change should be disclosed to the customer in the notice sent pursuant to § 226.7(f).

Further, it is staff's opinion that your plans to send the periodic statements during the transition period 14 days prior to the date by which payment of the new balance must be made to avoid an additional finance charge may not be mandated by Regulation Z. Section 226.7(b)(2) only requires sending the periodic statement in this fashion if the creditor normally gives a free period within which payment may be made to avoid the imposition of a finance charge. Under your "previous balance" method of computing the finance charge there appears to be no free period and, thus, § 226.7(b)(2) may be inapplicable. Without knowing more about your system of computing the finance charge, staff cannot say with certainty that this is the case, however.

In staff's view, since there will be a change in terms back to the previously disclosed terms following the transition, the notice sent pursuant to § 226.7(f) should indicate clearly to the customer that this will be the case so that the customer is not left with the impression that the changes are permanent. If this is not done, in staff's view, a subsequent notice to that effect would be necessary.

With respect to your second question, in staff's view those customers whose current billing dates are the 6th and 12th of the month need not be given any notice of the change in terms since their billing cycles would not be varied by more than four days. Under § 226.2(i) the transition billing cycle would be considered equal to the normal billing cycle for these customers and, consequently, no change in terms is involved. Those whose current billing date is the 9th clearly require no notices of changes or new disclosures.

This is an official staff interpretation Regulation Z issued pursuant to § 226.1(d)(3) of the regulation and limited in its application to the facts as outlined above. I trust that this is responsive to your inquiry.

Sincerely,

JERAULD C. KLUCKMAN,
Associate Director.

12 CFR Part 226, FC–0058

§ 226.4(d) An "overdraft charge" is a finance charge when imposed in connection with a demand deposit account only if it is imposed pursuant to a written agreement to pay overdrafts.

An "overdraft charge" is a finance charge when the bank treats the overdraft as a transaction on an overdraft credit plan.

APRIL 1, 1977.

This will respond to your letter of * * * in which you request a formal Board interpretation of § 226.4 of Regulation Z. You are concerned with a situation in which a bank offers a demand deposit account with provision for paying overdrafts by debiting the customer's bank credit card account in a sufficient number of $100 increments to cover the overdraft. When a customer has reached the credit limit available on the bank card, the creditor may, nevertheless, decide to pay an overdraft and may either:

(1) Treat the amount as an overdraft on the demand deposit account; or

(2) Debit the bank credit card account to cover the demand deposit overdraft, thus exceeding the credit limit.

The question arises whether in either of these situations the "overdraft charge" should be treated as a "finance charge" or "other charge" under Regulation Z.

With respect to situation one, staff believes that the overdraft charge would be a finance charge, as provided in § 226.4(d), only if it was imposed pursuant to a written agreement between the bank and the customer to pay the check.

With respect to situation two, it is staff's view that a fee charged by a bank for honoring a check exceeding the credit limit in a credit agreement must be considered a finance charge where the bank treats such a transaction as a part of the credit plan. For example, if the bank debits the amount of the overdraft to the customer's credit ac-

count and imposes the regular finance charges on that amount, then the fee must be disclosed as a finance charge under §§ 226.7(a) and (b) and included in computation of the annual percentage rate under § 226.5(a). In staff's opinion, this conclusion in no way conflicts with § 226.4(d), which provides that a charge for honoring checks "which overdraw or increase an overdraft in a checking account is not a finance charge unless the payment of such checks and the imposition of such finance charge were previously agreed upon in writing." That section relates only to regular demand deposit accounts which carry no credit features and in which a bank may occasionally, as an accommodation to its customer, honor a check which inadvertently overdraws that account. Staff believes that § 226.4(d) has no applicability to those credit accounts which involve a prearranged line of credit privilege.

On the other hand, where such an overdraft is accorded the same treatment as an overdraft of a regular checking account without overdraft privileges, then a fee assessed for honoring that check need not be treated as a finance charge. Thus, if the bank takes the same customer notification and collection action with respect to such overdrafts as it takes with respect to overdrafts in regular checking accounts without overdraft privileges, a charge imposed for honoring the overdraft would not constitute a finance charge.

With regard to the question of whether the overdraft fee should be disclosed as an "other charge" under § 226.7(a)(6), assuming it is not a finance charge, staff believes that this disclosure is not required. Where the overdraft is not treated as part of the credit plan and the fee assessed for honoring it is identical to the fee charged on an overdraft of a checking account without a credit feature, the fee would not seem to be an element of the credit plan, but rather would seem to be related to the basic checking account agreement. Under these circumstances, the fee would not, in staff's opinion, come within the definition of an "other charge" to be disclosed under § 226.7(a)(6).

Since the questions you ask do not appear to raise significant policy questions or involve substantial ambiguities under the regulation, staff believes that issuance of a Board interpretation is inappropriate. This is an official staff interpretation of Regulation Z, issued in accordance with § 226.1(d)(3) of the regulation. The interpretation relates solely to the specific question presented. I trust it is responsive to your inquiry.

Sincerely,

JERAULD C. KLUCKMAN,
Associate Director.

12 CFR Part 226, FC-0059

§ 226.13(1) Card issuer may require merchant who honors the card to maintain or designate an account solely for reflecting transactions and payments involving the use of the card where such account is essential to the credit card plan.

APRIL 1, 1977.

This is in reply to your letter of * * *, in which you requested an official staff interpretation regarding § 226.13(1)(1)(ii) of Regulation Z. That section prohibits a credit card issuer from requiring any person who honors the card issuer's credit card to open or maintain a deposit account or procure any other service not essential to the operation of the credit card plan from the card issuer or any other person as a condition of participation in the credit card plan. You ask whether this section prohibits a card issuer from requiring a merchant who honors the card (1) to open an account solely for the purpose of crediting the merchant with purchases or other extensions of credit and debiting the merchant in the case of a debit memorandum, such as for a return or (2) to designate an existing account for such purpose. No minimum balance or service would be required on the limited purpose accounts.

In staff's view, § 226.13(1)(1)(ii) does not prohibit a card issuer from requiring a merchant who honors the credit card to open or maintain such an account solely for the purpose of reflecting payments to the merchant for the extensions of credit and facilitating any debits or charge-backs from the merchant to the bank, when necessary. Section 226.13(1)(1)(ii) prohibits the card issuer from requiring that an account be opened or maintained by the merchant only where the account is not essential to the credit card plan. To the extent that the functions served by the accounts which you discuss in your letter are essential to the credit card plan, staff believes that it is permissible to require merchants who honor the card to open such limited purpose accounts or designate existing accounts to be used for such purposes.

This is an official staff interpretation of Regulation Z, issued in accordance with § 226.1(d)(3) of the regulation and limited in its application to the facts and issues outlined herein. I trust that you will find this helpful.

Sincerely,

JERAULD C. KLUCKMAN,
Associate Director.

Board of Governors of the Federal Reserve System, April 11, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77-12552 Filed 5-2-77;8:45 am]

CHAPTER III—FEDERAL DEPOSIT INSURANCE CORPORATION

PART 329—INTEREST ON DEPOSITS

Individual Retirement Accounts ("IRA") and Keogh (H.R. 10) Plans: Correction

AGENCY: Federal Deposit Insurance Corporation ("FDIC").

ACTION: Final Rule; correction.

SUMMARY: In F.R. Doc. 11934, published on page 21272 in the FEDERAL REGISTER on Tuesday, April 26, 1977 in column 2 in the second paragraph under Supplementary Information, the citation in the first sentence should read 26 U.S.C. 401 and 408 rather than 12 U.S.C. 401 and 408.

EFFECTIVE DATE: May 3, 1977.

FOR FURTHER INFORMATION CONTACT:

F. Douglas Birdzell, Bank Regulation Section, Legal Division, Federal Deposit Insurance Corporation, 550 17th Street, N.W., Room 6108, Washington, D.C. 20429, 202-389-4324.

FEDERAL DEPOSIT INSURANCE CORPORATION,
ALAN R. MILLER,
Executive Secretary.

[FR Doc.77-12614 Filed 5-2-77;8:45 am]

Title 15—Commerce and Foreign Trade

CHAPTER I—BUREAU OF THE CENSUS DEPARTMENT OF COMMERCE

PART 50—SPECIAL SERVICES AND STUDIES BY THE BUREAU OF THE CENSUS

Fee Structure for Special Population Censuses

AGENCY: Bureau of the Census, Commerce.

ACTION: Final rule.

SUMMARY: The Department of Commerce is authorized to make special statistical surveys and studies, and to perform other specified services upon payment of the cost thereof. This change is being made to amend the fee structure for special population censuses.

EFFECTIVE DATE: May 1, 1977.

FOR FURTHER INFORMATION CONTACT:

George Hurn, Chief, Special Census Branch, Demographic Census Staff, Bureau of the Census, Washington, D.C. 20233, 301-763-5806.

SUPPLEMENTARY INFORMATION: The following § 50.10 replaces § 50.10 which was published in the FEDERAL REGISTER on March 1, 1976, (41 FR 8767) and in the Code of Federal Regulations revised as of January 1, 1969, (15 CFR 50.10).

In accordance with the rulemaking provisions of the Administrative Procedures Act, 5 U.S.C. 553, and recommendation 76-5 of the Administrative Conference of the United States, the Bureau finds that notice and opportunity for interested persons to submit written comments (either before or after the promulgation of this amendment) would serve no public interest. Authority to conduct special censuses is granted by 13 U.S.C. 196 which requires the payment "of the actual or estimated cost of each such special census." Because the costs of conducting these censuses have increased, written comments would serve no public interest.

The fees for special censuses are established under the provisions of 13 U.S.C. 196, authorizing the Department of Commerce to make special statistical surveys and studies, and to perform other specified services upon payment of the cost thereof. No transcript of any record will be furnished under authority of this act which would violate existing or future acts requiring that information furnished be held confidential.

The following amended fee schedule is effective May 1, 1977, provided, however, that work will be performed at the previous fee for cost estimates issued at the former rate, if accepted within 90 days after the date of the cost estimate letter.

§ 50.10 Fee structure for special population censuses.

(a) The Bureau of the Census is authorized to conduct special population censuses at the request of and at the

expense of the community concerned. To obtain a special population census, an authorized official of the community should write a letter to the Associate Director for Demographic Fields, Bureau of the Census, Washington, D.C. 20233, requesting detailed information and stating the approximate present population. The Associate Director will reply giving an estimate of the cost and other pertinent information.

(b) The fee for a special population census consists of two parts:

(1) Certain local expenses to be paid directly by the community for salary and travel (if necessary) of enumerators and crewleaders, who are hired locally and, unless otherwise furnished, for incidental expenses such as office space, telephone, and the like, and where applicable for social security, State and Federal taxes.

(2) Expenses of the Bureau of the Census for preparation of the enumerator assignment maps, salary, and travel expense of the supervisor or supervisors assigned by the Bureau, the cost of tabulation of results, and office and administrative expenses. The fee structure for this portion of the cost is:

	Bureau fee	Estimated total cost
Population size:		
100	$900	$955.
500	1,135	$1,240 to $1,250.
1,000	1,380	$1,575 to $1,595.
5,000	2,280	$3,180 to $3,355.
10,000	4,095	$6,305 to $6,530.
15,000	4,960	$8,565 to $9,125.
20,000	5,970	$10,740 to $11,475.
25,000	6,790	$13,205 to $14,140.
30,000	7,730	$14,855 to $16,085.
35,000	8,360	$16,805 to $18,360.
40,000	9,480	$19,460 to $21,035.
45,000	9,900	$21,165 to $22,945.

For communities of 50,000 population and over, counties, special geographic areas, and States, regardless of size, an individual estimate will be prepared, and the census will be conducted on an actual cost basis.

Dated: April 27, 1977.

ROBERT L. HAGAN,
Acting Director,
Bureau of the Census.

[FR Doc.77-12527 Filed 5-2-77;8:45 am]

Title 21—Food and Drugs

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

SUBCHAPTER E—ANIMAL FEEDS, DRUGS, AND RELATED PRODUCTS

[FRL 721-6; PAP5H5070/R31]

PART 561—TOLERANCES FOR PESTICIDES IN ANIMAL FEEDS ADMINISTERED BY THE ENVIRONMENTAL PROTECTION AGENCY

Methoprene

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

ACTION: Final rule.

SUMMARY: This rule permits the feeding of the insect growth regulator methoprene to cattle without a 4-day preslaughter withdrawal period and deletes those portions of the established regulation no longer in effect. This amendment was requested by Zoecon Corp. This rule change will permit the safe use of methoprene in processed feed supplements fed to beef cattle.

EFFECTIVE DATE: Effective on May 3, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. Charles Mitchell, Product Manager (PM) 17, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St. SW., Washington, D.C. 20460, 202-426-9425.

SUPPLEMENTARY INFORMATION: On March 1, 1977, the EPA published in the FEDERAL REGISTER (42 FR 11850) a notice of proposed rulemaking to revise 21 CFR 561.282 which provides for the safe use of the insect growth regulator methoprene (isopropyl (*E,E*)-11-methoxy-3,7,11-trimethyl-2, 4-dodecadienoate) in processed feed supplements for cattle. This notice proposed that the restriction of a 14-day withdrawal period prior to slaughter be deleted and that paragraph (b) and its subdivisions which are no longer in effect be deleted.

Interested persons have been afforded an opportunity to participate in the rulemaking process. No comments or requests for referral to an advisory committee were received.

It is concluded that the pesticide can be safely used in the prescribed manner when such use is in accordance with the label and labeling registered pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136 et seq.). Therefore, the regulation is being established as proposed (A related document concerning the establishment of increased tolerances for residues of methoprene in the fat of cattle and in milk appears elsewhere in today's FEDERAL REGISTER.)

Any person adversely affected by this regulation may, on or before June 2, 1977, file written objections with the Hearing Clerk, Environmental Protection Agency, Rm. 1019, East Tower, 401 M St. SW, Washington DC 20460. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by the grounds legally sufficient to justify the relief sought.

Effective on May 3, 1977, 21 CFR 561.282 is amended as set forth below.

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

Dated: April 25, 1977.

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

21 CFR 561.282 is revised to read as follows:

§ 561.282 Methoprene.

The feed additive methoprene (isopropyl (*E,E*) - 11 - methoxy - 3,7,11-trimethyl-2,4-dodecadienoate) may be safely used in accordance with the following prescribed conditions:

(a) It is used as a feed additive in the form of mineral and/or protein blocks or other feed supplements in the feed of cattle at the rate of 22.7 to 45.4 milligrams per 100 pounds of body weight per month.

(b) It is used to prevent the breeding of hornflies in manure of treated cattle.

(c) To ensure safe use of the additive, the label and labeling of the pesticide formulation containing this additive shall conform to the label and labeling registered by the U.S. Environmental Protection Agency.

[FR Doc.77-12421 Filed 5-2-77;8:45 am]

Title 24—Housing and Urban Development

CHAPTER VIII—LOW INCOME HOUSING, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-77-311]

PART 888—SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM FAIR MARKET RENTS AND CONTRACT RENT AUTOMATIC ANNUAL ADJUSTMENT FACTORS

Fair Market Rents for New Construction and Substantial Rehabilitation

AGENCY: Department of Housing and Urban Development.

ACTION: Final rule.

SUMMARY: This rule establishes fair market rents for three new market areas in Alaska. Current rental data indicates a need to establish fair market rents for these new areas.

EFFECTIVE DATE: May 3, 1977.

FOR FURTHER INFORMATION CONTACT:

Henry F. P. Cassagne, Chief Appraiser, Office of Technical Support, by calling (202) 472-4810.

SUPPLEMENTARY INFORMATION: Notice was given on December 17, 1976, at 41 FR 55204 that the Department of Housing an Urban Development (HUD) was proposing to amend Title 24 of the Code of Federal Regulations by incorporating in Part 888, Subpart A, additional Schedules A, "Fair Market Rents for New Construction and Substantial Rehabilitation (including Housing Finance and Development Agencies Program)" for the preceding market areas.

HUD has received no comments in reponse to the December 17, 1976, publication; therefore, the Fair Market Rents as appearing therein are adopted without change.

A Finding of Inapplicability respecting the National Environmental Policy Act of 1969 has been made in accordance with HUD procedures. A copy of this Finding of Inapplicability will be available for public inspection during regular business hours at the office of the Rules Docket Clerk, Room 10141, Department

of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410.

Accordingly, Subpart A of Part 888 is amended by inserting the following additional Schedules A in the document published at 41 FR 14717.

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

(Sec. 7(d) Department of HUD Act (42 U.S.C. 3535(d).)

Issued on April 15, 1977.

LAWRENCE B. SIMONS,
Assistant Secretary for Housing—Federal Housing Commissioner.

SCHEDULE A—FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

These Fair Market Rents have been trended ahead two years to allow time for processing and construction of proposed new construction and substantial rehabilitation rental projects.

NOTE.—The Fair Market Rents for (1) dwelling units designed for the elderly or handicapped are those for the appropriate size units, not to exceed 2-Bedroom, multiplied by 1.05 rounded to the next higher whole dollar, (2) congregate housing dwelling units are the same as for non-congregate units and (3) single room occupancy dwelling units are those for 0-Bedroom units of the same type.

Area office, Anchorage, Alaska; region X—Seattle

Market area	Structure type	Number of bedrooms				
		0	1	2	3	4 or more
Barter Island, north coastal area	Detached		640	703	773	851
	Semidetached/row		621	683	751	826
	Walkup	548	603	663	729	802
	Elevator					
Coastal area, north of Aleutians	Detached		640	703	773	851
	Semidetached/row		621	683	751	826
	Walkup	548	603	663	729	802
	Elevator					
Inland area, north of Aleutians	Detached		640	703	773	851
	Semidetached/row		621	683	751	826
	Walkup	548	603	663	729	802
	Elevator					

[FR Doc.77-12538 Filed 5-2-77;8:45 am]

Title 29—Labor

SUBTITLE A—OFFICE OF THE SECRETARY OF LABOR

PART 9—STABILIZATION OF CONSTRUCTION INDUSTRY WAGES AND PRICES UNDER EXECUTIVE ORDER 11588

Removal of Part

AGENCY: Department of Labor.

ACTION: Removal of final rule.

SUMMARY: The Department of Labor is removing its regulations that governed the Construction Industry Stabilization Committee because of the expiration of the law and revocation of the Executive Order on the basis of which it was issued.

SUPPLEMENTARY INFORMATION: The Construction Industry Stabilization Committee was established under the authority of Executive Order 11588 (36 FR 6339), which in turn was issued under the authority of the Economic Stabilization Act of 1970 (Pub. L. 91-379; 84 Stat. 799). Part 9 of Title 29 was issued by the Secretary of Labor under the authority delegated in Executive Order 11588.

The Economic Stabilization Act of 1970 expired on April 30, 1974. By Executive Order 11788 dated June 18, 1974 (39 FR 22113), the President provided for the orderly termination of the Economic Stabilization Program. The Construction Industry Stabilization Committee was abolished by Section 7 of Executive Order 11788 and Executive Order 11588 was revoked by Section 10 of Executive Order 11788.

In view of the expiration of the Economic Stabilization Act of 1970, the abolition of the Construction Industry Stabilization Committee and the revocation of the Executive Order which created it, Part 9 of Title 29 is removed from the Code of Federal Regulations.

Signed at Washington, D.C., on this 26th day of April, 1977.

RAY MARSHALL,
Secretary of Labor.

[FR Doc.77-12660 Filed 5-2-77;8:45 am]

PART 40—FARM LABOR CONTRACTOR REGISTRATION

Exemption of Additional Categories From Coverage of Farm Labor Contractor Registration Act

AGENCY: Employment Standards Administration, Labor.

ACTION: Final rule.

SUMMARY: The Employment Standards Administration is amending its regulations under the Farm Labor Contractor Registration Act by exempting additional categories from coverage by the Act. The amendment to the regulations is being made to reflect congressional amendment of the Act.

EFFECTIVE DATE: May 3, 1977.

FOR FURTHER INFORMATION CONTACT:

Paul E. Myerson, Counsel for Employment Standards, Office of the Solicitor, Room N2464, New Department of Labor Bldg., Washington, D.C. 20210, phone 202-523-8244.

SUPPLEMENTARY INFORMATION: Public Law 94-561 amended 7 U.S.C. 2042(b) by adding a new subparagraph 9 thereto. This subparagraph exempts from the coverage of the Act:

(9) Any custom poultry harvesting, breeding, debeaking, sexing, or health service operation, provided the employees of the operation are not regularly required to be away from their domicile other than during their normal working hours.

By this FEDERAL REGISTER document 29 CFR 40.2(b) is amended to add a new subparagraph (9) which sets out this exemption to the Farm Labor Contractor Registration Act regulations, thereby conforming this Department's regulations to the law. As this amendment to Part 40 merely reflects congressional amendment of the Act, notice and public comment is unnecessary and this amendment is effective on May 3, 1977.

This document was prepared under the direction and control of Donald S. Shire, Associate Solicitor, Division of General Legal Services, Office of the Solicitor, room N2464, New Department of Labor Bldg., Washington, D.C. 20210, phone 202-523-8286.

Part 40 of Title 29 is amended by adding to § 40.2(b) a new subparagraph (9), with editorial amendments to subparagraphs (7) and (8), as follows:

§ 40.2 Definitions.

* * * * *

(b) The term "farm labor contractor" means * * *. The term shall not include—

* * * * *

(7) Any common carrier or any full-time regular employee thereof engaged solely in the transportation of migrant workers;

(8) Any custom combine, hay harvesting, or sheep shearing operation; or

(9) Any custom poultry harvesting, breeding, debeaking, sexing, or health service operation, provided the employees of the operation are not regularly required to be away from their domicile other than during their normal working hours.

* * * * *

Signed at Washington, D.C. on this 25th day of April, 1977.

WARREN D. LANDIS,
Acting Administrator.

[FR Doc.77-12717 Filed 5-2-77;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER E—PESTICIDE PROGRAMS

[FRL 721-7; PP 6F1801/R127]

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Methoprene

AGENCY: Office of Pesticide Program, EPA.

ACTION: Final rule.

SUMMARY: This rule increases the established tolerances for residues of methoprene in the fat of cattle and in milk. This amendment was requested by

Zoecon Corp. This rule will provide for the safe use of methoprene fed to beef cattle.

EFFECTIVE DATE: Effective on May 3, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. Charles Mitchell, Product Manager (PM) 17, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M Street, SW, Washington, DC, 202-426-9425.

SUPPLEMENTARY INFORMATION: On March 1, 1977, the EPA published a notice of proposed rulemaking in the FEDERAL REGISTER (42 FR 11850) in response to a pesticide petition (PP 6F1801) submitted to the Agency by Zoecon Corp., 975 California Ave., Palo Alto CA 94304. This petition proposed that 40 CFR 180.359 be amended by increasing the established tolerances for residues of the insecticide methoprene (isopropyl (*E,E*)-11 - methoxy - 3,7,11 - trimethyl - 2,4-dodecadienoate) in the raw agricultural commodities fat of cattle from 0.1 part per million (ppm) to 0.3 ppm and in milk from 0.01 ppm to 0.05 ppm. No comments or requests for referral to an advisory committee were received in response to this notice of proposed rulemaking.

It has been concluded, therefore, that the proposed amendment to 40 CFR 180.359 should be adopted without change, and it has been determined that this regulation will protect the public health. (A related document concerning the deletion of the 14-day preslaughter withdrawal period for beef cattle fed methoprene-treated feed appears elsewhere in today's FEDERAL REGISTER.)

Any person adversely affected by this regulation may, on or before June 2, 1977, file written objections with the Hearing Clerk, Environmental Protection Agency, Room 1019, East Tower, 401 M St. SW., Washington, D.C. 20460. Such objections should be submitted in quintuplicate and should specify both the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Effective on May 3, 1977, Part 180, Subpart C, § 180.359 is amended as set forth below.

(Sec. 408(d)(2), Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(d)(2).))

Dated: April 25, 1977.

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

40 CFR Part 180, Subjart C, § 180.359 is amended by: (1) increasing the established tolerances for residues of the pesticide in the fat of cattle and in milk, (2) deleting the established tolerance in the meat and meat byproducts of cattle, and (3) editorially restructuring the section into an alphabetized columnar listing, to read as follows:

§ 180.359 Methoprene; tolerances for residues.

Tolerances are established for residues of the insect growth regulator methoprene (isopropyl (*E,E*) - 11 - methoxy - 3,7,11 - trimethyl-2,4-dodecadienoate) in or on the following raw agricultural commodities:

Commodity:	*Parts per million*
Cattle, fat	0.3
Milk	0.05

[FR Doc.77-12420 Filed 5-2-77;8:45 am]

Title 43—Public Lands: Interior

CHAPTER II—BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5617]

[U-30472]

UTAH

Emergency Withdrawal of Critical Environmental Area

AGENCY: Bureau of Land Management, Interior.

ACTION: Final rule.

SUMMARY: This public land order withdraws 26,927.24 acres of land in the Deep Creek Mountains area and reserves them for the protection of the critical environment area.

EFFECTIVE DATE: May 3, 1977.

FOR FURTHER INFORMATION CONTACT:

Eldon G. Hayes, Natural Resource Specialist, Division of Lands and Realty, Bureau of Land Management, Washington, D.C. 20240, 202-343-8731.

By virtue of the authority contained in section 204(e) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2743, 43 U.S.C. 1701, 1714 (hereinafter referred to as the Act), it is ordered as follows:

1. Subject to valid existing rights, the following described lands are hereby withdrawn from settlement, sale, location, or entry, under the general land laws, including the mining laws, 30 U.S.C. Ch. 2, and reserved for the protection of Deep Creek Mountains critical environment area:

SALT LAKE MERIDIAN

T. 11 S., R. 17 W.,
Sec. 18, lots 3 and 4, E½, E½SW¼;
Sec. 19, lots 1, 2, 3, NE¼, E½NW¼, NE¼SW¼;
Sec. 30, S½ lot 1, lots 2, 3, 4;
Sec. 31, W½ lot 1, W½ lot 2, W½ lot 3.
T. 11 S., R. 18 W.,
Sec. 17, N½, E½SW¼, SE¼;
Sec. 18, E½NE¼;
Secs. 19 and 20;
Sec. 21, N½, SW¼, N½SE¼, SE¼SE¼;
Sec. 22, E½SE¼, S½SW¼;
Sec. 23, NE¼, S½;
Sec. 24;
Sec. 25, lots 3 and 4, W½;
Sec. 26;
Sec. 27, S½, S½NE¼, NE¼NE¼, NW¼;
Secs. 28 through 31, 33 through 35.
T. 12 S., R. 18 W.,
Sec. 1, lots 3 through 6, 9 through 16, S½;
Secs. 3 through 8;
Sec. 9, lots 1 through 6, SW¼;
Sec. 10;
Sec. 11, N½N½;
Sec. 12, N½N½;
Secs. 17 through 20;
Sec. 29, lots 1 and 2, W½E½, W½;
Secs. 30 and 31.
T. 13 S., R. 18 W.,
Sec. 6.
T. 12 S., R. 19 W.,
Sec. 1;
Secs 12 and 13;
Sec. 24, E½;
Sec. 25, E¼, SW¼SW¼;
Sec. 35, S½SE¼.
T. 13 S., R. 19 W.,
Sec. 1.

The areas described aggregate 26,927.24 acres in Juab County.

2. The purpose of this withdrawal is to protect and preserve the following rare species and resources: (a) Snake Valley cutthroat trout (Salmo clarkii spp) that remain in Birch Creek and Trout Creek; (b) the remaining watersheds in Deep Creek Range that may contain remnant populations and potential habitat to allow for the study and reestablishment of the Snake Valley cutthroat trout; (c) location of Grape fern (Batrychium lauceolatum); (d) Bristlecone pine area (Pinus logaeva); (e) location of Stone fly (Pteronarcys princeps); (f) the habitat area required for support of the reintroduction of Big Horn Sheep; (g) archeological sites dating back 9,000 years which are the key to scientific research of Great Basin Archeology; (h) outstanding scenic resources.

3. This emergency withdrawal shall remain in effect for a period not to exceed three years unless extended under the provisions of subection (c)(1) or (d), whichever is applicable, and (b)(1) of section 204 of the Act.

GUY R. MARTIN,
Assistant Secretary of the Interior.

APRIL 23, 1977.

[FR Doc.76-12598 Filed 5-2-77;8:45 am]

Title 45—Public Welfare

CHAPTER X—COMMUNITY SERVICES ADMINISTRATION

[CSA Instruction 6710-1, CH 11]

PART 1067—FUNDING OF CSA GRANTEES

Applying for a Grant Under Title II, Sections 221, 222(a) and 231 of the EOA Correction

In FR Doc. 77-10269, appearing at page 18402, in the issue of Thursday, April 7, 1977, the table appearing on page 18403 and corrected at 42 FR 21292, in the issue of Tuesday, April 26, 1977, had typographical errors. For the convenience of the reader, the table is reprinted as set forth below:

Required documents

Sections of the act under which funds requested	Applicant	Forms to be submitted prior to formal application [1]						Forms to be submitted at time of formal application								
		424	3	5	393	394	395	424	25	25a	419	84 [5]	When delegating programs			
													85	87	11
I. 221:																
A. Initial funding.	Community action agency.	X	X	X	.....	Opt.	X	X	X	X	X	X	X	X	X	
	Limited purpose agency (including SEOO's).	X	....	X [2]	X [2]	X	X [4]	X	X	X	X	X	X	X	X	
B. Refunding...	Community action agency.	X	X [3]	X [3]	.....	Opt.	X	X	X	X	X	X	X	X	X	
	Limited purpose agency (including SEOO's).	X	....	X [3]	.....	X	X [4]	X	X	X	X	X	X	X	X	
II. 222:																
A. Initial funding.	Community action agency.	X	.....			Opt.	X [4]	X	X	X	X	X	X	X	X	
	Limited purpose agency (including SEOO's).	X	....	X [2]	X	Opt.	X [4]	X	X	X	X	X	X	X	X	
B. Refunding...	Community action agency.	X	.....			Opt.	X [4]	X	X	X	X	X	X	X	X	
	Limited purpose agency (including SEOO's).	X	.....			Opt.	X [4]	X	X	X	X	X	X	X	X	
III. 231.....	State economic opportunity offices.	X	.....			Opt.	X [4]	X	X	X	X	.....	X	X	X	

[1] For refundings, submission will be 150 days prior to PYE.
[2] Except SEOO's.
[3] Keep on file.
[4] Except sec. 1.
[5] Except Program Account 01.

Title 49—Transportation

SUBTITLE A—OFFICE OF THE SECRETARY OF TRANSPORTATION

[OST Docket No. 1; Amdt. 1-128]

PART 1—ORGANIZATION AND DELEGATION OF POWERS AND DUTIES

Delegations Under the Federal Wage System

AGENCY: Department of Transportation.

ACTION: Final rule.

SUMMARY: The purpose of this amendment is to delegate to the Commandant, U.S. Coast Guard, and the Assistant Secretary for Administration authority to develop, coordinate, and issue wage schedules for trades, crafts, and laboring positions under the Federal Wage System. This change is being made because nonappropriated fund activities are not conducted by any part of the Department of Transportation except the Coast Guard.

EFFECTIVE DATE: This amendment is effective May 3, 1977.

FOR FURTHER INFORMATION CONTACT:

Gail A. Batt, Personnel Management Specialist, Office of Personnel and Training, Department of Transportation, Washington, D.C. 20590, 202-426-2164.

SUPPLEMENTARY INFORMATION: The persons principally responsible for drafting this document are: Program—Gail A. Batt, Office of Personnel and Training; legal—Robert I. Ross, Office of the General Counsel.

Since this amendment relates to Departmental management, procedures, and practices, notice and public procedure thereon are unnecessary and it may be made effective in fewer than 30 days after publication in the FEDERAL REGISTER.

In consideration of the foregoing, Part 1 of title 49, Code of Federal Regulations, is amended as follows:

1. In § 1.44, a new subparagraph (8) is added to paragraph (e) to read as follows:

§ 1.44 Reservations of authority.

* * * * *

(e) *Personnel.* * * *

(8) Authority to develop, coordinate, and issue wage schedules under the Federal Wage System, except as delegated to the Commandant of the Coast Guard at § 1.46.

* * * * *

2. In § 1.46, a new paragraph (v) is added to read as follows:

§ 1.46 Delegations to Commandant of the Coast Guard.

* * * * *

(v) Issue wage schedules for trades, crafts, and laboring employees in nonappropriated fund activities.

3. In § 1.59, a new subparagraph (9) is added to paragraph (b) to read as follows:

§ 1.59 Delegations to Assistant Secretary for Administration.

* * * * *

(b) *Personnel.* * * *

(9) Develop, coordinate, and issue wage schedules for Department employees under the Federal Wage System, except as delegated to the Commandant of the Coast Guard at § 1.46.

* * * * *

(Sec. 9(e), Department of Transportation Act (49 U.S.C. 1657(e)).

Issued in Washington, D.C. on April 21, 1977.

BROCK ADAMS,
Secretary of Transportation.

[FR Doc.77-12709 Filed 5-2-77;8:45 am]

CHAPTER I—MATERIALS TRANSPORTATION BUREAU, DEPARTMENT OF TRANSPORTATION

[Docket No. HM-149; Amdt. Nos. 172-35, 175-4]

PART 172—HAZARDOUS MATERIALS TABLE AND HAZARDOUS MATERIALS COMMUNICATION REGULATIONS

PART 175—CARRIAGE BY AIRCRAFT

Air Transportation of Limited Quantities of Low-Level Radioactive Materials; Exemption Renewal

AGENCY: Materials Transportation Bureau, DOT.

ACTION: Final rule.

SUMMARY: The Materials Transportation Bureau (MTB) is renewing for two years the limited quantity exception for air transportation of materials exhibiting very low levels of radiation. These materials do not present a significant hazard to passengers and crew of an aircraft. The intended effect of this action is to permit continued transportation by passenger aircraft of these materials under existing restrictions.

DATES: This amendment is effective May 3, 1977.

FOR FURTHER INFORMATION CONTACT:

Dr. C. Hugh Thompson, Director, Office of Hazardous Materials Operations, 2100 Second Street, SW., Washington, D.C. 20590. Phone: 202-426-0656.

SUPPLEMENTARY INFORMATION: By notice (42 FR 16459, March 28, 1977) the MTB proposed to renew the expiring exemption found at 49 CFR 175.10 (a)(6). Twelve comments were received which may be grouped as follows:

(1) Objection to imposition of the proposed shipping paper requirements for § 173.391(a) materials, and request for a public hearing on that subject.

(2) Objection to continuation of surface shipping paper requirements for § 173.391 (b) and (c) materials in light of the proposed continuance of air shipping paper exceptions for § 173.391 (b) and (c) materials;

(3) Request for amendment of § 172.203(d)(1)(iii) to allow alternative use of a statement of maximum permitted activity in place of the actual activity per package;

(4) Request for a permanent regulation instead of an exemption renewal;

(5) General support for the March 28 proposals.

There were not received any objections to basic continuation of the exemption. Given the public interest in matters related to the exemption, such as shipping paper requirements for surface transportation as well as for transportation by air, the MTB has decided to limit final action under this docket to the exemption itself and to consider the question of shipping paper requirements and the request for a public hearing as separate matters under a new docket. A notice of proposed rulemaking for that pur-

pose will appear in a subsequent issue of the FEDERAL REGISTER.

The exemption itself is authorized by § 107(a) of the Hazardous Materials Transportation Act of 1974 (Title I of Pub. L. 93-633; 49 U.S.C. 1806(a)) and necessitated by § 108(b) of that Act (49 U.S.C. 1807(b)). It is predicated on the very limited hazards posed by those materials meeting the criteria of § 173.391 (a), (b), and (c). Because the existing exemption, which relieves a restriction stated in the Act and in § 175.700(d), will expire on May 3, 1977, an effective date of less than 30 days following this publication is necessary to avoid disrupting exempted shipments. Continuation of the exemption will have a negligible environmental impact and will not impose any additional costs on shippers, carriers or consumers.

Primary drafters of this document are Douglas A. Crockett and Alfred W. Grella.

In consideration of the foregoing, Parts 172 and 175, Title 49, Code of Federal Regulations, are amended as follows:

§ 172.204 [Amended]

1. In § 172.204, paragraph (c)(4) is amended by changing the last sentence to read "* * * Prior to May 3, 1979, this provision does not apply to materials meeting the requirements of § 173.391 (a), (b) or (c) of this subchapter in effect on May 3, 1977."

2. In § 175.10, paragraph (a)(6) is revised to read as follows:

§ 175.10 Exceptions.

(a) * * *

(6) Prior to May 3, 1979, radioactive materials which meet the requirements of § 173.391 (a), (b) or (c) of this subchapter in effect on May 3, 1977.

* * * * *

3. In § 175.700, paragraph (d) is amended to read as follows:

§ 175.700 Special requirements for radioactive materials.

* * * * *

(d) Except as provided in this paragraph, no person may carry aboard a passenger-carrying aircraft any radioactive material other than a radioactive material intended for use in, or incident to, research or medical diagnosis or treatment. Prior to May 3, 1979, this prohibition does not apply to materials which meet the requirements of § 173.391 (a), (b) or (c) of this subchapter in effect on May 3, 1977.

(49 U.S.C. 1803, 1804, 1806, 1808; 49 CFR 1.53(e).)

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

Issued in Washington, D.C., on April 28, 1977.

JAMES T. CURTIS, Jr.,
Director, Materials, Transportation Bureau.

[FR Doc.77-12832 Filed 5-2-77;9:29 am]

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. No. 1240; Amdt. 2]

PART 1033—CAR SERVICE

Chicago and North Western Transportation Co. Authorized To Operate Over Tracks of Kansas City Southern Railway Co.

AGENCY: Interstate Commerce Commission.

ACTION: Extension of emergency order (Amdt No. 2 to Service Order No. 1240).

SUMMARY: This amendment extends for six months an emergency order issued April 9, 1976, which authorized the Chicago and North Western Transportation Company (CNW) to operate an unused yard of the Kansas City Southern Railway Company (KCS) at Kansas City, Missouri. Increases in traffic on the CNW in the Kansas City area have resulted in severe congestion and delays to shipments in the Kansas City terminals of that line. The adjoining Henning Street Yard of the KCS is no longer needed by that line because of changes in operating patterns.

Use of this yard by the C&NW enables that line to move traffic through Kansas City without the excessive delays previously encountered.

DATES: Effective 11:59 p.m., April 30, 1977. Expires 11:59 p.m., October 31, 1977.

FOR FURTHER INFORMATION CONTACT:

C. C. Robinson, Chief, Utilization and Distribution Branch, Interstate Commerce Commission, Washington, D.C. 20423, 202-275-7840, TLX 89-2742.

SUPPLEMENTARY INFORMATION: The order is reprinted in full below.

At a Session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 26th day of April, 1977.

Upon further consideration of Service Order No. 1240 (41 FR 15698 and 48343), and good cause appearing therefor:

It is ordered, That S.O. No. 1240 be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

§ 1033.1240 Chicago and North Western Transportation Co. authorized to operate over tracks of the Kansas City Southern Railway Co.

* * * * *

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., August 31, 1977, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., April 30, 1977.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended (49 U.S.C. 1, 12, 15, and 17 (2). Interprets or applies Secs. 1(10-17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911 (49 U.S.C. 1(10-17), 15(4) and 17(2)).)

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

Amendment No. 2 to Service Order No. 1240.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John R. Michael. Member Joel E. Burns not participating.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-12683 Filed 5-2-77;8:45 am]

[S.O. No. 1102; Amdt. 11]

PART 1033—CAR SERVICE

Delaware and Hudson Railway Co. and Consolidated Rail Corp. Authorized To Assume Joint Supervisory Control Over Railroad Operations of Albany Port District Commission, Albany, N.Y.

AGENCY: Interstate Commerce Commission.

ACTION: Extension of emergency order (Amdt. No. 11 to Service Order No. 1102).

SUMMARY: This order extends for six months authority granted to Consolidated Rail Corporation (ConRail) and the Delaware and Hudson Railway (D&H) to assume operating control of the railroad facilities of the Albany, New York, Port District. For financial reasons, the Port District relinquished control of rail operations serving the port facilities. In order to provide continued rail service to industries and port facilities served by these tracks, ConRail and the D&H have been granted temporary authority to assume operating control of these properties. Applications for the formation of a new corporation to acquire and operate these properties and for ConRail and the D&H each to purchase one half of the stock in the new corporation are pending in Finance Dockets 28069 and 28072, respectively.

DATES: Effective 11:59 p.m., April 30, 1977. Expires 11:59 p.m., October 31, 1977.

FOR FURTHER INFORMATION CONTACT:

C. C. Robinson, Chief, Utilization and Distribution Branch, Interstate Commerce Commission, Washington, D.C. 20423, (202) 275-7840, TLX89-2742.

SUPPLEMENTARY INFORMATION: The order is reprinted in full below.

At a Session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 26th day of April, 1977.

Upon further consideration of Service Order No. 1102 (37 F.R. 13697, 28634; 38 F.R. 17843, 33086, 33302; 39 F.R. 18655, 41853; 40 F.R. 24005 and 55860; 41 F.R. 15414, 22067, and 48122), and good cause appearing therefor:

It is ordered, That S.O. No. 1102 be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

§ 1033.1102 Delaware and Hudson Railway Co. and Consolidated Rail Corp. authorized to assume joint supervisory control over railroad operations of Albany Port District Commission, Albany, New York.

* * * * *

(e) *Expiration date.* This order shall expire at 11:59 p.m., October 31, 1977, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., April 30, 1977.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies Secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2).)

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

Amendment No. 11 to Service Order No. 1102.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington, and John R. Michael. Member Joel E. Burns not participating.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-12682 Filed 5-2-77;8:45 am]

[Corrected S.O. No. 1230; Amdt. 3]

PART 1033—CAR SERVICE

Illinois Central Gulf Railroad Co. Authorized To Operate Over Tracks of Waterloo Railroad Co.

AGENCY: Interstate Commerce Commission.

ACTION: Extension of emergency order (Amdt No. 3 to Service Order No. 1230).

SUMMARY: This amendment extends for six months an emergency order issued August 24, 1976, which authorized the Illinois Central Gulf Railroad Company (ICG) to operate over tracks of the Waterloo Railroad (WLO) between Cedar Rapids, Iowa, and Shaver, Iowa. That portion of the WLO extending between Gilbertsville, Iowa, and Shaver has been abandoned by authority of the Commission in Docket AB-124. The order authorizes the ICG to operate over that portion of the WLO in order to provide continued rail service to shippers located adjacent thereto.

DATES: Effective 11:59 p.m., April 30, 1977. Expires 11:59 p.m., October 31, 1977.

FOR FURTHER INFORMATION CONTACT:

C. C. Robinson, Chief, Utilization and Distribution Branch, Interstate Commerce Commission, Washington, D.C. 20423, telephone 202-275-7840, TLX 89-2742.

SUPPLEMENTARY INFORMATION: The order is reprinted in full below.

At a Session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 26th day of April 1977.

Upon further consideration of Corrected Service Order No. 1230 (41 FR 8347, 36209, and 42 FR 12057), and good cause appearing therefor:

It is ordered, That corrected S.O. No. 1230 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

§ 1033.1230 The Illinois Central Gulf Railroad Co. authorized to operate over tracks of the Waterloo Railroad Co.

* * * * *

(g) Expiration date. The provisions of this order shall expire at 11:59 p.m., October 31, 1977, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., April 30, 1977.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies Secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2).)

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington, and John R. Michael. Member Joel E. Burns not participating.

ROBERT L. OSWALD,
Secretary.

[FR Doc. 77-12681 Filed 5-2-77;8:45 am]

[S.O. No. 1163; Amdt. 9]

PART 1033—CAR SERVICE

Missouri Pacific Railroad Co. Authorized To Operate Over Tracks of Union Pacific Railroad Co.

AGENCY: Interstate Commerce Commission.

ACTION: Extension of emergency order (Service Order No. 1163).

SUMMARY: This order extends for three months an emergency order issued by the Commission authorizing the Missouri Pacific Railroad (MP) to operate over certain tracks owned by the Union Pacific Railroad (UP) at Cochrane, Kansas. The UP has abandoned its line serving Cochrane. Acquisition by the MP of a portion of this line has been approved by the Commission in order to provide continued rail service to shippers located adjacent thereto. Transfer of ownership of the track to the MP will be completed upon release of the property from the mortgage by the mortgage trustee of the UP.

DATES: Effective 11:59 p.m., April 30, 1977. Expires 11:59 p.m., June 31, 1977.

FOR FURTHER INFORMATION CONTACT:

C. C. Robinson, Chief, Utilization and Distribution Branch, Interstate Commerce Commission, Washington, D.C. 20423, telephone 202-275-7840,TLX 89-2742.

SUPPLEMENTARY INFORMATION: The order is reprinted in full below.

At a Session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 26th day of April, 1977.

Upon further consideration of Service Order No. 1163 (38 FR 32259; 39 FR 18280, 41854; 40 FR 24005, 56443; 41 FR 22067, 48343, 56652, and 42 FR 6585), and good cause appearing therefor:

It is ordered, That S.O. No. 1163 be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

§ 1033.1163 Missouri Pacific Railroad Co. authorized to operate over tracks of Union Pacific Railroad Co.

* * * * *

(e) Expiration date: The provisions of this order shall expire at 11:59 p.m., July 31, 1977, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date: This amendment shall become effective at 11:59 p.m., April 30, 1977.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies Secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2).)

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads

subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

Amendment No. 9 to Service Order No. 1163.

By the Commission, Railroad Service Board, members, Joel E. Burns, Robert S. Turkington, and John R. Michael. Member Joel E. Burns not participating.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-12684 Filed 5-2-77;8:45 am]

PART 1041—INTERPRETATION; CERTIFICATES AND PERMITS

Determination Not To Institute Rulemaking

AGENCY: Interstate Commerce Commission.

ACTION: Notice of decision not to implement recommendation 34 of the Commission's staff Blue Ribbon Panel.

SUMMARY: Recommendation 34 of the Blue Ribbon Panel would expand the corridor that regular route motor carriers of passengers are presently allowed to serve from 1 to 3 miles. After careful consideration the Commission has determined that implementation of this recommendation is not warranted.

FOR FURTHER INFORMATION CONTACT:

Michael Erenberg, Assistant Deputy Director, Section of Operating Rights, Interstate Commerce Commission, 12th and Constitution Avenue, NW., Washington, D.C. 20423, 202-275-7292.

SUPPLEMENTAL INFORMATION: The Blue Ribbon Panel recommended that 49 Code of Federal Regulations (CFR) 1041.12 be revised to allow carriers of passengers holding all intermediate point authorization to serve all points within 3 miles of authorized routes (within necessary exceptions). After due consideration the Commission has determined that the recommendation should not be adopted.

In Administrative Ruling No. 102, 82 M.C.C. 581 (1960), as codified at 49 CFR 1041.12, the Commission found, in pertinent part, that common carriers by motor vehicle holding a certificate authorizing the transportation of passengers between two or more points over a defined route or segment thereof, and authorizing service at all intermediate points thereon may serve (a) all municipalities situated wholly within 1 airline mile of the highway or highways composing the carrier's authorized routes, portions, or segments thereof, and (b) all unincorporated areas within 1 airline mile of the highway or highways composing the carrier's authorized service routes, portions, or segments thereof. Recommendation 34 of the Blue Ribbon Panel would expand the corridor that regular route motor carriers of passengers are presently allowed to serve from 1 to 3 miles. After careful consideration the Commission has determined that implementation of this recommendation is not warranted.

Various factors have led to this conclusion. First, present indications are that motor bus operators are not experiencing any difficulty operating within the existing 1-mile corridor within which they may operate. Neither the regular route passenger motor carrier industry nor the general public which the industry serves have complained that the present corridor is too restrictive.

Second, common carriers of passengers which hold authority to operate over regular routes, may, pursuant to the Passenger Carrier Superhighway Rules, 49 CFR 1042.1, seek authority to deviate from their regular routes and operate over adjacent superhighways. This procedure will, in certain cases, allow carriers to serve territories commensurate with the expanded corridors contemplated by recommendation 34. Despite the lessened burden of proof involved in a Superhighway Deviation application, and the expanded service territory obtainable by such a filing, only a minimal number of such applications have been filed since the regulations in 49 CFR 1042.1 went into effect in January 1970.

By the Commission (Commissioners Murphy and Brown are of the opinion that the notice is unnecessary and Commissioner Hardin voted not to issue the draft notice).

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-12619 Filed 5-2-77;8:45 am]

SUBCHAPTER D—TARIFFS AND SCHEDULES

[Ex Parte No. 73, MC-1]

PART 1320—EXTENSION OF CREDIT TO SHIPPERS BY RAIL CARRIERS

PART 1322—EXTENSION OF CREDIT TO SHIPPERS BY MOTOR CARRIERS

Provisions for Payment of Rates and Charges

AGENCY: Interstate Commerce Commission.

ACTION: Final rule.

SUMMARY: The Interstate Commerce Commission has adopted certain minor technical changes in the rail credit regulations. These included converting hours into days, requiring equal credit periods for less-than-carload (LCL) and carload traffic, and eliminating unnecessary provisions. The changes are for the purpose of simplifying the readability of the rules and to provide style consistency with the motor carrier credit regulations.

EFFECTIVE DATE: May 3, 1977.

FOR FURTHER INFORMATION CONTACT:

Mrs. Janice M. Rosenak, Deputy Director, Section of Rates, Interstate Commerce Commission, Washington, D.C. 20423, Phone No. 202-275-7693.

SUPPLEMENTARY INFORMATION: *Background:* Pursuant to parts I and II of the Interstate Commerce Act (sections 3(2) and 223, respectively), and section 553 of the Administrative Procedure Act (5 U.S.C. 553), a rulemaking proceeding was instituted by the Commission on February 14, 1973, for the purpose of studying recent developments which may have caused or significantly contributed to difficulties being encountered by certain carriers subject to our jurisdiction in the proper extension of credit and the timely collection of their lawful charges; and also, for the purpose of determining what, if any, is the effect various practices engaged in by shippers and other parties have upon such carrier compliance, and what corrective measures should be implemented to insure greater compliance with our credit regulations.

In the report and order served on August 29, 1975, in the above-entitled proceeding (350 I.C.C. 527), the credit rules in parts 1320 and 1322 of Chapter X of Title 49 of the Code of Federal Regulations were modified to: (1) Provide a uniform period of free credit for rail and motor carrier freight bill payments; (2) provide for an extended credit period; and (3) otherwise eliminate the possibility of discriminatory treatment of shippers by carriers. Numerous petitions for reconsideration of this report and order were filed by carriers, shippers and other interested parties, and therefore in an order served September 19, 1975, the Commission stayed the effective date of the August 29, 1975, order. In a subsequent order served July 2, 1976, the Commission granted the petitions for reconsideration and ordered an informal conference to be held on July 28, 1976, to provide interested parties the opportunity of presenting their views as to the problems arising under the revised rules.

Proceeding held open: Upon consideration of all the evidence of record, including the petitions for reconsideration and the arguments of the various parties, it is apparent that the proposed rules would be difficult to implement and enforce without modification. However, it is also apparent that some shippers are not paying their freight bills within the existing credit time limits which creates a potentially discriminatory situation. Such opportunities for unlawfulness should not go uncorrected, therefore, we will hold this proceeding open for one year. During this period, our field staff will investigate and compile data on the frequency and magnitude of violations of the existing credit rules. Violations discovered by the Bureau of Accounts will be reported to the Bureau of Investigation and Enforcement, and violators vigor-

ously pursued. In addition, the data gathered will be reviewed by the Commission to determine what action should be taken to prevent violations of the Interstate Commerce Act. We will also further investigate the feasibility of implementing the proposed rules or modifications thereof, as necessary to insure compliance with the provisions of the act, and whether or not there are violations of the credit rules by the use of transport clearing organizations.

Changes in rule: Certain technical changes in the rail credit rules were considered and accepted in the report and order served August 29, 1975. These minor changes (converting hours into days, requiring equal credit periods for less-than-carload (LCL) and carload traffic, and eliminating unnecessary provisions), as set forth hereafter, are warranted and hereby implemented.

These changes shall become effective May 3, 1977, and shall remain in effect until modified or revoked in whole or in part by further order of the Commission.

Issued at Washington, D.C., April 15, 1977.

ROBERT L. OSWALD,
Secretary.

Part 1320 of Chapter X of Title 49 of the Code of Federal Regulations is amended as follows:

(1) Section 1320.1 be, and it is hereby, amended to read as follows:

§ 1320.1 Carrier may extend credit to shipper.

The carrier, upon taking precautions deemed by it to be sufficient to assure payment of the tariff charges within the credit periods specified in this part, may relinquish possession of freight in advance of the payment of the tariff charges thereon and may extend credit in the amount of such charges to those who undertake to pay such charges, such person herein being called shippers, for a period of 4 days (or 5 days where retention or possession of freight by the carrier until tariff rates and charges thereon have been paid will retard prompt delivery or will retard prompt release of equipment or station facilities) as set forth in this part. In regard to traffic of nonprofit shippers' associations and shippers' agents, within the meaning of section 402(c) of part IV of the Interstate Commerce Act, the carriers shall require such organizations to furnish the names of the beneficial owners of the property in the bills of lading or at least have the bills of lading incorporate by reference a document containing the names of the beneficial owners.

§§ 1320.2—1320.4 [Removed]

(2) Sections 1320.2, 1320.3 and 1320.4 be, and they are hereby, canceled.

(3) Section 1320.8 be, and it is hereby, amended to read as follows:

§ 1320.8 Periods of credit following delivery.

Where the freight bill is presented to the shipper prior to, or at the time of, delivery of the freight, the 4- and 5-day period of credit shall run from the first 12 o'clock midnight following the delivery of the freight.

(4) Section 1320.9 be, and it is hereby, amended to read as follows:

§ 1320.9 Periods of credit following presentation of freight bill.

Where the freight bill is presented to the shipper subsequent to the time the freight is delivered, the 4- and 5-day periods of credit shall run from the first 12 o'clock midnight following the delivery of the freight bill.

§ 1320.14 [Removed]

(5) Section 1320.14 be, and it is hereby, canceled.

(6) Section 1320.15 be, and it is hereby, amended to read as follows:

§ 1320.15 Computation of credit period for payment of export traffic rates.

The period of 4 days fixed for the payment of transportation rates and charges, insofar as applicable to export traffic which is loaded into vessels direct from railroad cars or piers or from such cars or piers by means of lighters, may be computed from the first 4 p.m. following the time when the vessel is completely loaded, freight bills to be delivered to vessel owner or his representative not later than the day on which the loading of the vessel is completed.

(7) Section 1320.16 be, and it is hereby, amended to read as follows:

§ 1320.16 Computation of period for payment of freight rates at interior California points not served by railroads.

The period of 4 days fixed for the payment of transportation rates and charges, insofar as applicable to freight from and to Bartle, Calif., when destined to or from interior points described in the report, in Siskiyou, Shasta, and Modoc Counties, Calif., not served by railroad, may be computed from the first 4 p.m. following 26 days after the mailing by petitioner of the freight bills for such traffic.

[FR Doc.77-12572 Filed 5-2-77;8:45 am]

Title 9—Animals and Animal Products

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

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

PART 78—BRUCELLOSIS

Subpart D—Designation of Brucellosis Areas, Specifically Approved Stockyards, and Slaughtering Establishments

BRUCELLOSIS AREAS

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: The Animal and Plant Health Inspection Service is amending its Brucellosis regulations to update the current status of various counties and states which have been designated as Certified Brucellosis-Free Areas, Modified Certified Brucellosis Areas, and Noncertified Areas, respectively.

EFFECTIVE DATE: May 3, 1977.

FOR FURTHER INFORMATION CONTACT:

Dr. A. D. Robb, U.S. Department of Agriculture, Animal and Plant Health Inspection Service, Veterinary Services, Hyattsville, Maryland, Room 805, 301-436-8713.

SUPPLEMENTARY INFORMATION: The amendments delete the following areas from the list of Noncertified Areas in § 78.22 and add such areas to the list designated as Certified Brucellosis-Free Areas in § 78.20 because it has been determined that they again come within the definition of a Certified Brucellosis-Free Area in § 78.1(l): Montgomery County in Iowa.

The amendments delete the following areas from the list of Certified Brucellosis-Free Areas in § 78.20 and add such areas to the list designated as Modified Certified Brucellosis Areas in § 78.21 because it has been determined that they now come within the definition of a Modified Certified Brucellosis Area in § 78.1(m):

Henry and Lee Counties in Alabama; Dawson and Henry Counties in Georgia; Massac County in Illinois; Clayton County in Iowa; Dallas, Douglas, and Iron Counties in Missouri; and Cheatham, Decatur, and Hardin Counties in Tennessee.

The amendments delete the following areas from the list of Modified Certified Brucellosis Areas in § 78.21 and add such areas to the list designated as Certified Brucellosis-Free Areas in § 78.20 because it has been determined that they now come within the definition of a Certified Brucellosis-Free Area in § 78.1(l): Pope and Williamson Counties in Illinois.

Accordingly, §§ 78.20, 78.21, and 78.22 of Part 78, Title 9, Code of Federal Regulations, designating Certified Brucellosis-Free Areas, Modified Certified Brucellosis Areas, and Noncertified Areas, respectively, are amended to read as follows:

§ 78.20 Certified Brucellosis-Free Areas.

The following States, or specified portions thereof, are hereby designated as Certified Brucellosis-Free Areas:

(a) *Entire States.* Arizona, California, Connecticut, Delaware, Hawaii, Indiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Montana, Nevada, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, Washington, West Virginia, Wisconsin, Virgin Islands.

(b) *Specific Counties Within States.*—*Alabama,* Dale, Geneva.

Arkansas. Baxter, Benton, Boone, Bradley, Calhoun, Carroll, Clay, Cleveland, Columbia, Dallas, Drew, Fulton, Garland, Grant, Greene, Jackson, Johnson, Lafayette, Madison, Marion, Monroe, Montgomery, Newton, Ouachita,

Perry, Pike, Polk, Prairie, Searcy, Sharp, Stone, Union, Woodruff.

Colorado. Adams, Alamosa, Arapahoe, Archuleta, Baca, Bent, Boulder, Chaffee, Cheyenne, Clear Creek, Conejos, Costilla, Crowley, Custer, Delta, Denver, Dolores, Douglas, Eagle, Elbert, El Paso, Fremont, Garfield, Gilpin, Grand, Gunnison, Hinsdale, Huerfano, Jackson, Jefferson, Kiowa, Kit Carson, Lake, La Plata, Larimer, Las Animas, Lincoln, Logan, Mineral, Moffat, Montezuma, Montrose, Morgan, Otero, Ouray, Park, Phillips, Pitkin, Prowers, Pueblo, Rio Blanco, Rio Grande, Routt, Saguache, San Juan, San Miguel, Sedgwick, Summit, Teller, Washington, Weld.

Florida. Baker, Bay, Brevard, Calhoun, Dade, Dixie, Escambia, Franklin, Gadsden, Gulf, Hamilton, Holmes, Jackson, Leon, Liberty, Monroe, Okaloosa, Orange, Pasco, Santa Rosa, Seminole, Sumter, Taylor, Wakulla, Walton, Washington.

Georgia. Appling, Atkinson, Bacon, Banks, Brantley, Bryan, Bulloch, Burke, Butts, Camden, Candler, Charlton, Chatham, Chattahoochee, Clarke, Clayton, Cook, Crawford, De Kalb, Echols, Effingham, Evans, Fannin, Franklin, Glascock, Glynn, Greene, Habersham, Jeff Davis, Johnson, Jones, Lanier, Laurens, Liberty, Long, McIntosh, Monroe, Peach, Rabun, Richmond, Schley, Screven, Stephens, Taylor, Telfair, Toombs, Treutlen, Twiggs, Upson, Ware, Washington, Wayne, Wheeler, White, Wilkinson.

Idaho. Ada, Adams, Bear Lake, Benewah, Blaine, Boise, Bonner, Boundary, Camas, Canyon, Caribou, Clearwater, Custer, Idaho, Kootenai, Latah, Lemhi, Lewis, Nez Perce, Oneida, Owyhee, Payette, Power, Shoshone, Valley, Washington, Yellowstone National Park.

Illinois. Adams, Alexander, Bond, Boone, Brown, Bureau, Calhoun, Carroll, Cass, Champaign, Christian, Clark, Clay, Clinton, Coles, Cook, Crawford, Cumberland, De Kalb, De Witt, Douglas, Du Page, Edgar, Edwards, Effingham, Fayette, Ford, Franklin, Fulton, Gallatin, Greene, Grundy, Hamilton, Hancock, Hardin, Henderson, Henry, Iroquois, Jackson, Jasper, Jefferson, Jersey, Jo Daviess, Johnson, Kane, Kankakee, Kendall, Knox, Lake, La Salle, Lawrence, Lee, Livingston, Logan, Macon, Macoupin, Madison, Marion, Marshall, Mason, McDonough, McHenry, McLean, Menard, Mercer, Monroe, Montgomery, Morgan, Moultrie, Ogle, Peoria, Perry, Piatt, Pike, Pope, Pulaski, Putnam, Randolph, Richland, Rock Island, St. Clair, Saline, Sangamon, Schuyler, Scott, Shelby, Stark, Stephenson, Tazewell, Union, Vermilion, Wabash, Warren, Washington, Wayne, White, Whiteside, Will, Williamson, Winnebago, Woodford.

Iowa. Adair, Adams, Audubon, Benton, Black Hawk, Boone, Bremer, Buchanan, Buena Vista, Butler, Calhoun, Carroll, Cass, Cedar, Cherokee, Chickasaw, Clarke, Clay, Clinton, Dallas, Davis, Des Moines, Dickinson, Dubuque, Emmet, Fayette, Floyd, Franklin, Fremont, Greene, Grundy, Hamilton, Hancock, Hardin, Henry, Howard, Humboldt, Ida, Iowa, Jackson, Johnson, Keokuk, Kossuth, Lee, Linn, Louisa, Lucas, Lyon, Madison, Mahaska, Marion, Marshall, Mills, Mitchell, Monona, Montgomery, Muscatine, O'Brien, Osceola, Page, Palo Alto, Pocahontas, Polk, Pottawattamie, Poweshiek, Plymouth, Scott, Shelby, Tama, Taylor, Van Buren, Wapello, Warren, Washington, Webster, Winnebago, Winneshiek, Woodbury, Worth, Wright.

Kansas. Comanche, Doniphan, Ford, Gove, Graham, Greeley, Haskell, Hodgeman, Johnson, Lane, Logan, Marshall, Pawnee, Phillips, Riley, Scott, Sheridan, Thomas, Trego, Wallace, Washington.

Kentucky. Bell, Breathitt, Campbell, Clay, Edmonson, Floyd, Harlan, Jackson, Johnson, Kenton, Knott, Knox, Lawrence, Lee, Leslie, Letcher, Lewis, Magoffin, Martin, McCreary, Menifee, Morgan, Owsley, Pendleton, Perry, Pike, Robertson, Trimble, Whitley, Wolfe.

Mississippi. Alcorn, Hancock, Harrison, Jackson, Stone, Tishomingo.

Missouri. Audrain, Dunklin, Franklin, Gasconade, Hickory, Jackson, Laclede, Lewis, Miller, Moniteau, Montgomery, Perry, Platte, Pulaski, St. Louis, Schuyler, Shelby.

New Mexico. Bernalillo, Catron, Colfax, Dona Ana, Grant, Harding, Hidalgo, Lincoln, Los Alamos, Luna, McKinley, Otero, Rio Arriba, Sandoval, San Juan, Santa Fe, Sierra, Socorro, Taos, Torrance.

South Dakota. Aurora, Beadle, Bennett, Bon Homme, Brookings, Brown, Brule, Buffalo, Butte, Campbell, Charles Mix, Clark, Clay, Codington, Corson, Custer, Davison, Day, Deuel, Dewey, Douglas, Edmunds, Fall River, Faulk, Grant, Gregory, Haakon, Hamlin, Hand, Hanson, Harding, Hughes, Hutchinson, Hyde, Jackson, Jerauld, Kingsbury, Lake, Lawrence, Lincoln, Lyman, Marshall, McCook, McPherson, Meade, Mellette, Miner, Minnehaha, Moody, Pennington, Perkins, Potter, Roberts, Sanborn, Shannon, Spink, Sully, Todd, Tripp, Turner, Union, Walworth, Washabaugh, Yankton, Ziebach.

Tennessee. Anderson, Blount, Campbell, Carter, Claiborne, Davidson, Dickson, Fentress, Grainger, Greene, Grundy, Hancock, Jefferson, Johnson, Knox, Lake, Meigs, Morgan, Polk, Roane, Robertson, Rutherford, Scott, Sequatchie, Sevier, Sullivan, Unicoi, Union, Warren, White.

Texas. Brewster, Childress, Comal, Crane, Ector, Gray, Hansford, Hartley, Hemphill, Irion, Jeff Davis, Kerr, Kimble, Lipscomb, Llano, Loving, Mason, Newton, Pecos, Reagan, Roberts, Sterling, Terrell, Val Verde, Ward, Winkler.

Utah. Beaver, Carbon, Daggett, Davis, Duchesne, Emery, Garfield, Grand, Iron, Juab, Kane, Millard, Morgan, Piute, Rich, Salt Lake, San Juan, Sampete, Sevier, Summit, Tooele, Uintah, Utah, Wasatch, Washington, Wayne, Weber.

Wyoming. Albany, Big Horn, Campbell, Carbon, Converse, Crook, Fremont, Goshen, Hot Springs, Johnson, Laramie, Natrona, Niobrara, Park, Platte, Sheridan, Sublette, Sweetwater, Teton, Uinta, Washakie, Weston.

Puerto Rico. Adjuntas, Aguada, Aguadilla, Aguas Buenas, Aibonito, Anasco, Arroyo, Barceloneta, Baranquitas, Bayamon, Cabo Rojo, Caguas, Camuy, Canovanas (Loiza), Catano, Cayey, Ceiba, Ciales, Cidra, Coamo, Comeiro, Corozal, Culebra, Dorado, Fajardo, Guanica, Guayama, Guaynabo, Guayanilla, Gurabo, Hormigueros, Humacao, Isabela, Jayuya, Juana Diaz, Juncos, Lajas, Lares, Las Marias, Luquillo, Manati, Maricao, Maunabo, Mayaguez, Moca, Morovis, Naranjito, Orocovis, Patillas, Penuelas, Ponce, Quebradillas, Rincon, Rio Grande, Rio Piedras, Sabana Grande, Salinas, San German, San Juan, San Lorenzo, San Sebastian, Santa Isabel, Toa Alta, Toa Baja, Trujillo Alto, Utuado, Vega Alta, Vega Baja, Villalba, Yabucoa, Yauco.

§ 78.21 Modified Certified Brucellosis Areas.

The following States, or specified portions thereof, are hereby designated as Modified Certified Brucellosis Areas:

(a) *Entire States.* Alaska, Louisiana, Nebraska, Oklahoma.

(b) *Specific Counties Within States.*—*Alabama.* Autauga, Baldwin, Barbour, Bibb, Blount, Bullock, Butler, Calhoun, Chambers, Cherokee, Chilton, Choctaw, Clarke, Clay, Cleburne, Coffee, Colbert, Conecuh, Coosa, Covington, Crenshaw, Cullman, Dallas, De Kalb, Elmore, Etowah, Escambia, Fayette, Franklin, Greene, Hale, Henry, Houston, Jackson, Jefferson, Lamar, Lauderdale, Lawrence, Lee, Limestone, Lowndes, Macon, Madison, Marengo, Marion, Marshall, Mobile, Monroe, Montgomery, Morgan, Perry, Pickens, Pike, Randolph, Russell, St. Clair, Shelby, Sumter, Talladega, Tallapoosa, Tuscaloosa, Walker, Washington, Wilcox, Winston.

Arkansas. Arkansas, Ashley, Chicot, Clark, Cleburne, Conway, Craighead, Crawford, Crittenden, Cross, Desha, Faulkner, Franklin, Hempstead, Hot Spring, Howard, Independence, Izard, Jefferson, Lawrence, Lee, Lincoln, Little River, Logan, Lonoke, Miller, Mississippi, Nevada, Phillips, Poinsett, Pope, Pulaski, Randolph, Saline, Scott, St. Francis, Sebastian, Sevier, Van Buren, Washington, White, Yell.

Colorado. Mesa, Yuma.

Florida. Alachua, Bradford, Broward, Charlotte, Citrus, Clay, Collier, Columbia, De Soto, Duval, Flagler, Gilchrist, Glades, Hardee, Hendry, Hernando, Highlands, Hillsborough, Indian River, Jefferson, Lafayette, Lake, Lee, Levy, Madison, Manatee, Marion, Martin, Nassau, Okeechobee, Osceola, Palm Beach, Pinellas, Polk, Putnam, St. Johns, St. Lucie, Sarasota, Suwanee, Union, Volusia.

Georgia. Baker, Baldwin, Barrow, Bartow, Ben Hill, Berrien, Bibb, Bleckley, Brooks, Calhoun, Carroll, Catoosa, Chattooga, Cherokee, Clay, Clinch, Cobb, Coffee, Colquitt, Columbia, Coweta, Crisp, Dade, Dawson, Decatur, Dodge, Dooly, Dougherty, Douglas, Early, Elbert, Emanuel, Fayette, Floyd, Forsyth, Fulton, Gilmer, Gordon, Grady, Gwinnett, Hall, Hancock, Haralson, Harris, Hart, Heard, Henry, Houston, Irwin, Jackson, Jasper, Jefferson, Jenkins, Lamar, Lee, Lincoln, Lowndes, Lumpkin, Macon, Madison,

Marion, McDuffie, Meriwether, Miller, Mitchell, Montgomery, Morgan, Murray, Muscogee, Newton, Oconee, Oglethorpe, Paulding, Pickens, Pierce, Pike, Polk, Pulaski, Putnam, Quitman, Randolph, Rockdale, Seminole, Spalding, Stewart, Sumter, Talbot, Taliaferro, Tattnall, Terrell, Thomas, Tift, Towns, Troup, Turner, Union, Walker, Walton, Warren, Webster, Whitfield, Wilcox, Wilkes, Worth.

Idaho. Bannock, Bingham, Bonneville, Butte, Cassia, Clark, Elmore, Franklin, Fremont, Gem, Gooding, Jefferson, Jerome, Lincoln, Madison, Minidoka, Teton, Twin Falls.

Illinois. Massac.

Iowa. Allamakee, Appanoose, Cerro Gordo, Clayton, Crawford, Decatur, Delaware, Guthrie, Harrison, Jasper, Jefferson, Jones, Monroe, Ringgold, Sac, Sioux, Story, Union, Wayne.

Kansas. Allen, Anderson, Atchison, Barber, Barton, Bourbon, Brown, Butler, Chase, Chautauqua, Cherokee, Cheyenne, Clark, Clay, Cloud, Coffey, Cowley, Crawford, Decatur, Dickinson, Douglas, Edwards, Elk, Ellis, Ellsworth, Finney, Franklin, Geary, Grant, Gray, Greenwood, Hamilton, Harper, Harvey, Jackson, Jefferson, Jewell, Kearny, Kingman, Kiowa, Labette, Leavenworth, Lincoln, Linn, Lyon, Marion, McPherson, Meade, Miami, Mitchell, Montgomery, Morris, Morton, Nemaha, Neosho, Ness, Norton, Osage, Osborne, Ottawa, Pottawatomie, Pratt, Rawlins, Reno, Republic, Rice, Rooks, Rush, Russell, Saline, Sedgwick, Seward, Shawnee, Sherman, Smith, Stafford, Stanton, Stevens, Sumner, Wabaunsee, Wichita, Wilson, Woodson, Wyandotte.

Kentucky. Adair, Allen, Anderson, Ballard, Barren, Bath, Boone, Bourbon, Boyd, Boyle, Bracken, Breckinridge, Bullitt, Butler, Caldwell, Calloway, Carlisle, Carroll, Carter, Casey, Christian, Clark, Clinton, Crittenden, Cumberland, Daviess, Elliott, Estill, Fayette, Fleming, Franklin, Fulton, Gallatin, Garrard, Grant, Graves, Grayson, Green, Greenup, Hancock, Hardin, Harrison, Hart, Henderson, Henry, Hickman, Hopkins, Jefferson, Jessamine, Larue, Laurel, Lincoln, Livingston, Logan, Lyon, Madison, Marion, Marshall, Mason, McCracken, McLean, Meade, Mercer, Metcalfe, Monroe, Montgomery, Muhlenberg, Nelson, Nicholas, Ohio, Oldham, Owen, Powell, Pulaski, Rockcastle, Rowan, Russell, Scott, Shelby, Simpson, Spencer, Taylor, Todd, Trigg, Union, Warren, Washington, Wayne, Webster, Woodford.

Mississippi. Adams, Amite, Attala, Benton, Bolivar, Calhoun, Carroll, Chickasaw, Choctaw, Claiborne, Clarke, Clay, Coahoma, Copiah, Covington, De Soto, Forrest, Franklin, George, Greene, Grenada, Hinds, Holmes, Humphreys, Issaquena, Itawamba, Jasper, Jefferson, Jefferson Davis, Jones, Kemper, Lafayette, Lamar, Lauderdale, Lawrence, Leake, Lee, LeFlore, Lincoln, Lowndes, Madison, Marion, Marshall, Monroe, Montgomery, Neshoba, Newton, Noxubee, Oktibbeha, Panola, Pearl River, Perry, Pike, Pontotoc, Prentiss, Quitman, Rankin, Scott, Sharkey, Simpson, Smith, Sunflower, Tallahatchie, Tate, Tippah, Tunica, Union, Walthall, Warren, Washington, Wayne, Webster, Wilkinson, Winston, Yalobusha, Yazoo.

Missouri. Adair, Andrew, Atchison, Barry, Barton, Bates, Benton, Bollinger, Boone, Buchanan, Butler, Caldwell, Callaway, Camden, Cape Girardeau, Carroll, Carter, Cass, Cedar, Chariton, Christian, Clark, Clay, Clinton, Cole, Cooper, Crawford, Dade, Dallas, Daviess, De Kalb, Dent, Douglas, Gentry, Greene, Grundy, Harrison, Henry, Holt, Howard, Howell, Iron, Jasper, Jefferson, Johnson, Knox, Lafayette, Lawrence, Lincoln, Linn, Livingston, Macon, Madison, Maries, Marion, McDonald, Mercer, Mississippi, Monroe, New Madird, Newton, Nodaway, Oregon, Osage, Ozark, Pemiscot, Pettis, Phelps, Pike, Polk, Putnam, Ralls, Randolph, Ray, Reynolds, Ripley, St. Charles, St. Clair, St. Francois, St. Genevieve, Saline, Scotland, Scott, Shannon, Stoddard, Stone, Sullivan, Taney, Texas, Vernon, Warren, Washington, Wayne, Webster, Worth, Wright.

New Mexico. Chaves, Curry, De Baca, Eddy, Guadalupe, Lea, Mora, Quay, Roosevelt, San Miguel, Union, Valencia.

South Dakota. Jones, Stanley.

Tennessee. Bedford, Benton, Bledsoe, Bradley, Cannon, Carroll, Cheatham, Chester, Clay, Cocke, Coffee, Crockett, Cumberland, Decatur, DeKalb, Dyer, Fayette, Franklin, Gibson, Giles, Hamblen, Hamilton, Hardeman, Hardin, Hawkins, Haywood, Henderson, Henry, Hickman, Houston, Humphreys, Jackson, Lauderdale, Lawrence, Lewis, Lincoln, Loudon, Macon, Madison, Marion, Marshall, Maury, McMinn, McNairy, Monroe, Montgomery, Moore, Obion, Overton, Perry, Pickett, Putnam, Rhea, Shelby, Smith, Stewart, Sumner, Tipton, Trousdale, Van Buren, Washington, Wayne, Weakley, Williamson, Wilson.

Texas. Anderson, Andrews, Angelina, Aransas, Archer, Armstrong, Atascosa, Austin, Bailey, Bandera, Bastrop, Baylor, Bee, Bell, Bexar, Blanco, Borden, Bosque, Bowie, Brazoria, Brazos, Briscoe, Brooks, Brown, Burleson, Burnet, Caldwell, Calhoun, Callahan, Cameron, Camp, Carson, Cass, Castro, Chambers, Cherokee, Clay, Cochran, Coke, Coleman, Collin, Collingsworth, Colorado, Comanche, Concho, Cooke, Coryell, Cottle, Crockett, Crosby, Culberson, Dallam, Dallas, Dawson, Deaf Smith, Delta, Denton, De Witt, Dickens, Dimmitt, Donley, Duval, Eastland, Edwards, Ellis, El Paso, Erath, Falls, Fannin, Fayette, Fisher, Floyd, Foard, Fort Bend, Franklin, Freestone, Frio, Gaines, Galveston, Garza, Gillespie, Glasscock, Goliad, Gonzales, Grayson, Gregg, Grimes, Guadalupe, Hale, Hall, Hamilton, Hardeman, Hardin, Harris, Harrison, Haskell, Hays, Henderson, Hidalgo, Hill, Hockley, Hood, Hopkins, Houston, Howard, Hudspeth, Hunt, Hutchinson, Jack, Jackson, Jasper, Jefferson, Jim Hogg, Jim Wells, Johnson, Jones, Karnes, Kaufman, Kendall, Kenedy, Kent, King, Kinney, Kleberg, Knox, Lamar, Lamb, Lampasas, La Salle, Lavaca, Lee, Leon, Liberty, Limestone, Live Oak, Lubbock, Lynn, McCulloch, McLennan, McMullen, Madison, Marion, Martin, Matagorda, Maverick, Medina, Menard, Midland, Milam, Mills, Mitchell, Montague, Montgomery, Moore, Morris, Motley, Nacogdoches, Navarro, Nolan, Nueces, Ochiltree, Oldham, Orange, Palo Pinto, Panola, Parker, Parmer, Polk, Potter, Presidio, Rains, Randall, Real, Red River, Reeves, Refugio, Robertson, Rockwell, Runnels, Rusk, Sabine, San Augustine, San Jacinto, San Patricio, San Saba, Schleicher, Scurry, Shackelford, Shelby, Sherman, Smith, Somervell, Starr, Stephens, Stonewall, Sutton, Swisher, Tarrant, Taylor, Terry, Throckmorton, Titus, Tom Green, Travis, Trinity, Tyler, Upshur, Upton, Uvalde, Van Zandt, Victoria, Walker, Waller, Washington, Webb, Wharton, Wheeler, Wichita, Wilbarger, Willacy, Williamson, Wilson, Wise, Wood, Yoakum, Young, Zapata, Zavala.

Utah. Box Elder, Cache.

Wyoming. Lincoln.

Puerto Rico. Arecibo, Carolina, Hatillo, Las Piedras, Naguabo.

§ 78.22 Noncertified areas.

The following States, or specified portions thereof, are hereby designated as Noncertified Brucellosis Areas:

(a) *Entire States.*

(b) *Specific Counties Within States.*—*Missouri:* Morgan. *Puerto Rico:* Vieques.

(Secs. 4–7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; sec. 3, 33 Stat. 1265, as amended; sec. 2, 65 Stat. 693; and secs. 3 and 11, 76 Stat. 130, 132 (21 U.S.C. 111–113, 114a–1, 115, 117, 120, 121, 125, 134b, 134f), 37 FR 28464, 28477; 38 FR 19141, 9 CFR 78.25.)

The amendments impose certain restrictions necessary to prevent the spread of brucellosis in cattle and relieve certain restrictions presently imposed. They should be made effective promptly in order to accomplish their purpose in the public interest and to be of maximum benefit to persons subject to the restrictions which are relieved. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

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

Done at Washington, D.C., this 28th day of April 1977.

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

E. A. SCHILF,
Acting Deputy Administrator,
Veterinary Services.

[FR Doc.77–12654 Filed 5–2–77;8:45 am]

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

INSPECTION OF MEAT AND POULTRY PRODUCTS

Realignment of Agency and Program Responsibilities

AGENCY: Department of Agriculture, Food Safety and Quality Service, Meat and Poultry Inspection.

ACTION: Final rule.

SUMMARY: On April 18, 1977, a notice was published in the FEDERAL REGISTER (42 FR 20165) transferring the responsibility for the inspection of meat and poultry products from the Animal and Plant Health Inspection Service into a new Food Safety and Quality Service. Accordingly, the provisions of Chapter III, 9 CFR, are amended to change the appropriate references from the Animal and Plant Health Inspection Service to the Food Safety and Quality Service.

EFFECTIVE DATE: March 14, 1977.

FOR FURTHER INFORMATION CONTACT:

Dr. W. J. Minor, Chief Staff Officer, Issuance Coordination Staff, Technical Services, Meat and Poultry Inspection Program, Food Safety and Quality Service, U.S. Department of Agriculture, Washington, D.C. 20250, 202–447–6189.

SUPPLEMENTARY INFORMATION: On April 18, 1977, a notice was published in the FEDERAL REGISTER (42 FR 20165) transferring the responsibility for the inspection of meat and poultry products from the former Animal and Plant Health Inspection Service into a new Food Safety and Quality Service. Accordingly, the provisions of Chapter III, 9 CFR, are amended as follows, pursuant to said notice and the statutory authority under which the provisions of Chapter III, 9 CFR were issued:

1. The designation of Chapter III of Title 9 is changed to read as set forth in the heading of this document.

2. In § 301.2(d), § 301.2(e), § 301.2(f), § 307.5(a), footnote to § 308.3(h), § 308.5(c), footnote to § 308.8(c), footnote to § 310.9(e)(1), footnotes 1 and 2 to table in § 318.7(c)(4), footnote to § 318.14(b) and (c)(2)(i), § 320.5(a), § 320.7, § 325.11(b)(2), footnote to § 325.13(a)(2), § 325.18(b), footnote to § 325.20(b), § 327.5(a), § 327.6(b), § 327.6(c), § 327.7(h), footnote to § 327.12(c), § 327.14(c), § 327.17, footnote to § 327.21(a)(2), footnote to § 327.21 (b), (c), and (d), and § 331.3(e)(3) of Subchapter A, "Animal and Plant Health Inspection Service" is changed to "Food Safety and Quality Service."

3. In § 350.2(b), § 350.3(a)(4), § 351.2(b), § 351.2(c), § 354.1(c), § 354.1(u), § 354.1(ee), § 354.3, § 354.100(b), § 355.2(b), § 355.2(r), § 355.5, and § 362.3 of Subchapter B, "Animal and Plant Health Inspection Service" is changed to "Food Safety and Quality Service."

4. In § 381.1(b)(3), footnote to § 381.1(b)(27)(ii), § 381.11(a), § 381.17, § 381.34(d), § 381.38(a), § 381.53(a)(3), footnote 2 to § 381.66(d)(8), § 381.135(b), footnote 2 to table in § 381.147(f)(3), footnote to § 381.151(c)(2)(i), § 381.179(a), § 381.181, § 381.194(c), § 381.198, § 381.200(f), § 381.205(c), and § 381.222(d)(3) of Subchapter C, "Animal and Plant Health Inspection Service" is changed to "Food Safety and Quality Service."

5. In § 390.1(b), § 391.1(b), and § 391.1(c) of Subchapter D, "Animal and Plant Health Inspection Service" is changed to "Food Safety and Quality Service."

These amendments are organizational in nature. They reflect the transfer of certain functions of the former Animal and Plant Health Inspection Service to the newly established Food Safety and Quality Service. The amendments do not substantially affect any member of the public. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure concerning the amendments are impracticable and unnecessary, and good cause is found for making the amendments effective less than 30 days after publication in the FEDERAL REGISTER.

NOTE.—The Department of Agriculture has determined that this document does not contain a major proposal requiring preparation of an Inflation Review Statement under Executive Order 11821 and OMB Circular A–107.

Done at Washington, D.C., on: April 29, 1977.

CAROL TUCKER FOREMAN,
Assistant Secretary for Food and Consumer Services.

[FR Doc.77–12811 Filed 5–2–77;8:45 am]

proposed rules

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

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[9 CFR Parts 1, 2, and 3]

ANIMAL WELFARE

Proposed Standards and Regulations for Transportation and Handling, Care, and Treatment in Connection Therewith, of Dogs, Cats, Rabbits, Hamsters, Guinea Pigs, Nonhuman Primates, and Certain Other Warmblooded Animals; Extension of Time

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rulemaking; i.e., extension of comment period.

SUMMARY: This notice extends the time period for submitting written comments on the notice published March 18, 1977 (43 FR 15210–15221), proposing new and revised standards and regulations under the Animal Welfare Act concerning the transportation and handling, care, and treatment in connection therewith, of dogs, cats, rabbits, hamsters, guinea pigs, nonhuman primates, and certain other warmblooded animals in commerce. Certain representatives of carriers, breeders, USDA licensed dealers, and other related industries have requested that the comment period be extended in order to give them adequate time to obtain relevant data and information and to develop sound views and comments. This document is to provide an extension of the comment period as requested.

DATE: Comments on or before May 9, 1977.

ADDRESS: Send comments to: Deputy Administrator, USDA, APHIS, VS, Room 703, Federal Building, 6505 Belcrest Road, Hyattsville, Md. 20782.

FOR FURTHER INFORMATION CONTACT:

Dr. Dale F. Schwindaman, Senior Staff Veterinarian, Animal Care Staff, Animal and Plant Health Inspection Service, Veterinary Services, USDA, Room 703, Federal Building, 6505 Belcrest Road, Hyattsville, Md. 20782. (301) 436–8271.

SUPPLEMENTARY INFORMATION: Notice was given March 18, 1977 (42 FR 15210–15221), of proposed new and revised standards and regulations under the Animal Welfare Act concerning the transportation and handling, care, and treatment in connection therewith, of dogs, cats, rabbits, hamsters, guinea pigs, nonhuman primates and certain other warmblooded animals in commerce to conform to the Animal Welfare Act Amendments of 1976 (Pub. L. 94–279) enacted on April 22, 1976.

This proposal provided for receipt of comments on or before April 22, 1977.

In response to this notice, requests were received from representatives of carriers, breeders, USDA licensed dealers, and other related industries for additional time in which to obtain relevant data and information and to develop sound views and comments. Since the Department is interested in receiving meaningful views and comments, these circumstances are considered justification for an extension of the time period originally allotted for submitting views and comments.

Done at Washington, D.C., this 28th day of April 1977.

E. A. SCHILF,
Acting Deputy Administrator, Veterinary Services.

[FR Doc.77-12655 Filed 5-2-77;8:45 am]

FEDERAL ENERGY ADMINISTRATION

[10 CFR Part 212]

RETAIL GASOLINE SALES

Pass-Through of Service Station Rent Increases

AGENCY: Federal Energy Administration.

ACTION: Notice of withdrawal of proposed rent guidelines and notice of proposed rulemaking and public hearing.

SUMMARY: The Federal Energy Administration (FEA) hereby withdraws a proposal issued on December 24, 1975, calling for public participation in development of service station rent guidelines to aid FEA in determining what rent increases and rental practices might be construed by FEA as constituting a means to obtain prices higher than those permitted under the price regulations.

FEA also hereby gives notice of a proposal to amend its regulations to permit service station rent increases to be passed through in sales at the retail level, without regard to the three cent-per-gallon maximum currently authorized to reflect non-product cost increases; due to the significant increases in service station rents which have occurred over the approximately 18 months since FEA's service station rent regulations were revoked.

DATES: Comments by Monday, June 20, 1977, 4:30 p.m.; Requests to speak by Wednesday, June 8, 1977, 4:30 p.m.; Hearing will be held Tuesday, June 21, 1977, 9:30 a.m.

ADDRESSES: Comments and requests to speak to: Executive Communications, Room 3317, Federal Energy Administration, Box ME, Washington, D.C. 20461.

Hearing will be held at Room 2105, 2000 M Street NW., Washington, D.C. 20461.

FOR FURTHER INFORMATION CONTACT:

Robert C. Gillette (Hearing Procedures), 2000 M Street NW., Room 2214B, Washington, D.C. 20461, 202–254–5201.

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

Chuck Boehl (Program Office), 2000 M Street NW., Room 2304, Washington, D.C. 20461, 202–254–7200.

Richard S. Greene (Office of General Counsel), 12th and Pennsylvania Avenue NW., Room 5138, Washington, D.C. 20461, 202–566–9567.

SUPPLEMENTARY INFORMATION: A. Background; B. Rent Guidelines; C. Proposal for Pass-Through of Rent Increases; D. Comment Procedures.

A. BACKGROUND

Prior to November 11, 1975, FEA and its predecessor agencies regulated gasoline service station rents in conjunction with gasoline prices to the retail dealer. Applicable regulations generally provided that gasoline service station rents were frozen at the "base rent" level (the rent charged under contract terms prevailing on May 15, 1973). Often those contract terms stated a base rent in terms of a cent-per-gallon rate (e.g., two cents per gallon of gasoline sold), and in such cases it was this rate which was frozen under applicable regulations rather than an absolute dollar rental amount.

This system of conjunctive rent control was begun by the Cost of Living Council on August 19, 1973, and, pursuant to the Council's broad authority under the Economic Stabilization Act of 1971, applied initially to all leased real property used in the retailing of gasoline. When the Economic Stabilization Act expired on April 30, 1974, the Federal Energy Office, as successor to the Council, narrowed the scope of these regulations to conform with the price control authority surviving under the Emergency Petroleum Allocation Act of 1973 ("EPAA"), so that, beginning May 1, 1974, rent controls applied only in those cases in which both the lessor and lessee of real property were subject to the petroleum price regulations as refiners, resellers, reseller-retailers or retailers of covered products. Although the EPAA did not provide express authority to regulate service station rents, FEO/FEA took the position that, due to the direct

and inextricable relationship between the prices charged to dealers for gasoline and their service station rents, it was necessary to continue to regulate rental terms in the petroleum retailing industry in order to carry out effectively the EPAA mandate to allocate petroleum products at equitable prices.

On September 30, 1975, FEA issued proposed amendments to the rent regulations (40 FR 47147, October 8, 1975) which, if adopted, would have, among other things, provided for limited rent increases by (1) permitting the base rent to be increased in those cases in which a temporary rent modification agreement was in effect on May 15, 1973, and the circumstances which gave rise to that modification no longer exist, and (2) permitting the lessor to recover increased costs relating to the rental of real property by increasing the rent above the base rent, while permitting the lessee to pass through rent increases above the base rent as a non-product cost increase not subject to the cent-per-gallon maximum otherwise applicable to non-product cost increases under 10 CFR 212.93 (b). In addition, FEA at that time requested comment on how costs related to installation of EPA-mandated vapor recovery equipment were being handled as between lessors and lessees, with a view toward possible modification of the rent increase proposal to take into account these special costs.

On November 11, 1975, the Temporary Emergency Court of Appeals, in the case of *Shell Oil Co.* v. *FEA*, 527 F. 2d 1243, enjoined FEA from enforcing its rent regulations upon Shell on the ground that those regulations, as applied to rentals charged by Shell Oil Co., were beyond the scope of FEA's statutory authority. In reaching this decision, the court commented that FEA possessed regulatory authority outside its rent regulations to deal effectively with the possibility of gasoline price increases "hidden" in rent increases. The court stated that "in any instance in which FEA believes a lessor who supplies gasoline to its lessee has raised its rents as a means of obtaining a higher price for its gasoline that would otherwise be allowed * * *." FEA could take action under 10 CFR 210.62(c), a general provision which prohibits "[a]ny practice which constitutes a means to obtain a price higher than is permitted by the regulations in this chapter * * *."

FEA subsequently revoked its rent regulations effective November 11, 1975, the date of the *Shell* decision (40 FR 60036, December 31, 1975), in view of the decision in the *Shell* case and in order to assure the equal application of that decision to all firms. At the same time, FEA withdrew the rulemaking then pending concerning rent increases under the rent regulations but save the question of vapor recovery equipment costs for further review and consideration.

FEA also at that time called for public participation in the development of "rent guidelines" to aid FEA in determining what rent increases and rental practices might be construed by FEA as constituting a means to obtain prices higher than those permitted under the regulations in violation of 10 CFR 210.62(c).

B. Rent Guidelines

Several factors contributed to the delay in developing rent guidelines and the ultimate decision as reflected in today's action to withdraw the "guidelines" proposal.

First, comment received in response to FEA's proposal was not as useful as FEA would have wished. FEA received only 19 written comments in response to its invitation to the public to participate in the development of rent guidelines under 10 CFR 210.62(c). Five of the comments were nonresponsive (e.g., comments which simply objected to individual rent increases instituted or planned by the lessor concerned, without proposing specific rent guidelines) and eight comments essentially opposed the concept of instituting rent guidelines. Of the remaining comments, most discussed rent guidelines in very broad terms such as permitting rental levels which reflect "a fair return on investment" or the "fair market value" of the leased property. Thus, the comments which actually proposed rent guidelines were either too few to qualify as adequately representing the views of affected segments of the industry or too general to be of significant use to FEA in developing rent guidelines.

Some of the firms which opposed the development of rent guidelines took the position that FEA was merely proposing to do indirectly what the court in the *Shell* case indicated was beyond FEA's authority to do—i.e., control rents charged in the leasing of service station property. However, FEA made it clear that its proposal was not to regulate service station rents per se, directly or indirectly, but only to develop guidelines in aid of its undisputed authority under § 210.62(c), in order to determine whether rent increases or rental practices "constitute[d] a means to obtain a price higher than is permitted under the regulations" applicable to sales of gasoline to the retail dealer. In other words, the proposal essentially related to implementation of FEA's authority over gasoline prices, and FEA's authority to challenge circumvention of its existing price regulations, rather than to the control of service station rents as such. It should be remembered in this connection that § 210.62(c) was specifically cited, in the *Shell* decision itself, as providing the appropriate means by which gasoline price increases "hidden" in service station rent increases could be challenged by FEA.

Second, FEA has been unable, in the absence of sufficient comment and assistance from lessors and lessees in the industry, to develop detailed or specific guidelines for general use. The situation is, of course, complicated by the fact that many lessors have imposed "catch-up" rent increases which take into account the approximately two and one-half years during which rental rates were frozen under FEA service station rent regulations in effect until November 11, 1975. In addition, the period between May 15, 1973, and the end of 1975 was a period during which costs and market values increased substantially in many cases. Thus, while FEA is sympathetic toward complaints received concerning large rent increases, FEA now believes, based on further reflection, that it does not appear realistic, under the circumstances noted above, to attempt to establish any uniform quantitative limits above which rent increases might appear to be suspect under § 210.62(c). In FEA's view, competitive forces should normally prevent new rent levels from exceeding those which reflect reasonable rates of return based on current market levels.

Third, FEA's authority in this area has been somewhat clouded, until recently, by court decisions following the ruling in the *Shell* case. The Temporary Emergency Court of Appeals on April 7, 1976, stated in the case of *Atlantic Richfield Co.* v. *Zarb*, 532 F. 2d 1363, that "FEA simply has no authority to regulate directly or indirectly the use of real property, or the leasing of service station property" (emphasis added). Later, in construing paragraph (a) of § 210.62, an anti-circumvention provision which generally prohibits the imposition of more stringent credit terms on purchasers of petroleum products, a U.S. district court in the case of *Marathon Oil Co.* v. *FEA*, (Northern District of Ohio, W.D., Civ. 74-316) held that § 210.62(a) was invalid as beyond the scope of FEA's authority, to the extent that it regulates the credit terms which a supplier of petroleum products may apply to a purchaser thereof.

On December 6, 1976, however, the *Marathon* decision was reversed and remanded by the Temporary Emergency Court of Appeals (TECA No. 6-11). The appeals court said the district court had not sufficiently recognized the distinction between

> * * * power to regulate credit terms per se and power to regulate such terms as a reasonable and non-arbitrary, non-capricious means of more effectively regulating the pricing and allocation of petroleum products to achieve the objectives of * * * expressly granted power (with respect to pricing and allocation).

This express distinction with respect to credit terms under § 210.62(a) appears to be the same distinction which the Temporary Emergency Court of Appeals impliedly made with respect to rental terms in the *Shell* case when it found FEA's rent regulations beyond FEA's statutory authority but at the same time pointed to § 210.62(b) as a valid and appropriate basis for challenging rent increases which appeared to circumvent FEA's gasoline price regulations. Thus, although FEA's rent regulations (10 CFR Part 212, Subpart G) were never intended as rent regulations per se, the import of the *Shell* and *Marathon* cases evidently is that the Temporary Emergency Court of Appeals believed them to have this effect in the situation presented in *Shell*.

Based on all the foregoing considerations, FEA believes that it retains authority under § 210.62(b) to investigate

dealer complaints concerning alleged excessive rent increases and to take appropriate administrative or other action, as stated in the *Shell* case,

> * * * in any instance in which FEA believes a lessor who supplies gasoline to its lessee has raised its rents as a means of obtaining a higher price for its gasoline than would otherwise be allowed * * * .

However, FEA regional compliance offices receiving such complaints must be guided in this respect by the general guidelines set forth in the *Shell* and *Marathon* decisions and by reasonable rates of return based on current market values in each locale and local rental rates for similar properties.

C. Proposal for Pass-Through of Rent Increases

In view of the various considerations noted in Sections A and B, above, FEA is considering a proposal to permit retail gasoline dealers to pass through increased rental charges without regard to the three cent-per-gallon maximum authorized under § 212.93(b)(1) to reflect increased nonproduct costs. This proposal is intended to help ease the burden on retail dealers subject to Subpart F of the price regulations, who have incurred substantially increased rental rates over the past year or more with no corresponding increase in the maximum amount permitted to be charged to reflect non-product cost increases. FEA also proposes to extend this relief to refiners with company-owned retail outlets in certain case, (as discussed above), by a parallel amendment with respect to the three cent-per-gallon maximum authorized under § 212.83(c)(2)(E) to reflect marketing cost increases in connection with retail sales of gasoline.

Issue No. 1. When FEA formally reviewed in 1975 the question of the adequacy or inadequacy of the three cent/gallon maximum price increment to reflect retail gasoline dealers' non-product cost increases, it concluded that no increase in the three cent/gallon maximum was warranted at that time (40 FR 54561, November 25, 1975). In reaching that decision, FEA noted that significant nonproduct cost increases were being absorbed by retail dealers due to competition and other marketing factors. Dealers had increased their gross margins, on the average, by only 1.5 cent/gallon in 1975 over the average margins prevailing in May, 1973, despite the more than three cent/gallon increase in operating costs.

FEA's "Preliminary Findings and Views Concerning the Exemption of Motor Gasoline," issued in November, 1976, in connection with FEA's notice of proposed rulemaking and public hearing on this subject (41 FR 51832, November 24, 1976), indicated that dealer margins have now returned to May 15, 1973, levels and that market forces have continued to hold gasoline prices significantly below those permitted by price controls.

FEA requests comment on whether, in view of the market situation as indicated above, an increase in retail dealers' ceiling prices to reflect rent increases can be expected actually to provide price relief to retail dealers or whether market forces will continue to constrain pass-through of increased non-product costs at levels below those authorized by FEA.

Issue No. 2. FEA understands that in most cases service station rental rates are expressed in terms of cents per gallon of gasoline sold. Thus, if the rent increase is, for example, 1.5 cent/gallon, it would be easy for the dealer to determine the increase in his ceiling price since both product and non-product cost increases under current regulations as well as ceiling prices are measured in cent-per-gallon terms.

However, in those cases in which rental increases have been expressed in gross dollar terms or on some basis other than strictly cents-per-gallon, it may be difficult for the dealer to translate this "lump-sum" increased cost into a valid cent-per-gallon increase in the ceiling price unless specific guidance is provided by FEA. FEA therefore requests information on rent increase formulas currently in use which are expressed in terms other than cents per gallon of gasoline purchased or sold and requests comment on how a cent-per-gallon increase in the ceiling price to reflect rent increases might be validly determined in these cases. FEA also requests comment on whether it would be desirable to impose a cent-per-gallon maximum to reflect allowable rent increases, like the cent-per-gallon maximum to reflect non-product cost increases, in view of possible inability to calculate rent increases on a cent-per-gallon basis in some cases, or whether the rule in this respect should permit the passthrough of whatever unit rent increases have been incurred.

Issue No. 3. FEA proposes to extend relief with respect to rent increases primarily to independent retail gasoline dealers who have no control over rent increases charged by their lessors. In addition, some refiners maintain significant numbers of company-operated service stations which are rented from third parties not controlled by the refiner, and FEA believes it is appropriate to extend the proposed relief to these cases also. It would not appear appropriate, however, to extend relief where the refiner is the lessor, or where the lessor is controlled by the refiner, since in such cases the amount of the rent increase would not represent a true "outside" cost to the refiner. Generally, "costs" under the price control regulations are restricted to "outside" costs of the "firm" concerned and not "costs" as represented in intra-firm sales or other inter-firm transactions. Comment on this approach is requested.

Issue No. 4. As noted in Section A, above, FEA has under continuing review the question of how costs of government-mandated vapor-recovery equipment are being borne, with a view toward possible amendment to the regulations relating to pass-through of those costs. It was initially anticipated that an amendment in this respect might be promulgated as an amendment to the rent regulations (now revoked) or as an amendment to the price regulations under Subpart F. Under current regulations, the costs associated with purchase, installation and operation of vapor-recovery equipment are non-product costs and are therefore subject to all restrictions applicable to non-product cost increases.

In its notice of proposed rulemaking concerning amendment to the rent regulations (40 FR 47147, October 8, 1975), FEA stated as follows:

> * * * FEA has observed, in connection with its review of the present rental regulations, that certain refiners, resellers, reseller-retailers and retailers are incurring expenses resulting from installation of vapor recovery equipment required by the Environmental Protection Agency. In some cases, refiners are apparently installing the equipment and seeking to recover from their retailer-lessees the cost of the equipment. In other cases, retail dealers have been required to install such equipment at their own expense. FEA hereby solicits comments describing the arrangements for purchasing, installing and financing the costs of vapor recovery equipment, particularly any terms proposed by refiners for recovering these costs from their gasoline retailer-lessees. Relevant considerations include who is bearing the initial costs of purchasing and installing vapor recovery equipment, whether these costs ultimately fall on retail gasoline dealers and whether and in what manner such costs should be passed through in the form of increased prices by refiners or by retailers. Depending upon comment provided in this connection and other relevant considerations, the FEA may modify the present proposal to also take into account the costs of vapor recovery equipment.

Comment received on this subject indicated that the costs associated with vapor-recovery equipment generally fall on retail dealers ultimately. However, in view of the passage of time since these comments were received, and the somewhat different context in which this subject is now being considered, it is requested that interested persons again submit comments with regard to these questions. In particular, FEA wishes to know whether rent increases reflect costs associated with vapor-recovery equipment being borne by the lessor as owner of the real property on which such equipment has been or is being installed, or whether lessors are passing through costs associated with vapor-recovery equipment to the lessee under separate contractual arrangements.

Because of the small size and large numbers of retail dealers in the nation, the interests of retail dealers affected by proposed rule changes are generally best represented before FEA by retail dealer associations, retail dealer marketing/management firms, and larger dealers. While all dealers as well as other interested persons are invited to participate in this rulemaking proceeding, FEA is aware that the views of larger numbers of dealers can be represented by dealer associations or dealer management firms compared with individual participation by dealers. FEA therefore requests that, to the extent possible, such associations

or firms which wish to participate in this proceeding attempt by surveys or other means to solicit views of and data from individual dealers in advance of submission of comment or in advance of oral presentations. FEA wishes to obtain as wide a sampling of views and data from dealers as possible. Accordingly, FEA has provided additional time in which to submit comment in this matter.

D. COMMENT PROCEDURES

1. *Written Comments.* Interested persons are invited to participate in this rulemaking by submitting data, views or arguments with respect to the proposals set forth in this notice. Comments should be identified on the outside envelope and on documents submitted with the designation "Retail Gasoline Sales; Pass-Through of Service Station Rent Increases," Box ME. Fifteen copies should be submitted. All comments received by FEA will be available for public inspection in the FEA Reading Room, Room 2107, Federal Building, 12th & Pennsylvania Avenue, N.W. between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday.

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

2. *Public Hearings*—a. *Request Procedure.* The times and places for the hearings are indicated in the dates section of this preamble. If necessary to present all testimony, the hearing will be continued to 9:30 a.m. of the next business day following the date of the hearing.

Any person who has an interest in the proposed amendments issued today, or who is a representative of a group or class of persons that has an interest in today's proposed amendments, may make a written request for an opportunity to make oral presentation. The person making the request should be prepared to describe the interest concerned, if appropriate, to state why he or she is a proper representative of a group or class of persons that has such an interest, and to give a concise summary of the proposed oral presentation and a phone number where he or she may be contacted through the day before the hearing.

Each person selected to be heard will be so notified by the FEA before 4:30 p.m., e.d.t., Friday, June 10, 1977 and must submit 100 copies of his or her statement to Regulations Management, Room 2214, 2000 M Street, N.W., Washington, D.C., before 4:30 p.m., e.d.t., Monday, June 20, 1977.

b. *Conduct of the Hearings.* The FEA reserves the right to select the persons to be heard at these hearings, to schedule their respective presentations, and to establish the procedures governing the conduct of the hearings. The length of each presentation may be limited, based on the number of persons requesting to be heard.

An FEA official will be designated to preside at the hearings. These will not be judicial or evidentiary-type hearings. Questions may be asked only by those conducting the hearings, and there will be no cross-examination of persons presenting statements. Any decision made by the FEA with respect to the subject matter of the hearings will be based on all information available to the FEA. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity, if he so desires, to make a rebuttal statement. The rebuttal statements will begiven in the order in which the initial statements were made and will be subject to time limitations.

Any interested person may submit questions to be asked of any person making a statement at the hearings, to Executive Communications, FEA, before 4:30 p.m., e.d.t., Thursday, June 16, 1977. Any person who wishes to ask a question at the hearings may submit the question, in writing, to the presiding officer. The FEA or the presiding officer, if the question is submitted at the hearings, will determine whether the question is relevant, and whether the time limitations permit it to be presented for answer.

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

A transcript of the hearings will be made and the entire record of the hearings, including the transcript, will be retained by the FEA and made available for inspection at the Freedom of Information Office, Room 2107, Federal Building, 12th and Pennsylvania Avenue, N.W., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. Any person may purchase a copy of the transcript from the reporter.

In the event that it becomes necessary for the FEA to cancel a hearing, FEA will make every effort to publish advance notice in the FEDERAL REGISTER of such cancellation. Moreover, FEA will notify all persons scheduled to testify at the hearings. However, it is not possible for FEA to give actual notice of cancellations or changes to persons not identified to FEA as participants. Accordingly, persons desiring to attend a hearing are advised to contact FEA on the last working day preceding the date of the hearing to confirm that it will be held as scheduled.

As required by section 7(c)(2) of the Federal Energy Administration Act of 1974, Pub. L. 93-275, a copy of this notice has been submitted to the Administrator of the Environmental Protection Agency for his comments concerning the impact of this proposal on the quality of the environment. The Administrator had no comments on this proposal.

This proposal has been reviewed in accordance with Executive Order 11821, issued November 24, 1974, and has been determined not to be of a nature that requires an evaluation of its inflationary impact pursuant to Executive Order 11821.

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

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

Issued in Washington, D.C., April 26, 1977.

ERIC J. FYGI,
Acting General Counsel,
Federal Energy Administration.

1. Section 212.83(c)(2)(iii)(E) is amended in the definition of "F_i'" by adding a new subparagraph (II)(cc) to read as follows:

§ 212.83 Price rule.

* * * * *

(c) *Allocation of increased costs.* * * *

(2) *Formulae.* * * *

(iii) *Definitions.* * * *

(E) *The "N" Factor.* * * * $F_i' =$ * * *

(II) * * *

(cc) Allow an increase in the price of gasoline above the prices otherwise permitted to be charged for gasoline pursuant to this part (including paragraphs (I) and (II)(aa) of this definition) by an amount not in excess of __ cents per gallon with respect to retail sales to reflect "increased rental costs" by "independent lessors" (as these terms are defined in § 212.92); and

2. Section 212.92 is amended by adding, in appropriate alphabetical order, the following definition:

§ 212.92 Definitions.

* * * * *

"Increased rental costs" means that amount, stated in terms of cents per gallon of gasoline sold by the lessee concerned, which reflects the rent charged by an independent lessor in excess of rent charged by that lessor on November 10, 1975, with respect to the same real property leased for purposes of retail gasoline sales. For purposes of this paragraph, "independent lessor" means a lessor which is not directly or indirectly controlled by the lessee concerned or by any firm which directly or indirectly controls that lessee.

* * * * *

3. Section 212.93 is amended by adding a new paragraph (b)(1)(ii)(C) to read as follows:

§ 212.93 Price rule.

* * * * *

(b) * * *

(1) * * *

(ii) * * *

(C) Beginning _____, 1977, in retail sales of gasoline, a seller may charge __ cents per gallon of gasoline in excess of the amount otherwise permitted to be charged for that item pursuant to this section, to reflect increased

rental costs incurred by the seller since November 10, 1975.

[FR Doc.77-12555 Filed 4-28-77;9:44 am]

FEDERAL DEPOSIT INSURANCE CORPORATION

[12 CFR Part 329]

[26609]

INTEREST ON DEPOSITS

Restricting Payment of Negotiated Rates of Interest on Pooled Time Deposits of $100,000 or More

Correction

In FR Doc. 77-11808 appearing on page 21112 in the issue of Monday, April 25, 1977, make the following changes:

(1) Third paragraph, designated "SUMMARY", 13th line, "intreest" should read "interest";

(2) Third paragraph, designated "SUMMARY", the 24th line should read "proposal, the concern that the proposal, if adopted, might prove ineffec-";

(3) Sixth paragraph, designated "SUPPLEMENTARY INFORMATION", 14th line, "fnnds" should read "funds".

DEPARTMENT OF LABOR

Employment and Training Administration

[20 CFR Part 655]

TEMPORARY EMPLOYMENT OF ALIENS IN AGRICULTURE

Locations of Public Hearings

AGENCY: Employment and Training Administration, Labor.

ACTION: Proposed rule, notice of hearing locations.

SUMMARY: This is a notice of specific locations at which a series of public hearings will be conducted by the Department of Labor regarding proposed revisions to the Department's regulations. These proposed regulations govern the temporary employment of aliens working in agriculture (including logging and sheepherders). The hearings were announced on April 19 at 42 FR 20312. The previous notice listed the cities and scheduled dates of the six hearings, but did not list the exact addresses of the hearing sites within those cities. This notice provides that information. It also changes the name of the contact person, and the closing dates to File Notices of Intention to appear at the hearings.

FOR FURTHER INFORMATION CONTACT:

See Supplementary Information below.

SUPPLEMENTARY INFORMATION: List of specific hearing sites and new closing dates for filing Notices of Intention to appear.

Area and address	Closing date for notice [1]	Hearing dates
Martinsburg, W. Va.: Martinsburg Room, Martinsburg Public Library, King and Queen Sts., Martinsburg, W. Va.	May 6	May 12 and 13.
Belle Glade, Fla.: Auditorium, U.S. Department of Agriculture Research and Development Center, State Rd. 80, 3 mi east of Belle Glade.	May 10	May 24 and 25.
San Antonio, Tex.: Room 25, Convention Center, Hemisphere Grounds, San Antonio, Tex.	May 13	May 27.
Denver, Colo.: Room 269, U.S. Post Office Auditorium, 19th and Stout, Denver, Colo...	May 18	June 1 and 2.
Springfield, Mass.: Holiday Inn, Dwight and Congress, Springfield, Mass.....	May 25	June 8 and 9.
Albany, N.Y.: Legislative Office Bldg., hearing room C, 2d floor, Albany, N.Y.....	May 31	June 14.

[1] Telegraphic notices will be acceptable.

NEW CONTACT PERSON

A change has been made in the person listed as the individual to contact for further information and to send written statements or comments for the record. The person now designated for this purpose is:

Mr. William E. Daly, U.S. Employment Service (Attn: TET), Employment and Training Administration, U.S. Department of Labor, Washington, D.C. 20213, 202-376-6297.

Signed at Washington, D.C. this 27th day of April 1977.

WILLIAM B. LEWIS,
Administrator,
Employment Service.

[FR Doc.77-12623 Filed 5-2-77;8:45 am]

DEPARTMENT OF COMMERCE

Patent and Trademark Office

[37 CFR Part 4]

TRADEMARK FORMS

Proposed Rulemaking

AGENCY: Patent and Trademark Office, Commerce.

ACTION: Proposed rulemaking.

SUMMARY: This notice invites written comment on a Patent and Trademark Office proposal to amend certain existing forms for trademark cases and to provide one new form for trademark cases. The language in certain of the existing trademark forms has been found to be confusing or susceptible of misinterpretation, and difficulties have been encountered by users in combining two of the existing trademark forms into a combined form. The purpose of the proposed amendments is to clarify the trademark forms and simplify their use by trademark applicants and other parties. The proposed new trademark form would eliminate the need for the user to combine two forms.

DATES: Comments must be received on or before: June 1, 1977.

ADDRESSES: Comments may be addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231. All comments received will be available for public inspection in Room 11E10, Crystal Plaza, Building 3, 2021 Jefferson Davis Highway, Arlington, Virginia.

FOR FURTHER INFORMATION CONTACT:

Miss Katharine Hancock, Patent and Trademark Office (703) 557-5380, or by mail addressed to Commissioner of Patents and Trademarks, Washington, D.C. 20231, Attn. Miss Katharine Hancock.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, pursuant to the authority contained in section 41 of the Act of July 5, 1946 (60 Stat. 440, 15 U.S.C. 1123) and section 6 of the Act of July 19, 1952, as amended (85 Stat. 364, 88 Stat. 1949, 35 U.S.C. 6), the Patent and Trademark Office proposes to amend Title 37 of the Code of Federal Regulations by amending §§ 4.1, 4.1a, 4.2, 4.5, 4.6, 4.8, 4.10, 4.13, 4.14, 4.15, 4.16, 4.17, 4.18, 4.21 and 4.22, and by adding new § 4.16a. The proposal is summarized as follows:

Acknowledgments. In forms 4.21 and 4.22 it is proposed to amend the acknowledgment by deleting the words "being sworn" and by rearranging the wording to avoid the implication that the notary public is stating of his own knowledge that a person signing for a juristic entity is authorized so to do.

It is also proposed to amend the footnote to the acknowledgment in forms 4.21 and 4.22 to reflect the fact that acknowledgments may vary in wording but that wording acceptable in the jurisdiction where executed should be used, and to indicate that the person signing the acknowledgment must have authority to do so under the law of the jurisdiction where executed.

Verifications. It is proposed to amend all verifications by deleting the words "being sworn, states" at the beginning and substituting the words "hereby swears," in order that there will be a statement of oath by the signer rather than a statement which depends upon an oath having been administered before signature. The forms being thus amended are 4.1, 4.5, 4.6, 4.13, 4.14, 4.15, 4.16, 4.17 and 4.18.

Jurats. In forms 4.1, 4.5 and 4.6 it is proposed to amend the footnote to the jurat to state that the person signing the jurat must be authorized to do so under the law of the jurisdiction where executed, rather than that the jurat must be in any prescribed form. Further, the word "(JURAT):" has been inserted at the beginning of the jurat wording in order to indicate the portion of the verification which is referred to by the term jurat.

Declaration. It is proposed to amend form 4.1a to place in a prominent position at the beginning of the declaration the warning which is required by statute relative to willful false statements (35 U.S.C. 25), and to insert at the end of the declaration the same language which appears in other application forms to the effect that "the facts set forth in this application are true," as well as clearer wording indicating that statements made of knowledge are true and those made on information and belief are believed to be true.

It is proposed to include at an appropriate place in application form 4.8 reference to the declaration in form 4.1a as an alternative to the reference to use of the verification in form 4.6.

New form for combined sections 8 and 15. It is proposed to provide a new form 4.16a for an affidavit which combines the requirements for section 8 of the Act as to continued use and section 15 of the Act as to incontestability.

Present form 4.16 for a section 15 affidavit contains a note stating the circumstances under which such form may be combined with form 4.15 for section 8, but it has been found that the note is easily overlooked and that in any event users of the forms have difficulty combining the two forms without additional guidance. It is proposed to delete reference to combining such form with section 8 requirements.

Representation. It is proposed that for greater clarity a footnote be added to form 4.2 to indicate that a power of attorney is not required from an attorney at law in order for such attorney to represent a trademark applicant.

Notes. In forms 4.1a and 4.10 it is proposed to alter the wording which introduces the Notes, in order to make the wording more clear and to agree with the wording used for the Notes in other forms. A brief general instruction has been added at the beginning of the Notes for form 4.15.

Miscellaneous. In order to make the language correct, in form 4.6 the word "affidavit" has been changed to "application," and in form 4.16 under "Representation," the word "rule" has been changed to "form." In forms 4.17 and 4.18 the term "members" has been changed to "partners" for greater accuracy. Changes or additions which are for editorial purposes and are not substantive have been made to form 4.8 in the parenthetical phrase concerning the verification, and to forms 4.13, 4.14 and 4.16 in the phrase concerning the listing of the goods.

The text of the proposed revised and added sections is as follows (additions are indicated by arrows; deletions are bracketed):

§ 4.1 Trademark application by an individual; Principal Register with oath.

Mark _____
(Identify the mark)
Class No._____
(If known)

To the Commissioner of Patents and trademarks:

_____
(Name of applicant, and trade style, if any)

_____
(Business address, including street, city and State)

_____
(Residence address, including Street, city and State)

_____
(Citizenship of applicant)

The above identified applicant has adopted and is using the trademark shown in the accompanying drawing (1) for

_____
(Common, usual or ordinary name of goods)

and requests that said mark be registered in the United States Patent and Trademark Office on the Principal Register established by the act of July 5, 1946.

The trademark was first used on the goods (2) on _____; was first used in (3)
(Date)
_____ commerce on _____;
(Type of commerce) (Date)
and is now in use in such commerce. (4)

The mark is used by applying it to (5) _____ and five specimens showing the mark as actually used are presented herewith.

(6)

State of_____
County of_____ } ss.

_____ ►hereby swears◄
(name of applicant)

[being sworn, states] that [:] he believes himself to be the owner of the trademark sought to be registered; to the best of his knowledge and belief no person, firm, corporation or association has the right to use said mark in commerce, either in the identical form or in such near resemblance thereto as to be likely, when applied to the goods of such other person, to cause confusion, or to cause mistake, or to deceive; and the facts set forth in this application are true.

_____
(Signature of applicant)

►(JURAT):◄

Subscribed and sworn to before me, this _____ day of _____, 19___.

_____ (*)
Notary Public

(*) (The ►person who signs the above jurat must be authorized to administer oaths◄ [jurat shall be in the form prescribed] by the law of the jurisdiction where executed, and the seal or stamp of the notary, or other evidence of authority in the jurisdiction of execution, must be affixed.)

REPRESENTATION

(See form 4.2 and Note (7) below.)

NOTES

(1) If registration is sought for a word or numeral mark not depicted in any special form, the drawing may be the mark typed in capital letters on letter-size bond paper; otherwise, the drawing shall comply with § 2.52.

(2) If more than one item in a class is set forth and the dates given for that class apply to only one of the items listed, insert the name of the item to which the dates apply.

(3) Type of commerce should be specified as "interstate," "territorial," "foreign," or other type of commerce which may lawfully be regulated by Congress Foreign applicants relying upon use must specify commerce which Congress may regulate, using wording such as commerce with the United States or commerce between the United States and a foreign country.

(4) If the mark is other than a coined, arbitrary or fanciful mark, and the mark is believed to have acquired a secondary meaning, insert whichever of the following paragraphs is applicable:

(a) The mark has become distinctive of applicant's goods as a result of substantially exclusive and continuous use in _____ commerce for the
(Type of commerce)
five years next preceding the date of filing of this application.

(b) The mark has become distinctive of applicant's goods as evidenced by the showing submitted separately.

(5) Insert the manner or method of using the mark with the goods, i.e., "the goods," "the containers for the goods," "displays associated with the goods," "tags or labels affixed to the goods," or other method which may be in use.

(6) The required fee of $35 for each class must be submitted.

(7) If the applicant is not domiciled in the United States, a domestic representative must be designated. See form 4.4.

§ 4.1a Trademark application by an individual Principal Register with declaration.

Mark _____
(Identify the mark)
Class No._____
(If known)

To the Commissioner of Patents and Trademarks:

_____
(Name of applicant, and trade style, if any)

_____
(Business address, including street, city and State)

_____
(Residence address, including street, city and State)

_____
(Citizenship of applicant)

The above identified applicant has adopted and is using the trademark shown in the accompanying drawing (1) for

_____
(Common, usual or ordinary name of goods)

and requests that said mark be registered in the United States Patent and Trademark Office on the Principal Register established by the act of July 5, 1946.

The trademark was first used on the goods (2) on _____; was first used in (3)
(Date)
_____ commerce on _____;
(Type of commerce) (Date)
and is now in use in such commerce. (4)

The mark is used by applying it to (5) _____ and five specimens showing the mark as actually are presented herewith.

(6)

[The undersigned applicant] _____
(Name of applicant)

►being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any registration resulting therefrom,◄ declares: That he believes himself to be the

owner of the trademark sought to be registered; that to the best of his knowledge and belief no other person, firm, corporation, or association has the right to use said mark in commerce, either in the identical form or in such near resemblance thereto as may be likely, when applied to the goods of such other person, to cause confusion, or to cause mistake, or to deceive; ►that the facts set forth in this application are true; and, further,◄ that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true [; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or document or any registration resulting therefrom].

(Signature of applicant)

(Date)

REPRESENTATION

(See form 4.2 and Note (7) under form 4.1)

[NOTES: See] ►NOTES◄

►For Notes referred to in this form but not set out here, see◄ same numbered Notes under form 4.1.

§ 4.2 Power of attorney at law (which may accompany application). ►(*)◄

Applicant hereby appoints (8) ----------, ----------, an attorney at law or
(Address)
attorneys at law, to prosecute this application to register, to transact all business in the Patent and Trademark Office in connection therewith, and to receive the certificate of registration.

NOTE.—(8) An individual attorney at law or individual attorneys at law must be named here. If the name of a law firm is given, it will be regarded merely as a designation of address for correspondence.

►(*) An attorney at law is not required to file a power of attorney; an attorney at law may represent a trademark applicant on the basis of being an attorney at law without presenting a power of attorney.)◄

§ 4.5 Trademark application by a firm; Principal Register.

Mark ----------
(Identify the mark)
Class No.----------
(If known)

To the Commissioner of Patents and Trademarks:

(Firm name and names of members comprising firm)

(Business address, including street, city and State)

(Domicile of firm)

(Citizenship of members of firm)

(Body of application is same as in form 4.1)

State of----------}
County of----------} ss.

---------- ►hereby swears◄
(Name of member of firm)
[being sworn, states] that he is a member of the applicant firm; he believes said firm to be the owner of the trademark sought to be registered; to the best of his knowledge and belief no other person, firm, corporation or association has the right to use said mark in commerce, either in the identical form or in such near resemblance thereto as to be likely, when applied to the goods of such other person, to cause confusion, or to cause mistake, or to deceive; and the facts set forth in this application are true.

(Signature of member of firm)

►(JURAT):◄
Subscribed and sworn to before me, this ------ day of ----------, 19---.

---------- (*)
Notary Public

(*) (The ►person who signs the above jurat must be authorized to administer oaths◄ [jurat shall be in the form prescribed] by the law of the jurisdiction where executed, and the seal or stamp of the notary, or other evidence of authority in the jurisdiction of execution, must be affixed.)

REPRESENTATION

(See form 4.2 and Note (7) under form 4.1)

§ 4.6 Trademark application by a corporation; Principal Register.

Mark ----------
(Identify the mark)
Class No.----------
(If known)

To the Commissioner of Patents and Trademarks:

(Corporate name and State or country of incorporation) (10)

(Business address, including street, city and State)

(Body of application is same as in form 4.1.)

State of----------}
County of----------} ss.

---------- ►hereby swears◄
(Name of corporate officer)
[being sworn, states] that [:] he is

(Official title)

applicant corporation (10) and is authorized to execute this ►application◄ [affidavit] on behalf of said corporation; he believes said corporation to be the owner of the trademark sought to be registered; to the best of his knowledge and belief no other person, firm, corporation or association has the right to use said mark in commerce, either in the identical form or in such near resemblance thereto as to be likely, when applied to the goods of such other person, to cause confusion, or to cause mistake, or to deceive; and the facts set forth in this application are true.

(Corporate name)

By ----------
(Signature of corporate officer and official title)

►(JURAT):◄
Subscribed and sworn to before me, this ------ day of ----------, 19---.

---------- (*)
Notary Public

(*) (The ►person who signs the above jurat must be authorized to administer oaths◄ [jurat shall be in the form prescribed] by the law of the jurisdiction where executed, and the seal or stamp of the notary, or other evidence of authority in the jurisdiction of execution, must be affixed.)

REPRESENTATION

(See form 4.2 and Note (7) under form 4.1.)

NOTE.—(10) If applicant is an association or other collective group, the word "association" or other appropriate designation should be substituted for "corporation" when referring to applicant.

§ 4.8 Collective mark application (including collective membership mark); Principal Register.

Mark ----------
(Identify the mark)
Class No. ----------
(If known)

To the Commissioner of Patents and Trademarks:

(Insert identification of applicant in accordance with form 4.6.)

The above identified applicant has adopted and is exercising legitimate control over the use of the collective mark shown in the accompanying drawing (1) for (13)

(Common, usual or ordinary name of goods or services)

to indicate (14)----------and requests that said mark be registered in the United States Patent and Trademark Office on the Principal Register established by the act of July 5, 1946.

The collective mark was first used on the (2)

(Insert "goods" or "services") (15)

by members of applicant on----------;
(Date)
was first used by said members in (3) ----------commerce on
(Type of commerce)
----------; and is now in use in
(Date)
such commerce. (4)

The mark is used by applying it to (5)---- and five specimens of the mark as actually used are presented herewith.

(Insert verification from form 4.6 ►or 4.1a◄, changing ►the wording as necessary to agree with applicant's legal entity.)◄ ["corporation" to "association" or the like, if necessary.)]

REPRESENTATION

(See form 4.2 and Note (7) under form 4.1)

NOTES

For Notes referred to in this form but not set out here, see same numbered Notes under form 4.1.

(13) If the application is for a membership mark, omit the word "for" and the space for the name of the goods or services.

(14) If the application is for a membership mark, insert "membership in applicant organization," or similar appropriate statement. If not for a membership mark, omit the words "to indicate" and the following space.

(15) If the application is for a membership mark, the phrase "on the goods or services" should be omitted.

§ 4.10 Application based on concurrent use; Principal Register.

Mark ----------
(Identify the mark)
Class No.----------
(If known)

To the Commissioner of Patents and Trademarks:

(Insert appropriate identification of applicant in accordance with form 4.1, 4.5 or 4.6.)

Use form 4.1, and add at the end of the first paragraph: "for the area comprising----

---
(List the States for which registration is sought)

and add as final paragraph of application:

The following exception(s) to applicant's right to exclusive use are:

By ----------, doing business at ----------, who is using the mark

---
(Identify mark and Reg. No. or Ser. No., if any)

for _____
(Common, usual, or ordinary name of goods or services)
in the States of_____by applying the mark to (5)_____
from_____to the present."
(Earliest known date of such use)

(Insert appropriate verification or declaration from form 4.1, 4.1a, 4.5 or 4.6 and add after the word "association" the words "other than specified in the application.")

REPRESENTATION

(See form 4.2 and Note (7) under form 4.1.)

[NOTES: See] ►NOTES◄

►For Notes referred to in this form but not set out here, see◄ same numbered Notes under form 4.1.

§ 4.13 Application for renewal.

Mark _____
(Identify the mark)
Reg. No_____
Class No_____

To the Commissioner of Patents and Trademarks:

(Insert appropriate identification of applicant for renewal in accordance with form 4.1, 4.5 or 4.6.) (1)

The above identified applicant for renewal requests that the above identified registration, granted to_____
(Name of original registrant)
on _____
(Date of Issuance)
which applicant for renewal now owns, as shown by records in the Patent and Trademark Office, be renewed in accordance with the provisions of section 9 of the act of July 5, 1946.

The mark shown in said registration is still in use in (2)_____
(Type of commerce)
commerce on each of the following goods (3) recited in the registration:

_____;
►(List the goods or insert the words "all the goods")◄
the attached specimen (or facsimile) showing the mark as currently used. (4)
(5)

State of_____}
County of_____} ss.

_____
(Name of renewal applicant or of person authorized to sign for renewal applicant)
►hereby swears◄ [being sworn, states] that the applicant for renewal owns the above identified registration; and that to the best of his knowledge and belief the facts set forth in this application are true.

_____
(Signature of renewal applicant; if renewal applicant is a corporation or other juristic organization, give the official title of the person who signs for renewal applicant.)

(JURAT) (use jurat from form 4.1.)

REPRESENTATION

(See form 4.2 and Note (6) below.)

NOTES

(1) Applicant for renewal must be the present owner of the registration.

(2) Type of commerce should be specified as "interstate," "foreign," territorial," or other type of commerce which may lawfully be regulated by Congress. Foreign registrants must specify commerce which Congress may regulate, using wording such as commerce with the United States or commerce between the United States and a foreign country.

(3) If a service mark registration, state "in connection with each of the following services * * *".

(4) If the mark is not in use in commerce at the time of filing the application for renewal, but there is no intention to abandon the mark, facts must be recited to show that the nonuse is due to special circumstances. A specimen (or facsimile) illustrating use, or facts as to nonuse, must be submitted for each class sought to be renewed.

(5) The required fee for renewal sought prior to expiration is $25.00 for each class; and for delayed renewal filed within three months after expiration, an additional $5.00 for each class. If renewal is sought for less than the total number of classes in the registration, the classes for which renewal is sought should be specified.

(6) If applicant for renewal is not domiciled in the United States, a domestic representative must be designated. See form 4.4. If a designation is not made, an unrevoked designation will meet the requirement if such is already in the registration file.

§ 4.14 Affidavit for publication under section 12(c).

Mark _____
(Identify the mark)
Reg. No_____
Date of Issue_____
To: _____
(Name of original registrant)

State of_____}
County of_____} ss.

_____
(Name of registrant or of person authorized to sign for a juristic registrant)
►hereby swears◄ [being sworn, states] that (1) _____
(Name of registrant)
owns the above identified registration, as shown by records in the Patent and Trademark Office; that said registration is now in force; that the mark shown therein is in use in (2) _____ commerce on
(Type of commerce)
each of the following goods (3) recited in the registration: _____;
►(List the goods or insert the words "all the goods")◄
and that the benefits of the act of July 5, 1946, are hereby claimed for said registration.

_____
(Signature; if a corporation or other juristic organization, give the official title of the person who signs.)

(JURAT) (Use jurat from form 4.1.)

REPRESENTATION

(See form 4.2 and Note (5) below)

NOTES

(1) The present owner of the registration must file the affidavit as registrant.

(2) Type of commerce should be specified as "interstate," "territorial," "foreign," or other type of commerce which may lawfully be regulated by Congress. Foreign registrants must specify commerce which Congress may regulate, using wording such as commerce with the United States or commerce between the United States and a foreign country.

(3) If a service mark registration, state: "in connection with each of the following services."

(4) The required fee of $10.00 must be submitted.

(5) If registrant is not domiciled in the United States, a domestic representative must be designated. See form 4.4. If a designation is not made, an unrevoked designation will meet the requirement if such is already in the registration file.

§ 4.15 Affidavit required by section 8.

Mark _____
(Identify the mark)
Reg. No_____
Class No_____

State of_____}
County of_____} ss.

_____
(Name of registrant or of person authorized to sign for a juristic registrant)
►hereby swears◄ [being sworn, states] that (1) _____ owns the above
(Name of registrant)
identified registration issued _____
(Date)
(2), as shown by records in the Patent and Trademark Office; and that the mark shown therein is still in use (3) as evidenced by (4) _____.
(5)

_____
(Signature; if a corporation or other juristic organization, give the official title of the person who signs.)

(JURAT) (Use jurat from form 4.1.)

REPRESENTATION

(See form 4.2 and Note (6) below)

NOTES

►The affidavit illustrated by this form must be filed within the sixth year after the date of registration under the act of 1946 or after the date of publication under section 12(c) of said act.◄

(1) The present owner of the registration must file the affidavit as registrant.

(2) If the registration issued under a prior act and has been published under section 12(c), add: "and published under section 12(c) on _____".
(Date)

(3) If the mark is not in use at the time of filing the affidavit, but there is no intention to abandon the mark, facts must be recited to show that the nonuse is due to special circumstances.

(4) Insert "the specimen included showing the mark as currently used," or recite facts as to sales or advertising which will show that the mark is in current use. Specimen illustrating use, or facts as to use or nonuse, are required for each class for which action is sought.

(5) The required fee of $10.00 must be submitted for each class for which action is sought, and if action is sought for less than the total number of classes in the registration, the classes for which action is sought should be specified.

(6) If registrant is not domiciled in the United States, a domestic representative must be designated. See form 4.4. If a designation is not made, an unrevoked designation will meet the requirement if such is already in the registration file.

§ 4.16 Affidavit under section 15. [(or combined sections 8 and 15)]

Mark _____
(Identify the mark)
Reg. No_____
Class No_____

State of_____}
County of_____} ss.

_____
(Name of registrant or of person authorized to sign for a juristic registrant)
►hereby swears◄ [being sworn, states] that (1) _____ owns the above
(Name of registrant)
identified registration issued _____
(Date)
(2), as shown by records in the Patent and Trademark Office; that the mark shown therein has been in continuous use in (3)

_____ commerce for five
(Type of commerce)
consecutive years from (4) _____
(Date)
to the present, on each of the following goods (5) recited in the registration:

_____
(List [of] ►the◄ goods ►or insert the words "all the goods"◄)
that such mark is still in use in (3) _____
_____
(Type of commerce)
commerce; that there has been no final decision adverse to registrant's claim of ownership of such mark for such goods or services, or to registrant's right to register the same or to keep the same on the register, and that there is no proceeding involving said rights pending and not disposed of either in the Patent and Trademark Office or in the courts.

_____
(Signature; if a corporation or other juristic organization, give the official title of the person who signs.)
(JURAT) (Use jurat from form 4.1.)

REPRESENTATION

(See [rule] ►form◄ 4.2 [and note (6) below])

NOTES

[This form may be used as a combined affidavit under sections 8 and 15 provided it contains matter which will meet the requirements of section 8 as to use or nonuse and fee (see form 4.15, Notes (3), (4) and (5)).]

(1) The present owner of the registration must file the affidavit as registrant.

(2) If the registration issued under a prior act and has been published under section 12(c), add: "and published under section 12(c) on _____"
(Date)

(3) Type of commerce must be specified as "interstate," "territorial," "foreign," or such other commerce as may lawfully be regulated by Congress. Foreign registrants must specify commerce which Congress may regulate, using wording such as commerce with the United States or commerce between the United States and a foreign country.

(4) The date should be at the beginning of a five year period of continuous use, all of which five year period falls after the date of registration under the act of 1946 or after the date of publication under section 12(c). A date which would produce a period of continuous use which is longer than five years may be stated provided the period indicated includes five years of continuous use after registration under the act of 1946 or publication under section 12(c).

(5) If a service mark registration, state: "in connection with each of the following services."

[(6) If registrant is not domiciled in the United States, a domestic representative must be designated as to the section 8 affidavit. See form 4.4. If a designation is not made, an unrevoked designation will meet the requirement if such is already in the registration file.]

►§ 4.16a Combined affidavit for sections 8 and 15.

Mark _____
(Identify the mark)
Reg. No. _____
Class No. _____

State of _____ }
County of _____ } ss.

_____
(Name or registrant or of person authorized to sign for a juristic registrant)
hereby swears that (1) _____
(Name of registrant)
owns the above identified registration issued _____ (2), as shown by records in the Patent and Trademark Office; that the mark shown therein has been in continuous use in (3) _____
(Type of commerce)
commerce for five consecutive years from the date of the registration (4) to the present, on each of the following goods (5) recited in the registration: _____;
(List the goods or insert the words "all the goods")
that such mark is still in use as evidenced by (6) _____; that there has been no final decision adverse to registrant's claim of ownership of such mark for such goods or services, or to registrant's right to register the same or to keep the same on the register, and that there is no proceeding involving said rights pending and not disposed of either in the Patent and Trademark Office or in the courts.

(7)

_____
(Signature; if a corporation or other juristic organization, give the official title of the person who signs.)

(JURAT) (Use jurat from form 4.1.)

REPRESENTATION

(See form 4.2 and note (8) below)

NOTES

This form should not be used when the section 8 affidavit is based on nonuse.

(1) The present owner of the registration must file the affidavit as registrant.

(2) If the registration issued under a prior act and has been published under section 12(c), add: "and published under section 12(c) on _____."
(Date)

(3) Type of commerce must be specified as "interstate," "territorial," "foreign," or such other commerce as may lawfully be regulated by Congress. Foreign registrants must specify commerce, which Congress may regulate, using wording such as commerce with the United States or commerce between the United States and a foreign country.

(4) This form is only appropriate when the five year period of continuous use required for section 15 is the first five years after registration or publication under section 12(c) which is required for section 8.

(5) If a service mark registration, state: "in connection with each of the following services."

(6) Insert "the specimen included showing the mark as currently used," or recite facts as to sales or advertising which will show that the mark is in current use.

(7) The required fee of $10.00 for section 8 must be submitted for each class for which action is sought, and if action is sought for less than the total number of classes in the registration, the classes for which action is sought should be specified.

(8) If registrant is not domiciled in the United States, a domestic representative must be designated for section 8. See form 4.4. If a designation is not made, an unrevoked designation will meet the requirement if such is already the registration file.◄

§ 4.17 Opposition in the United States Patent and Trademark Office.

In the matter of application Serial No. _____. Published in the Official Gazette on _____
(Date)

_____
(Name of opposer)
v.
_____
(Name of applicant)

Opposition No. _____
(To be inserted by Patent and Trademark Office)

_____,
(Name of opposer)
a(n) (1) _____, located and
(Legal entity of opposer)
doing business at _____,
(Street, city and State)
believes that he will be damaged by registration of the mark shown in the above identified application, and hereby opposes the same.

As grounds of opposition, it is alleged that:
(Numbered paragraphs should state the grounds and recite facts tending to show why opposer believes he will be damaged.)

(2) _____
(Signature of opposer; if opposer is a corporation or other juristic organization, give the official title of the person who signs for opposer.)

State of _____ }
County of _____ } ss.

_____
(Name of opposer or of person authorized to sign for opposer)
►hereby swears◄ [being sworn, states] that he is the opposer named in the foregoing opposition, or is the person authorized to sign for the opposer named in the foregoing opposition; that he has read and signed the opposition and knows the contents thereof; and that the allegations are true, except as to the matters stated therein to be upon information and belief, and as to those matters he believes them to be true.

_____
(Signature of opposer; if opposer is a corporation or other juristic organization, give the official title of the person who signs for opposer.)

(JURAT) (Use jurat from form 4.1.)

REPRESENTATION

(See foam 4.2 and Note (7) under foam 4.1. For opposers who are foreigners, it is customary to regard a power of attorney as the equivalent of a domestic representative.)

NOTES

(1) If an individual, state: "an individual," or "an individual trading as _____," if there is a trade style. If a partnership, state: "a partnership composed of _____
_____
(Names of [members] ►partners◄)
If a corporation, association, or other organization, state "a corporation (or specify other type of organization) organized and existing under the laws of _____"
(State or country)

(2) The required fee of $25 must be submitted for each class to be opposed, and if opposition is sought for less than the total number of classes, the classes sought to be opposed should be specified.

§ 4.18 Petition to cancel a registration in the United States Patent and Trademark Office.

In the matter of Registration No. _____
Date of Issue _____
_____
(Name of petitioner)
v.
_____
(Name of registrant)
Cancellation No. _____
(To be inserted by Patent and Trademark Office)

_____,
(Name of petitioner)
a(n) (1) _____,
(Legal entity of petitioner)
located and doing business at _____,
(Street, City and State)

believes that he is or will be damaged by the above identified registration, and hereby petitions to cancel the same.

As grounds therefor, it is alleged that:

(Numbered paragraphs should state the grounds and recite facts tending to show why petitioner believes that he is or will be damaged.)

(2) _____

(Signature of petitioner; if petitioner is a corporation or other juristic organization, give the official title of the person who signs for petitioner.)

State of _____ } ss.
County of _____ }

_____

_____

(Name of petitioner or of person authorized to sign for petitioner)

►hereby swears◄ [being sworn, states] that he is the petitioner named in the foregoing petition to cancel, or is the person authorized to sign for the petitioner named in the foregoing petition to cancel; that he has read and signed the petition to cancel and knows the contents thereof; and that the allegations are true, except as to the matters stated therein to be upon information and belief, and as to those matters he believes them to be true.

_____

(Signature of petitioner to cancel; if petitioner is a corporation or other juristic organization, give the official title of the person who signs for petitioner.)

(JURAT) (Use jurat from form 4.1.)

REPRESENTATION

(See form 4.2 and Note (7) under form 4.1. For petitioners who are foreigners, it is customary to regard a power of attorney as the equivalent of a domestic representative.)

NOTES

(1) If an individual, state: "an individual," or "an individual trading as _____," if there is a trade style. If a partnership, state: "a partnership composed of _____"

_____

(Names of [members]►partners◄)

corporation, association, or other organization, state "a corporation (or specify other type of organization) organized and existing under the laws of _____"

(State or country)

(2) The required fee of $25.00 must be submitted for each class sought to be cancelled, and if cancellation is sought for less than the total number of classes, the classes sought to be cancelled should be specified.

§ 4.21 Assignment of application.

Whereas _____, of

(Name of assignor)

_____,

(Street, city, and State)

has adopted and is using a mark for which he has filed application in the United States Patent and Trademark Office for registration, Serial No. _____; and

Whereas _____, of

(Name of assignee)

(1) _____,

(Street, city and State)

is desirous of acquiring said mark;

Now, therefore, for good and valuable consideration, receipt of which is hereby acknowledged, said _____

(Name of assignor)

does hereby assign unto the said _____ all rights, title and

(Name of assignee)

interest in and to the said mark, together with the good will of the business symbolized by the mark, and the above identified application for registration of said mark.

The Commissioner of Patents and Trademarks is requested to issue the certificate of registration to said assignee.

_____

(Signature of assignor; if assignor is a corporation or other juristic organization, give the official title of the person who signs for assignor.)

State of _____ } ss.
County of _____ }

On this _____ day of _____, 19--, before me appeared _____, the person who signed this instrument, ►who acknowledged that he signed it as a free act on his own behalf (or on behalf of the identified corporation or other juristic entity with authority to do so).◄ [on his own behalf, or who was authorized to sign on behalf of the identified corporation or other juristic entity, who being sworn, acknowledged that he signed this instrument as a free act.]

_____(*)

Notary Public

(*) ►(The wording of the acknowledgment may vary from this illustration but should be wording acceptable under the law of the jurisdiction where executed; the person who signs the acknowledgment must be authorized to do so◄ [(The acknowledgment shall be in the form prescribed] by the law of the jurisdiction where executed, and the seal or stamp of the notary, or other evidence of authority in the jurisdiction of execution, must be affixed.)

NOTES

(1) If the postal address of the assignee is not given either in the instrument or in an accompanying paper, registration to the assignee may be delayed.

(2) If assignee is not domiciled in the United States, a domestic representative must be designated. See form 4.4.

§ 4.22 Assignment of registration.

Whereas _____, of

(Name of assignor)

_____,

(Street, city, and State)

has adopted, used and is using a mark which is registered in the United States Patent and Trademark Office, Registration No. _____, dated _____; and

Whereas _____, of

(Name of assignee)

(1) _____,

(Street, city and State)

is desirous of acquiring said mark and the registration thereof;

Now, therefore, for good and valuable consideration, receipt of which is hereby acknowledged, said _____

(Name of assignor)

does hereby assign unto the said _____

(Name of assignee)

all rights, title and interest in and to the said mark, together with the good will of the business symbolized by the mark, and the above identified registration thereof.

(2) _____

(Signature of assignor, if assignor is a corporation or other juristic organization, give the official title of the person who signs for assignor.)

State of _____ } ss.
County of _____ }

On this _____ day of _____, 19--, before me appeared _____, the person who signed this instrument, ►who acknowledged that he signed it as a free act on his own behalf (or on behalf of the identified corporation or other juristic entity with authority to do so).◄ [on his own behalf, or who was authorized to sign this instrument on behalf of the identified corporation or other juristic entity, who being sworn, acknowledged that he signed this instrument as a free act.]

_____(*)

Notary Public

(*) ►(The wording of the acknowledgment may vary from this illustration but should be wording acceptable under the law of the jurisdiction where executed; the person who signs the acknowledgment must be authorized to do so◄ [(The acknowledgment shall be in the form prescribed] by the law of the jurisdiction where executed, and the seal or stamp of the notary, or other evidence of authority in the jurisdiction of execution, must be affixed.)

NOTES

(1) If the postal address of the assignee is not given either in the instrument or in an accompanying paper, recording may be delayed pending receipt of such address.

(2) If assignee is not domiciled in the United States, a domestic representative must be designated. See form 4.4.

Dated: April 4, 1977.

C. MARSHALL DANN,
Commissioner of Patents and Trademarks.

Approved:

BETSY ANCKER-JOHNSON,
Assistant Secretary for Science and Technology.

[FR Doc.77-12616 Filed 5-2-77;8:45 am]

FEDERAL MARITIME COMMISSION

[46 CFR Part 502]

[Docket No. 77-12]

RULES OF PRACTICE AND PROCEDURE; DESIGNATION OF PARTIES

Proposed Rulemaking

AGENCY: Federal Maritime Commission.

ACTION: Proposed rule change.

SUMMARY: The Federal Maritime Commission is proposing to amend its regulations to terminate the practice of naming persons protesting individual changes in tariffs "complainants" and to cease making them automatic parties to formal proceedings instituted by the Commission to investigate rate changes in general-revenue cases. These changes are made to eliminate confusion and unnecessary consumption of time, and to assist persons in understanding their rights.

DATES: Comments on or before: June 1, 1977.

ADDRESSES: Comments to: Secretary, Federal Maritime Commission, Washington, D.C. 20573.

FOR FURTHER INFORMATION CONTACT:

Joseph C. Polking, Acting Secretary, Federal Maritime Commission, 1100 L Street NW., Washington, D.C. 20573, 202-523-5725.

SUPPLEMENTARY INFORMATION: The Commission is proposing to amend Rule 3(a), 46 CFR 502.41, of its rules of practice and procedure. It is proposed that persons who protest proposed rate changes in tariffs published by water

carriers regulated by this Commission no longer be designated as "complainants" in Orders of Investigation which are issued by the Commission to determine the lawfulness of such carriers' requests for additional revenue in so-called "general-revenue" cases. Secondly, it is proposed that such persons no longer automatically be made parties to formal proceedings initiated by the aforesaid Orders. The reasons for these proposed changes are as follows.

In so-called "general-revenue" investigations, the basic issue is whether the gross revenue which the carrier is seeking to derive from its proposed rate changes is just and reasonable. This issue is not whether the rate on any particular commodity is just and reasonable. Nevertheless, under the current rule any person stating his dissatisfaction with any particular rate is named a "complainant" and automatically becomes a party to the formal proceeding instituted by the Commission despite the fact that such person is usually raising an issue which is irrelevant to the issue to be determined in such an investigation and under other circumstances such person would have to justify his desire to become a party to the proceeding by showing, among other things, that he would not broaden the issues in the proceeding unduly. See Rule 5(1), 46 CFR 502.72. Because such persons are frequently interested in a different issue, they either consume time needlessly during the proceeding while they attempt to present irrelevant evidence and arguments or they often do not appear or participate at all, although all active parties are required to serve them with pleadings and documents, often at great expense to these active parties. A final problem that arises is that the use of the term "complainant" under the present rule confuses such persons who file actual complaints pursuant to section 22 of the Shipping Act, 1916 (46 U.S.C. 821), and deludes the former class of persons into believing that they have complied with section 22 of the Act.

In order to clarify these matters, eliminate the confusion and unnecessary consumption of time, and assist persons in understanding their rights, the Commission's Orders of Investigation will hereafter take cognizance of these problems; and the Commission is proposing appropriate amendments to its rules of practice and procedure, specifically Rule 3(a) 46 CFR 502.41.

Therefore, pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 553), sections 22 and 43 of the Shipping Act, 1916 (46 U.S.C. 821, 841a), and section 3 of the Intercoastal Shipping Act, 1933 (46 U.S.C. 845), Part 502 of Title 46, Code of Federal Regulations, is proposed to be amended as set forth below.

§ 502.41 [Amended]

1. Section 502.41 is proposed to be amended by deleting the following words from the second sentence: "and/or § 502.67 (Rule 5(g))".

Since the proposal set forth in this rulemaking proceeding concerns procedural matters limited to the conduct of formal proceedings before the Commission, its adoption could in no way be considered to result in major federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.). Consequently no environmental impact statement will be issued in this proceeding.

By order of the Federal Maritime Commission.

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc.77-12551 Filed 5-2-77;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

APACHE NATIONAL FOREST GRAZING ADVISORY BOARD

Meeting

The Apache Grazing Advisory Board will meet at 1:00 p.m. on June 9, 1977, at the Ramada Inn, Springervile, Arizona.

The purpose of the meeting is to elect officers for the Apache National Forest Grazing Advisory Board. Other business concerning permittee and Forest Service relationships will be discussed. The procedures for establishing a new board and charter under the Federal Land Management Policy Act will be discussed. Also the authority of the new board, which will be limited to development of Allotment Management Plans, and use of Range Betterment funds, will also be discussed.

The meeting will be open to the public. Persons who wish to attend may contact:

Forest Supervisor, Apache-Sitgreaves National Forests, P.O. Box 640, Springerville, Arizona, Phone 333–4301.

1. Those wishing to make a verbal statement or comment on the petition for forming a grazing advisory board should present written documentation and state the amount of time required to present the topic.

2. The Forest Supervisor will review all requests and inform each participant of the time alloted for their presentation.

Time permitting, other questions or statements will be received following the meeting. If not, written statements will be received.

Dated: May 5, 1977.

MILES P. HANRAHAN,
Acting Forest Supervisor.

[FR Doc.77–12573 Filed 5–2–77;8:45 am]

SITGREAVES NATIONAL FOREST GRAZING ADVISORY BOARD

Meeting

The Sitgreaves Grazing Advisory Board will meet at 10:00 a.m. on June 10, 1977, at the Maxwell House, Show Low, Arizona.

The purpose of the meeting is to elect officers for the Sitgreaves National Forest Grazing Advisory Board. Other business concerning permittee and Forest Service relationships will be discussed. The procedures for establishing a new board and charter under the Federal Land Management Policy Act will be discussed. Also the authority of the new board, which will be limited to development of Allotment Management Plans, and use of Range Betterment funds, will also be discussed.

The meeting will be open to the public. Persons who wish to attend may contact:

Forest Supervisor, Apache-Sitgreaves National Forests, P.O. Box 640, Springerville, Arizona, Phone 333–4301.

1. Those wishing to make a verbal statement or comment on the petition for forming a grazing advisory board should present written documentation and state the amount of time required to present the topic.

2. The Forest Supervisor will review all requests and inform each participant of the time alloted for their presentation.

Time permitting, other questions or statements will be received following the meeting. If not, written statements will be received.

Dated: May 2, 1977.

MILES P. HANRAHAN,
Acting Forest Supervisor.

[FR Doc.77–12574 Filed 5–2–77;8:45 am]

Office of the Secretary

NATIONAL ADVISORY COUNCIL ON CHILD NUTRITION

Meeting

Pursuant to Pub. L. 92–463, notice is hereby given that the National Advisory Council on Child Nutrition, which was established to make a continuing study of the child nutrition programs of the Department of Agriculture, is scheduled to hold a meeting on May 10–11, 1977, in room 645 GHI Building, 500 12th Street SW., Washington, D.C. On May 10 the meeting will be held from 9 a.m. to 4:30 p.m. and on May 11 from 9 a.m. to 12 noon. The meeting which is in effect a rescheduling of a previously postponed meeting will include a review of the Budget Request for 1978, Summer Food Service Program, Legislative Update, Training Grants Study, Update on Surveys and Studies and Offer vs. Serve. The meeting will be open to the public. Additional information can be obtained by contacting the executive secretary, Herbert D. Rorex, at 202–447–6603.

Dated: April 29, 1977.

CAROL T. FOREMAN,
Assistant Secretary and Chairman, National Advisory Council on Child Nutrition

[FR Doc.77–12753 Filed 5–2–77;8:45 am]

Rural Electrification Administration

SHO-ME POWER CORP., MARSHFIELD, MO.

Proposed Loan Guarantee

Under the authority of Pub. L. 93–32 (87 Stat. 65) and in conformance with applicable agency policies and procedures as set forth in REA Bulletin 20–22 (Guarantee of Loans for Bulk Power Supply Facilities), notice is hereby given that the Administrator of REA will consider: (a) providing a guarantee supported by the full faith and credit of the United States of America for a loan in the approximate amount of $3,517,000 to Sho-Me Power Corporation of Marshfield, Mo., and (b) supplementing such a loan with an insured REA loan at 5 percent interest in the approximate amount of $6,012,000 to this corporation. These loan funds will be used to finance a project consisting of approximately 27 miles of 161 kV transmission line, 49 miles of 69 kV transmission line and related facilities.

Legally organized lending agencies capable of making, holding, and servicing the loan proposed to be guaranteed may obtain information on the proposed project, including the engineering and economic feasibility studies and the proposed schedule for the advances to the borrower of the guaranteed loan funds from Mr. John K. Davis, Manager, Sho-Me Power Corporation, Marshfield, Mo. 65706.

In order to be considered, proposals must be submitted on or before June 1, 1977, to Mr. Davis. The right is reserved to give such consideration and make such evaluation or other dispostion of all proposals received, as Sho-Me and REA deem appropriate. Prospective lenders are advised that the guaranteed financing for this project is available from the Federal Financing Bank under a standing agreement with the Rural Electrification Administration.

Copies of REA Bulletin 20–22 are available from the Director, Information Services Division, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250.

Dated at Washington, D.C., this 26th day of April 1977.

JOSEPH VELLONE,
Acting Administrator, Rural Electrification Administration.

[FR Doc.77–12656 Filed 5–2–77;8:45 am]

Soil Conservation Service

POHICK CREEK WATERSHED, VIRGINIA

Availability of Negative Declaration

Pursuant to section 102(2)(C) of the National Environmental Policy Act of

1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for a portion of the Pohick Creek Watershed, Fairfax County, Virginia.

The environmental assessment of this federal action indicates that this portion of the project will not create significant adverse local, regional, or national impacts on the environment, and that no significant controversy is associated with this portion of the project. As a result of these findings, Mr. David N. Grimwood, State Conservationist, Soil Conservation Service, USDA, 400 North 8th Street, Room 9201, Richmond, Virginia 23240, has determined that the preparation and review of an environmental impact statement is not needed for this portion of the project.

The project concerns a plan for watershed protection and flood prevention. The planned works of improvement as described in the negative declaration include conservation land treatment supplemented by two single purpose floodwater retarding structures.

The negative declaration is being filed with the Council on Environmental Quality and copies are being sent to various federal, state, and local agencies. The basic data developed during the environmental assessment is on file and may be reviewed by interested parties at the Soil Conservation Service, 400 North 8th Street, Room 9201, Richmond, Virginia 23240. A limited number of copies of the negative declaration is available from the same address to fill single copy requests.

No administrative action on implementation on the proposal will be taken until 15 days after the date of this notice.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program, Public Law 83-566, 16 USC 1001-1008).

JOSEPH W. HAAS,
Assistant Administrator for Water Resources Soil Conservation Service

[FR Doc.77-12577 Filed 5-2-77;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 30697; Order 77-4-28]

CARIBBEAN AREA SERVICE INVESTIGATION

Order Instituting Investigation; Correction

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 6th day of April 1977.

In FR Doc. 77-10720, appearing at page 19165, in the issue of Tuesday, April 12, 1977, the following civic parties were inadvertently omitted from the service list attached as Appendix A:

Commonwealth of Puerto Rico
State of Maryland

In addition, Antilles Air Boats, Inc., a commuter air carrier, has requested that it be served with copies of comments and responses in this proceeding. Accordingly, a corrected copy of Appendix A is attached below.

By the Civil Aeronautics Board.

Dated: April 18, 1977.

PHYLLIS T. KAYLOR,
Secretary.

APPENDIX A

SERVICE LIST

Certificated Route Air Carriers

Airlift International, Inc.
Allegheny Airlines, Inc.
American Airlines, Inc.
Braniff Airways, Inc.
Continental Air Lines, Inc.
Delta Air Links, Inc.
Eastern Air Lines, Inc.
National Airlines, Inc.
Northwest Airlines, Inc.
Pan American World Airways, Inc.
Southern Airways, Inc.
Trans World Airlines, Inc.
United Air Lines, Inc.

Supplemental Air Carriers

Capitol International Airways, Inc.
Evergreen International Airlines, Inc.
McCulloch International
Overseas International Airways, Inc.
Rich International Airways, Inc.
Trans International Airlines, Inc.
World Airways, Inc.

Commuter Air Carriers

Air Florida
Air Sunshine
Chalk's International Airline, Inc.
Florida Airlines, Inc.
Mackey International Airlines, Inc.
Marco Island Airways
Naples Airlines
Puerto Rico International Airlines, Inc.
Southeast Airlines
Antilles Air Boats, Inc.

Civic Parties

City of Baltimore
City of Boston
City of Chicago
City of Miami
City of New Orleans
City of New York
City of Philadelphia
Commonwealth of Puerto Rico
State of Maryland

[FR Doc.77-12708 Filed 5-2-77;8:45 am]

[Doc. 27573, Agreement C.A.B. 26537; Order 77-4-76]

IATA

Agreement Adopted Relating to Specific Commodity Rates

Correction

In FR Doc. 77-11827 appearing at page 21303 in the issue of Tuesday, April 26, 1977, there are 2 errors:

(1) In the table, the second column, line 26 should read "[1] 33";

(2) In the table on page 21304, the heading "Rates extended under existing commodity descriptions:" should appear under the rule line and above the entry "2201" in the first column.

[Docket No. 27573; Agreement C.A.B. 26573; Order 77-4-112]

IATA

Agreement and Order Relating to Specific Commodity Rates

Issued under delegated authority, April 25, 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 an additional specific commodity description and rate as set forth below, reflecting reductions from general cargo rates; and was adopted pursuant to unprotested notice to the carriers and promulgated in an IATA letter dated April 19, 1977.

Specific commodity item No.	*Description and rate* [1]
4515 ----------	Nuclear and hydrocarbon powerplant equipment; namely valves, electrical machinery, mechanical machinery, and parts thereof; 202c/kg.[2] minimum weight 2,000 kg. From New York to Taipei.

[1] Subject to applicable currency conversion factors as shown in tariffs.
[2] Expires Dec. 31, 1977.

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. 26573 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 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.77-12705 Filed 5-2-77;8:45 am]

[Docket No. 30716; Order 77-4-107]

TRANS WORLD AIRLINES, INC.

Order of Suspension and Investigation Regarding Cargo Advance Purchase Tariffs

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 11th day of April 1977.

On March 1, 1977, Trans World Airlines, Inc. (TWA) filed a tariff, effective April 24, 1977, proposing freight-all-kinds (FAK) "Cargo Advance Purchase" (CAP) minimum charges and rules for carriage of unit-load-device (ULD) cargo in the U.S.-U.K. market.[1] The proposal involves a contractual commitment by the shipper to use a specified number of container positions on specified days and flights (at least one Type 8 container position per week), for a minimum period of 140 days. The space would be reserved and paid for by the shipper whether actually occupied or not. The New York–London rate, constructed in relation to the $7.25-per-mile charter rate for narrow-body equipment, would be set at 74 cents per kilogram at the specified pivot weight. Under TWA's present tariff conversion procedures, the westbound, London-New York rate would be set at a level approximating 38 pence per kilogram, which would yield approximately 65 cents per kilogram at the specified pivot weight.[2]

In support of its proposal, TWA alleges that CAP rates are a superior competitive alternative to the British Airways Contract Cargo Rates[3] and other high-volume discount schemes, in that CAP rates are premised upon transfer of the "load factor risk" to the shipper; that CAP rates are available to both large and small shippers; are economical and will provide adequate compensation to the carrier; will attract surface cargo to air while preserving the benefits inherent in air transportation; and will reduce traffic peaking problems and disruptions at air cargo terminals caused by high weightbreak offerings. The carrier argues further that CAP's FAK application will extend discounts to all customers whose shipments achieve a relatively high density; and that all carriers will be able to compete on an equal basis, regardless of equipment type, because CAP rates are set at equal levels for equal density for all container types.

In supplementary justification, filed March 21, 1977, TWA contends that CAP rates will generate approximately 3.4 million kilograms of air cargo traffic per year, a 19-percent increase, producing about six times the revenue required to offset its annual revenue loss of $389,000 through diversion of ULD traffic to CAP.

Complaints requesting suspension pending investigation of TWA's proposal have been filed by Pan American World Airways, Inc. (Pan Am) and Seaboard World Airlines, Inc. (Seaboard). These parties assert, among other things, that TWA's economic justification is premised upon attainment of an unrealistic cargo traffic density of 14.7 lbs./cu. ft., such that at 100 percent load factor the cargo weight would exceed the operational capability of a B–707 freighter; that CAP rates are uneconomical even at 100 percent load factor, producing yields in all-cargo operations of 16.8–19.7 cents per revenue ton-mile (RTM), well below TWA's operating cost of 22.59 cents per available ton-mile (ATM); that westbound CAP rates are below TWA charter rates and, therefore, patently uneconomical; and that TWA has failed to make any quantitative generation study. Seaboard further alleges that the CAP proposal is unjustly discriminatory under section 404(b) of the Federal Aviation Act of 1958, citing our suspension pending investigation of British Airways' Contract Cargo Rates in Order 76–12–162.

TWA has filed a consolidated answer to the complaints, stating that acceptable revenue improvement is achievable at densities below 14.7 lbs./cu. ft. because CAP minimum charges are based upon container type; that even assuming a density of 14.7 for CAP traffic, TWA plans to limit CAP space to 50 percent of available cargo capacity and, coupled with an industry-average density of 11.23 for non-CAP traffic, the total load would be well within the lift capability of the B–707 freighter; that TWA's alleged operating cost of 22.59 cents per ATM, relied upon by Pan Am and Seaboard in their complaints, is taken from TWA's justification for the most recent IATA North Atlantic freight rate increase, and reflects discontinued multi-stop service by TWA to France, Italy, and Switzerland, misallocated training costs, and overstated contractual cost increases, whereas under its lower, amended costs, which better reflect operations in the U.S.-U.K. market, CAP rates are economical; that CAP rates are in excess of industry-average cost per ATM, which is a truer measure of the viability of CAP rates than cost per RTM; and that CAP rates are not discriminatory because the shipper is assuming the carrier's load factor risk, and because the Board has previously reviewed the discriminatory aspects of blocked-space rates, upon which the CAP concept is based, and allowed these rates to go into effect.

Upon consideration of the proposal, the complaints and answer thereto, and all other relevant matters, the Board finds that the proposed rates may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and should be investigated. The Board further finds that the proposed rates should be suspended pending investigation.

We consider TWA's traffic generation analysis to be of dubious value. The attractiveness of CAP rates depends upon the level of their discount, which in turn increases with the density of the cargo tendered up to a certain pivot density, and declines somewhat at higher densities. In order to achieve the greatest discount from the regular ULD rates, the generated traffic must significantly exceed the average traffic density.[4] Specifically, TWA's analysis in its justification discusses a Type 3 container which, with a 2,800 kg. pivot weight based upon a density of 14.7 lbs./cu. ft., produces a unit charge of 74 cents per kilogram, a 20.7-percent discount from ULD rates. In its consolidated answer, however, TWA indicates that it expects cargo moving under its CAP rates to average about 12.6 lbs./cu. ft. Cargo of this density would receive an average discount of less than 11 percent from existing ULD rates, and we do not see how this discount can attract more cargo from surface to air, especially when surface rates are so low. Certainly, TWA has submitted no comparison of surface and CAP rates, and very little else in the way of evidence in support of its generation estimate. Instead, we believe that the proposed CAP rates will produce only a significant danger of diversion of air cargo from ULD and specific commodity rates.

Moreover, the CAP rates appear to be below cost. Assuming arguendo that CAP rates do attract traffic of sufficient density to achieve the pivot weight, this would result in a yield of 19.7 cents per RTM in the New York-London market, and 17.1 cents in the London-New York market. Based upon the data submitted by TWA in Docket 27573, in support of the recent North Atlantic rate package, and in its initial justification for the CAP rates, TWA's transatlantic scheduled service, all-cargo operating cost projected for the year ending October 31, 1977, is approximately 34 cents per RTM. TWA's CAP rates appear to be up to 49 percent below this figure. Moreover, in claiming that the proposed rates will produce adequate compensation for the transatlantic all-cargo carriers, TWA uses costs which are an average of ATM costs, which reflect planeload economies rather than the economies of scheduled service. If we consider the average cost of 16.8 cents per ATM for the three U.S. transatlantic carriers operating all-cargo equipment, CAP rates are barely above planeload cost; when compared to TWA's own cost of 22.6 cents per

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[1] Trans World Airlines, Inc., Air Freight Tariff No. AP-1 and Supp. No. 1, C.A.B. No. 315.

[2] Based upon the March 15, 1977, bank transfer rate of £1=$1.7196.

[3] Suspended pending investigation, Order 76–12–162, Dec. 17, 1976, proceeding dismissed as moot, Order 77–3–164, March 29, 1977.

[4] In this regard, as noted in the complaints, the transatlantic, transpacific, and Latin American Mail Rates Case, Docket 26437, found the average transatlantic freighter service cargo density to be 11.23 lbs./cu. ft.

ATM, however, CAP rates are plainly below cost.

We note that TWA in its consolidated answer submitted cost figures lower than those submitted in Docket 27573 in support of the IATA North Atlantic rate structure. TWA, however, has used data from that docket in three complaints against various British Airways' rate proposals which were suspended by the Board pending investigation. This sudden recanting of data previously tendered the Board in matters involving the U.S.–U.K. market and substitution of new, largely unverifiable data which better suits the carrier's immediate purpose in that market can only be viewed with great suspicion. For the time being, the Board accepts the costs submitted in Docket 27573. Whether these costs or TWA's amended costs are more accurate or more germane will, of course, be a proper issue for examination in the investigation ordered herein.

TWA apparently believes that the possible discriminatory aspects of CAP rates are not open to serious question on the ground that the principal features of CAP are the same as those which the Board examined previously for discrimination and approved for application on U.S. domestic routes as "Blocked-Space" rates.[5] The CAP concept and blocked-space service are, in fact, similar; indeed, CAP appears to be more restrictive.[6] The history of Board actions regarding blocked space, however, reveals no generic determination of lawfulness. In 1964, the Board adopted a Statement of General Policy (14 CFR 399.37) establishing the exclusive right of all-cargo carriers to sell blocked space, but making it clear that each filing would be subjected to full evaluation.[7] Consequently, numerous blocked-space tariffs went into effect but were placed under investigation in Docket 15419[8] with the Board being prepared to address, among other matters, "a major question of unjust discrimination * * *."[9] The 1964 Statement of General Policy was deleted in October 1968,[10] and the investigation in Docket 15419 was dismissed as moot in December of that year.[11] As expressed by the Board at that time:

> [I]t would be more appropriate, in our view, to determine the precise requirements of blocked space service upon the filing of particular blocked space tariffs in the course of normal rate proceedings.[12]

This opportunity arose in the *Airlift Blocked-Space* Case, Docket 24215,[13] in which the Board affirmed the finding of the administrative law judge that the blocked-space rates in question were unjustly discriminatory.[14] In sum, the issue of whether blocked-space rates are unjustly discriminatory is not settled, and the discrimination issue must be addressed in the course of this investigation as it relates to the specific terms of the CAP proposal.

Accordingly, pursuant to the Federal Aviation Act of 1958, as amended, and particularly sections 204(a), 403, 404, 801, and 1002(j) thereof:

It is ordered, That:

1. An investigation be instituted to determine whether the rates, charges, and provisions on Original Title Page, and Original Pages 1 through 14, 1st Revised Pages 7, 13, and 14, and Supplement No. 1 of Tariff C.A.B. No. 315, issued by Trans World Airlines, Inc., and rules, regulations, or practices affecting such provisions, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and, if found to be unlawful, to take appropriate action to prevent the use of such rates and provisions and rules, regulations, or practices;

2. Pending hearing and decision by the Board, the tariff rules and provisions specified in paragraph 1 above are suspended and their use deferred from April 24, 1977, to and including April 23, 1978, unless otherwise ordered by the Board; and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. This order shall be submitted to the President[15] and shall become effective on April 24, 1977;

4. The investigation ordered herein be assigned for hearing before an administrative law judge of the Board at a time and place hereafter to be designated;

5. Copies of this order shall be filed in the aforesaid tariffs and served upon Trans World Airlines, Inc., Pan American World Airways, Inc., and Seaboard World Airlines, Inc.; and

6. Except to the extent granted herein, the complaints in Dockets 30640 and 30647 be and hereby are dismissed.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-12706 Filed 5-2-77;8:45 am]

[Docket No. 30452; Order 77-4-72]

UNIVERSAL AIR TRAVEL PLAN

Order Authorizing Discussions; Correction

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 15th day of April 1977.

In FR Doc. 77-11582, appearing at page 20645 in the issue of Thursday, April 21, 1977, a correction was misplaced in the second full paragraph in the first column on page 20646. The paragraph should read as follows:

> Upon consideration of the application, we have decided to grant authorization for the discussions, subject however to several conditions. We do not take any position at this time on the merits of the provisions in the proposed agreement which are to be discussed or of any amendments theerto. We note, however, that in approving the present plan in 1951 the Board stated that a degree of uniformity for the plan throughout the industry was highly desirable.[4] We thus find that the discussions called to attemp a compromise solution to differences among the parties to the plan warant approval as discussions with potential public benefits and, of course, results that could not be achieved by individual carier action."

Dated: April 18, 1977.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-12707 Filed 5-2-77;8:45 am]

COMMISSION ON CIVIL RIGHTS

ALASKA ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Alaska Advisory Committee (SAC) of the Commission will convene at 6 p.m. and will end 10 p.m. on June 3, 1977, at 4706 Harding Drive, Anchorage, Alaska 99503.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Northwestern Regional Office of the Commission, 915 Second Avenue, Room 2852, Seattle, Washington 98174.

The purpose of this meeting is to plan for future project in Alaska.

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

Dated at Washington, D.C., April 28, 1977.

JOHN I. BINKLEY,
Advisory Committee Management Officer.

[FR Doc.77-12624 Filed 5-2-77;8:45 am]

IOWA ADVISORY COMMITTEE

Meeting Cancellation

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights that a planning meeting of the Iowa Advisory Committee (SAC) of the Commission originally scheduled for May 12, 1977 a notice previously published in the FEDERAL REGISTER Friday, April 1 1977 (FR Doc. 77-9730) on page 17508 has been cancelled.

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[5] Justification of Cargo Advance Purchase Tariff, at 1-2; Consolidated Answer of TWA, at 9.

[6] For example, domestic blocked-space service required a time commitment of 60-90 days, while CAP requires 140. Also, the blocked-space concept was valid for shipment commitments on a weekly basis, while CAP requires that shippers specify days and flights. See Flying Tiger Line, Blocked-Space Tariff, 44 C.A.B. 814 (1966).

[7] PS-24, Aug. 7, 1964.

[8] Initiated by Order E-21076, July 17, 1964.

[9] Order E-21160, Aug. 7, 1964, at 4 (Gurney and Gilliland, dissenting).

[10] PS-37, Oct. 14, 1968.

[11] Order 68-12-118, Dec. 20, 1968.

[12] PS-37, supra note 10, at 2-3. See also PS-24, supra note 7, at 6.

[13] Initiated by Order 72-2-36, Feb. 10, 1972.

[14] Order 73-4-25, Apr. 4, 1973, at 2, aff'g Initial Decision at 31.

[15] This order was submitted to the President on Apr. 12, 1977.

Dated at Washington, D.C., April 28, 1977.

JOHN I. BINKLEY,
Advisory Committee,
Management Officer.

[FR Doc.77-12625 Filed 5-2-77;8:45 am]

WASHINGTON ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Washington Advisory Committee (SAC) of the Commission will convene at 9 a.m. and will end at 12:30 p.m. on June 18, 1977, at Northwest Regional Office, U.S. Commission on Civil Rights, 915 Second Ave., Suite 2854, Seattle, Washington 98174.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Northwestern Regional Office of the Commission, 915 Second Ave., Room 2852, Seattle, Washington 98174.

The purpose of this meeting is to discuss civil rights issues in the State of Washington, rechartering of the Advisory Committee, and plans for the future projects.

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

Dated at Washington, D.C., April 28, 1977.

JOHN I. BINKLEY,
Advisory Committee
Management Officer.

[FR Doc.77-12626 Filed 5-2-77;8:45 am]

WEST VIRGINIA ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the West Virginia Advisory Committee (SAC) of the Commission will convene at 1 p.m. and will end at 4 p.m. on May 26, 1977, at the Holiday Inn, Route 50, Parkersburg, West Virginia.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Mid-Atlantic Regional Office of the Commission, 2120 L Street NW., Room 510, Washington, D.C. 20037.

The purpose of this meeting is to discuss civil rights issues within the State.

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

Dated at Washington, D.C., April 28, 1977.

JOHN I. BINKLEY,
Advisory Committee
Management Officer.

[FR Doc.77-12627 Filed 5-2-77;8:45 am]

CIVIL SERVICE COMMISSION

ASSISTANT TO DIRECTOR FOR TRANSITION PLANNING

Grant of Authority to Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service rule IX (5 C.F.R. 9.20), the Civil Service Commission authorizes Action to fill by noncareer executive assignment in the excepted service on a temporary basis the position of Assistant to the Director for Transition Planning.

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

[FR Doc.77-12648 Filed 5-2-77;8:45 am]

DEPARTMENT OF LABOR

Title Change in Noncareer Executive Assignment

By notice of May 29, 1975, FR Doc. 75-13883 the Civil Service Commission authorized the Department of Labor to fill by noncareer executive assignment the position of Deputy Under Secretary for Legislative Affairs, Office of the Secretary. This is notice that the title of this position is now being changed to Deputy Under Secretary for Legislation, Office of the Secretary.

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

[FR Doc.77-12445 Filed 5-2-77;8:45 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

CARIBBEAN FISHERY MANAGEMENT COUNCIL AND SCIENTIFIC AND STATISTICAL COMMITTEE AND ADVISORY PANEL

Public Meetings

Notice is hereby given of a meeting of the Caribbean Fishery Management Council and its Scientific and Statistical Committee and Advisory Panel.

The Council was established by section 302 of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265). The Council has authority over fisheries within the fishery conservation zone adjacent to Puerto Rico and the Virgin Islands. The Council will, among other things, prepare and submit to the Secretary of Commerce fishery management plans with respect to fisheries within its area of authority, prepare comments on applications for foreign fishing, and conduct public hearings.

This is one of a series of organizational meetings of the Council. The meeting will be held Monday through Thursday, May 23 to May 26, 1977, at the Condado Holiday Inn, 999 Ashford Avenue, Condado, San Juan, Puerto Rico. The meeting will convene at 1 p.m. on May 23 and adjourn at about noon on May 26, 1977. Daily sessions will normally start at 9 a.m. and adjourn at 5 p.m., except as otherwise noted. The meeting may be extended or shortened depending upon progress on the agenda.

PROPOSED AGENDA

1. Council organization and administrative procedures.
2. Technical organization and procedures.
3. National Marine Fisheries Service Law Enforcement presentation.
4. Management plans for spiny lobster and reef fishes.
5. Review of Puerto Rico fishing.
6. Report of the State Department on fishing relationships with the British Virgin Islands.
7. Other management business.

Meeting concurrently at the same place and time as the Council, and perhaps in conjunction with the Council at times, will be the Council's Scientific and Statistical Committee and Advisory Panel. These are established pursuant to ical, economic, social, and other scientific and Statistical Committee will assist the Council in the development, collection, and evaluation of such statistical, biological, economic, social, and other scientific information as is relevant to the Council's development and amendment of any fishery management plan. The Advisory Panel contains broad representation from interests affected by Council activities in order to assist the Council in carrying out is functions under the Act.

The Scientific and Statistical and the Advisory Panel will meet separately but will utilize the same agenda.

PROPOSED AGENDA

1. Consideration of internal program matters.
2. Review of fishery management plan issues.
3. Appropriate recommendations to the Council.
4. Other management business.

All of these meetings will be open to the public, and there will be seating for a limited number of public members 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 meetings. To receive information on changes, if any, made to the agendas, interested members of the public should contact, on or about May 20, 1977:

Mr. Omar Munoz-Roure, Executive Director, Caribbean Fishery Management Council, Banco de Ponce Bldg., Munoz Rivera Ave., Hato Rey, P. R. 00936.

At the discretion of the Council, the Committee, or the Panel, as appropriate, interested members of the public may be permitted to speak at times which will allow the orderly conduct of official business. Interested members of the public who wish to submit written comments

should do so by addressing the Executive Director at the above address. To receive due consideration and to facilitate inclusion of these comments in the record of the meetings, typewritten statements should be received within 10 days after the close of the meetings.

Dated: April 28, 1977.

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

[FR Doc.77-12710 Filed 5-2-77;8:45 am]

GULF OF MEXICO FISHERY MANAGEMENT COUNCIL'S SHALLOW WATER SHRIMP ADVISORY PANEL, GROUNDFISH ADVISORY PANEL, COASTAL MIGRATORY PELAGIC ADVISORY PANEL, AND REEF FISH ADVISORY PANEL

Public Meetings

Notice is hereby given of meetings of four of the Advisory Panels of the Gulf of Mexico Fishery Management Council established by section 302 of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265).

The Gulf Fishery Management Council has authority, effective March 1, 1977, over fisheries within the fishery conservation zone adjacent to the west coast of Florida, Alabama, Louisiana, Mississippi, and Texas. The Council's functions are, among other things, to 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 Advisory Panels composed of persons who are either actually engaged in the harvest of, or are knowledgeable and interested in the conservation and management of the particular resources involved, assist the Council in establishing the goals and objectives of fishery management plans. They also provide pragmatic advice and counsel on the contents of fishery management plans during their review and define and evaluate criteria for judging plan effectiveness after initiation.

The meeting of the Reef Fish and Coastal Migratory Pelagic Advisory Panels will be held Tuesday and Wednesday, May 24 and 25, 1977. The meeting of the Shallow Water Shrimp and Groundfish Advisory Panels will be held Tuesday and Wednesday, May 31, and June 1, 1977. Both meetings will be held in the Tampa Room of the Barclay Quality Inn, 5303 West Kennedy Boulevard, Tampa, Fla. Both meetings will convene at 1:30 p.m. Tuesday, adjourning at 5 p.m.; and will reconvene at 8:30 a.m. Wednesday, adjourning at 5 p.m. The meeting may be extended or shortened depending on programs on the agenda.

PROPOSED AGENDA

1. Orientation.
2. Goals and Objectives of Management Plan.
3. Other Business.

This meeting is open to the public and there will be seating for a limited number of public members 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 May 18:

Mr. Wayne E. Swingle, Executive Director, Gulf of Mexico Fishery Management Council, Lincoln Center, suite 881, 5401 West Kennedy Blvd., Tampa, Fla. 33609.

At the discretion of the Panels, interested members of the public may be permitted to speak at times which will allow the orderly conduct of Panel business. Interested members of the public who wish to submit written comments should do so by addressing the Executive Director at the above address. To receive due consideration and facilitate inclusion of these comments in the record of the meetings, typewritten statements should be received within 10 days after the close of the Panel meetings.

Dated: April 28, 1977.

WINFRED H. MEIBOHM,
Associate Director,
National Marine Fisheries Service.

[FR Doc.77-12711 Filed 5-2-77;8:45 am]

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL SCIENTIFIC AND STATISTICAL COMMITTEE ADVISORY PANEL

Public Meetings

Notice is hereby given of meetings of the South Atlantic Fishery Management Council, established by section 302, and the Council's Scientific and Statistical Committee and Advisory Panel, established by section 302(g), of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265).

The South Atlantic Fishery Management Council has authority, effective March 1, 1977, over fisheries within the fishery conservation zone adjacent to the east coast of Florida, Georgia, North Carolina, and South Carolina. 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 Scientific and Statistical Committee assists the Council in the development, collection, and evaluation of such statistical, biological, economic, social, and other scientific information as is relevant to the Council's development and amendment of any fishery management plan. The Advisory Panel contains broad representation from interests affected by Council activities in order to assist the Council in carrying out its functions under the Act.

The Council and Scientific and Statistical Committee will meet jointly Tuesday through Thursday, May 24, 25, and 26, 1977, at the Happy Dolphin Inn, 4900 Gulf Boulevard, St. Petersburg Beach, Fla. The meeting will convene at 1:30 p.m. on May 24, and adjourn at about noon on May 26. The daily sessions will start at 9 a.m. and adjourn at 5 p.m., except as otherwise noted. The meeting may be extended or shortened depending on progress on the agenda.

PROPOSED AGENDA

1. Organization of Steering Committees and Teams for: (1) billfish, (2) snapper-grouper complex, and (3) king and Spanish mackerel.
2. Finalization of technical procedures and development of outline for fishery management plans in cooperation with the Council's Scientific and Statistical Committee.
3. Orientation of fishery Advisory Panel members.
4. Consideration of permit requests and other related Council business.

The Advisory Panel will meet jointly with the Council and the Scientific and Statistical Committee on May 24 and 26, and in separate session at the same facility on May 25, beginning at 9 a.m. and adjourning at approximately 5 p.m.

PROPOSED AGENDA

1. Election of Chairman and Vice Chairman.
2. Review of charter and development of operational procedures.
3. Other management business.

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), the Advisory Panel must be legally chartered before it may meet or take any action. At this time the Advisory Panel does not have an approved charter. This notice is being given with the condition that a charter will be in effect by the meeting date. The Advisory Panel will meet only if its charter is in effect at the scheduled time for the meeting. In order to determine whether the charter will be in effect in time for the meeting to take place, any interested person should contact the Council official listed elsewhere in this notice. The Council and Scientific and Statistical Committee will meet regardless of whether the Advisory Panel meets.

These meetings will be open to the public and there will be seating for a limited number of public members 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 meetings. To receive information on changes, if any, made to the agendas, interested members of the public should contact, on or about May 20, 1977:

Mr. Ernest D. Premetz, Executive Director, South Atlantic Fishery Management Council, Southpark Bldg., suite 306, No. 1 Southpark Circle, Charleston, S.C. 29407; telephone: 803-571-4366.

At the discretion of the Council, the Committee, or the Panel, as appropriate, interested members of the public may be permitted to speak at times which will allow the orderly conduct of official business. Interested members of the public who wish to submit written comments should do so by addressing the Executive Director at the aforementioned address. To receive due consideration and to facilitate inclusion of these comments in

the record of the meetings, typewritten statements should be received within 10 days after the close of the meetings.

Dated: April 28, 1977.

WINFRED H. MEIBOHM,
Associate Director,
National Marine Fisheries Service.

[FR Doc.77-12712 Filed 5-2-77;8:45 am]

Domestic and International Business Administration, Bureau of East-West Trade

SEMICONDUCTOR TECHNICAL ADVISORY COMMITTEE

Partially Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. V, 1975), notice is hereby given that a meeting of the Semiconductor Technical Advisory Committee will be held on Thursday, May 19, 1977, at 9:30 a.m. in Room 3817, Main Commerce Building, 14th and Constitution Avenue NW., Washington, D.C.

The Semiconductor Technical Advisory Committee was initially established on January 3, 1973. On December 20, 1974 and January 13, 1977, the Assistant Secretary for Administration, approved the recharter and extension of the Committee, pursuant to section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. sec. 2404(c)(1) and the Federal Advisory Committee Act.

The Committee advises the Office of Export Administration, Bureau of East-West Trade, with respect to questions involving technical matters, worldwide availability and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to semiconductor products, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls.

The Committee meeting agenda has seven parts:

GENERAL SESSION

(1) Opening remarks by the Chairman.
(2) Presentation of papers or comments by the public.
(3) Review of membership status and suggestions for new members.
(4) Selection of new committee chairman.
(5) Discussion of foreign availability for digital integrated circuits, specifically 7400 TTL, Emitter Coupled Logic (ECL) and Complimentary MOS (CMOS).
(6) New business.

EXECUTIVE SESSION

(7) Discussion of matters properly classified under Executive Order 11652 dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The General Session of the meeting is open to the public, at which a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting.

With respect to agenda item (7), the Acting Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the General Counsel, formally determined on January 27, 1977, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended by section 5(c) of the Government in the Sunshine Act, Pub. L. 94-409, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1). Such matters are specifically authorized under criteria established by an Executive Order to be kept secret in the interests of the national defense or foreign policy. All materials to be reviewed and discussed by the Committee during the Executive Session of the meeting have been properly classified under Executive Order 11652. All Committee members have appropriate security clearances.

Copies of the minutes of the open portion of the meeting will be available upon written request addressed to the Freedom of Information Officer, Room 3012, Domestic and International Business Administration, U.S. Department of Commerce, Washington, D.C. 20230.

For further information, contact Mr. Charles C. Swanson, Director, Operations Division, Office of Export Administration, Domestic and International Business Administration, Room 1617M, U.S. Department of Commerce, Washington, D.C. 20230, telephone: A/C 202-377-4196.

The Complete Notice of Determination to close portions of the series of meetings of the Semiconductor Technical Advisory Committee and of any subcommittees thereof was published in the FEDERAL REGISTER on March 2, 1977 (42 FR 12078).

Dated: April 27, 1977.

RAUER H. MEYER,
Director, Office of Export Administration, Bureau of East-West Trade, Department of Commerce.

[FR Doc.77-12566 Filed 5-2-77;8:45 am]

Foreign-Trade Zones Board

[Docket No. 4-77]

REGIONAL INDUSTRIAL DEVELOPMENT CORP. OF SOUTHWESTERN PENNSYLVANIA

Application and Public Hearing

Notice is hereby given that an application has been submitted to the Foreign-Trade Zones Board (the Board) by the Regional Industrial Development Corporation of Southwestern Pennsylvania (RIDC), a Pennsylvania nonprofit development corporation with its headquarters in Pittsburgh, requesting a grant of authority to establish a foreign-trade zone in Allegheny County, Pennsylvania, within the Pittsburgh Customs port of entry, and a special-purpose subzone in Westmoreland County, Pennsylvania, adjacent to the port of entry. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act of 1934, as amended (19 U.S.C. 81), and the regulations of the Board (15 CFR Part 400). It was formally filed on April 28, 1977. The applicant is authorized to make such proposals under Pennsylvania law (Act No. 126, approved June 10, 1935, Pub. L. 291).

The proposed general-purpose zone will occupy 6 acres within the RIDC Park West, a 340 acre planned industrial park development in the Townships of Findlay and North Fayette, Allegheny County, Pennsylvania, near the Greater Pittsburgh International Airport. The site, which is served by rail, is located near the Montour interchange of the Penn-Lincoln Parkway, the principal artery between the airport and downtown Pittsburgh. Within the zone RIDC will construct a 40,000 square foot multiple-occupancy building. Zone users would be able to lease such space or have facilities constructed to meet their individual needs. Park West is RIDC's third master-planned industrial park established in the nine-county Southwestern Pennsylvania area. The zone is intended to complement RIDC's efforts at improving the area's resources and services to encourage industrial investment. Some 22 firms have indicated an immediate interest in using the proposed zone for international-trade related manufacturing, processing, assembly and warehousing operations involving such products as: optical instruments, amplifiers, motors, control and instrumentation devices, machines and machine parts, valves, compressors, chemicals and chemical products, metals and metal products, and processed foods.

The special-purpose subzone would encompass a 147 acre portion of the new automobile assembly and manufacturing facility of the Volkswagen Manufacturing Corporation of America (VW) located on 300 acres in the Townships of East Huntingdon and Hempfield, Westmoreland County, Pennsylvania. (The Customs port of entry of Pittsburgh extends into Westmoreland County.) It was acquired by VW from the Chrysler Corporation. Located on U.S. Route 119, the site is about 35 miles southeast of Pittsburgh and 2 miles south of the Pennsylvania Turnpike. RIDC, as sponsor of the subzone, would enter into an operating agreement with VW to satisfy the requirements of the Board. From the inception of its planning for a U.S. plant, VW considered it important to operate under free-trade zone procedures, and this desire was conveyed to the officials with whom it conducted its negotiations. Consequently, the application contains a letter from the Governor of Pennsylvania supporting the proposal. VW is expected to start operations in late 1977 for producing 200,000 Rabbit model au-

tomobiles annually, employing up to 5,000 persons. The secondary impact is expected to result in some 20,000 additional regional jobs. Zone procedures are requested to reduce Customs costs and facilitate entry procedures. Duties would be paid on autos entering the U.S. market from the plant at the 3 percent rate applicable to the finished product. No duties would be levied on reexports to Canada. VW has determined that without zone procedures the average duty rate on imported parts and components would be 4.2 percent ad valorem. At the outset VW plans to import some components such as engines, transmissions, and drive systems. In terms of value it is estimated that half of the components would be of domestic origin. VW indicates that it uses free-trade zone type Customs procedures at its other overseas plants.

In accordance with the Board's regulations, an Examiners Committee has been appointed to investigate the application and report thereon to the Board. The Committee consists of Hugh J. Dolan (Chairman), Office of the Secretary, U.S. Department of Commerce, Washington, D.C. 20230; John Noon, Director, Inspection and Control Division, U.S. Customs Region III, 40 S. Gay Street, Baltimore, Maryland 21202; and Colonel Max R. Janairo, Jr., District Engineer, U.S. Army Engineer District Pittsburgh, Federal Building, 1000 Liberty Avenue, Pittsburgh, Pennsylvania 15222.

In connection with its investigation of the proposal, the Examiners Committee will hold a public hearing on June 1, 1977, beginning at 9:00 a.m., in Room 2214 of the Federal Building, 1000 Liberty Avenue, Pittsburgh, Pennsylvania. The purpose of the hearing is to help inform interested persons about the proposal, to provide them with an opportunity to express their views, and to obtain information useful to the committee.

Interested persons or their representatives will be given the opportunity to present their views at the hearing. Such persons should, by May 24, 1977, notify the Board's Executive Secretary in writing, at the address below, of their desire to be heard. In lieu of an oral presentation, written statements may be submitted in accordance with the Board's regulations to the Examiners Committee, care of the Executive Secretary, at any time from the date of this notice through July 1, 1977. A copy of the application with accompanying exhibits will be available during this time for public inspection at each of the following locations:

Office of the Director, U.S. Department of Commerce District Office, 2002 Federal Building, 1000 Liberty Avenue, Pittsburgh, Pennsylvania 15222.

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, Room 6886-B, Washington, D.C. 20230.

Dated: April 28, 1977.

JOHN J. DA PONTE, Jr.,
Executive Secretary, Foreign-Trade Zones Board, Department of Commerce.

[FR Doc.77-12605 Filed 5-2-77;8:45 am]

National Oceanic and Atmospheric Administration

FORT WAYNE CHILDREN'S ZOOLOGICAL GARDENS

Modification of Permit

Notice is hereby given that, pursuant to the provisions of § 216.23 (d) and (e) of the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216), the public display Permit issued to Fort Wayne Children's Zoological Gardens, Fort Wayne, Indiana 46803, on April 26, 1974, is modified in the following manner.

The period of validity, during which the authorized marine mammals may be taken, is extended from December 31, 1976, to December 31, 1978.

This modification is effective May 3, 1977.

The permit, as modified, is available for review in the following offices:

Director, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C.

Regional Director, National Marine Fisheries Service, Northeast Region, Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930.

Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Dated: April 15, 1977.

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

[FR Doc.77-12543 Filed 5-2-77;8:45 am]

MARVIN MORRIS COHEN

Receipt of Application for Certificate of Exemption

Notice is hereby given that the following applicant has applied in due form for a Certificate of Exemption under Pub. L. 94-359, and the regulations issued thereunder (50 CFR Part 222, Subpart B), to engage in certain commercial activities with respect to pre-Act endangered species parts or products.

Applicant: Marvin Morris Cohen, 14116 Bauer Drive, Rockville, Maryland 20853.

Period of exemption. The applicant requests that the period of time to be covered by the Certificate of Exemption begin on the date of the original issuance of the Certificate of Exemption and be effective for a 3-year period.

Commercial activities exempted. (i) The prohibition, as set forth in section 9(a)(1)(A) of the Act, to export any such species part from the United States;

(ii) The prohibition, as set forth in section 9(a)(1)(E) of the Act, to deliver, receive, carry, transport, or ship in interstate or foreign commerce, by any means whatsoever and in the course of commercial activity any such species part;

(iii) The prohibitions, as set forth in section 9(a)(1)(F) of the Act, to sell or offer for sale in interstate or foreign commerce any such species part.

Parts or products exempted. Finished scrimshaw products to be made from approximately 973 whole whale teeth and 15 pounds of cuttings and pieces of whale teeth.

Written comments on this application may be submitted to the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235 on or before June 2, 1977.

Dated: April 27, 1977.

ROBERT J. AYERS,
Associate Director for Fisheries Management.

[FR Doc.77-12646 Filed 5-2-77;8:45 am]

STATE OF ALASKA DEPARTMENT OF FISH AND GAME

Receipt of Application for Scientific Research Permit

Notice is hereby given that the following Applicant has applied in due form for a permit to take marine mammals for the purpose of scientific research, as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407) and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216).

State of Alaska, Department of Fish and Game, Support Building; Juneau, Alaska 99801, to take by killing three hundred sixty (360) animals, consisting of ninety (90) each of the following species:

Ringed seal (*Phoca hispida*)
Bearded seal (*Erignathus barbatus*)
Ribbon seal (*Phoca fasciata*)
Spotted seal (*Phoca vitulina largha*)

and by marking the following number and species of animals:

200 Ringed seal (*Phoca hispida*)
100 Ribbon seal (*Phoca fasciata*)
300 Spotted seal (*Phoca vitulina largha*)

The proposed research will be conducted over a three year period in the Gulf of Alaska by personnel of the Alaska Department of Fish and Game. The species are needed as a basic source of material and data for the research and management programs conducted by the State of Alaska, including, but not limited to, studies of: species life history, population assessment, food habits, reproduction, natural mortality, taxonomy and systematics, physiology, interspecific relationships, pesticides and heavy metal burdens, and seasonal movements and distribution.

Specimen materials not utilized in Department of Fish and Game projects will be made available to other researchers. Skeletal materials will be placed in the collections of the University of Alaska and the Smithsonian Institution. Usable remains will be given, where feasible, to coastal residents for food.

Documents submitted in connection with this application are available in the following offices:

Director, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.

Regional Director, National Marine Fisheries Service, Alaska Region, P.O. Box 1668, Juneau, Alaska 99801.

Concurrent with the publication of this notice in the FEDERAL REGISTER the Secretary of Commerce is sending copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or request for a public hearing on this application, should be submitted to the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, on or before June 2, 1977. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Director.

All statements and opinions that may be contained in this notice in support of this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Dated: April 26, 1977.

ROBERT J. AYERS,
Acting Assistant Director for Fisheries Management, National Marine Fisheries Service.

[FR Doc.77-12542 Filed 5-2-77;8:45 am]

TWENTIETH CENTURY-FOX MARINELAND, INC.

Receipt of Application for Public Display Permit

Notice is hereby given that the following Applicant has applied in due form for a permit to take marine mammals for public display as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407) and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216).

Twentieth Century-Fox Marineland, Incorporated, 6600 Palos Verdes Drive South, Rancho Palos Verdes, California 90274, requests to take two (2) Pacific white-sided dolphins (*Lagenorhynchus obliquidens*) and two (2) Pacific bottlenosed dolphins (*Tursiops gilli*) for the purposes of public display.

The four dolphins will be taken by the Applicant's collecting vessel near Santa Catalina, California. The animals will be taken by means of a hoop-net.

The animals will be acclimated in a circular pool with a diameter of 43 feet and a depth of 12.5 feet having a capacity of 135,000 gallons.

The white-sided dolphins will be displayed in an oval shaped pool, 61 feet by 38 feet by 12.5 feet deep. The bottlenosed dolphins will be displayed in a pool 118 feet by 58 feet by 13 feet deep.

Twentieth Century-Fox Marineland Incorporated is a profit organization. The facility hosts 1.0 million visitors annually, and approximately 100,000 of those visitors are involved in educational programs.

The arrangements and facilities for transporting and maintaining the marine mammals requested in the above described application have been inspected by a licensed veterinarian, who has certified that such arrangements and facilities are adequate to provide for the well-being of the marine mammals involved.

Documents submitted in connection with the above application are available for review in the following offices:

Director, National Marine Fisheries Service, 3300 Whitehaven Street NW., Washington, D.C.; and Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Concurrent with the publication of this notice in the FEDERAL REGISTER, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Written views or data, or requests for a public hearing on this application should be submitted to the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, on or before June 2, 1977. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Director.

All statements and opinions contained in this notice in support of this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Dated: April 27, 1977.

ROBERT J. AYERS,
Acting Assistant Director for Fisheries Management National Marine Fisheries Service.

[FR Doc.77-12645 Filed 5-2-77;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Air Force

ENVIRONMENTAL DETERMINATION

APRIL 21, 1977.

On April 9, 1976 the Department of the Air Force announced in the FEDERAL REGISTER (page 15038) its intent to prepare Environmental Impact Statements (EISs) on certain proposed management actions announced by Secretary of the Air Force Thomas C. Reed on March 11, 1976.

Among the actions for which an EIS was to be prepared was the transfer of KC-135 tankers to the Air Reserve Forces at Greater Pittsburgh International Airport, Pennsylvania. After careful review of the Environmental Impact Assessment (EIA) it was determined that the proposed action was not a major Federal action significantly affecting the quality of the human environment nor was it likely to be highly controversial with regard to its environmental impacts.

a. Analysis of the noise environment indicates an insignificant contribution by the proposed KC-135 operations at Greater Pittsburgh International Airport (IAP). Installation of a sound suppressor on the engine test stand is programmed.

b. The change in air pollutent emissions will be an increase in visible smoke emissions and hydrocarbons, a slight increase in the amount of sulfur-oxides and nitrogen oxides and a substantial decrease in carbon monoxide and particulate emissions from the present National Guard Bureau (NGB) operations. Visible smoke emissions will be increased since some training takeoffs will be in the augmented (wet) mode. Ambient air quality in the vicinity of Greater Pittsburgh IAP revealed minimal exceedance of Ambient Air Quality Standards for particulates. It is anticipated that the proposed aircraft operation would have a minimal effect on present ambient quality levels in the vicinity of the airport.

c. The proposed action has been widely publicized in the local area. There is no known opposition or concern which has surfaced as a result of the announcement of the proposed conversion.

For the reasons outlined above, the United States Air Force has decided not to file a Draft EIS with the Council on Environmental Quality (CEQ) but has prepared an Environmental Determination.

Copies of the Environmental Determination and the supporting documentation are available upon request to the HQ USAF/PREV, Pentagon, Washington, D.C. 20330.

FRANKIE S. ESTEP,
Air Force Federal Register Liaison, Directorate of Administration.

[FR Doc.77-12578 Filed 5-2-77;8:45 am]

INTENT TO PREPARE ENVIRONMENTAL IMPACT STATEMENT

APRIL 21, 1977.

Notice is hereby given that in accordance with the National Environmental Policy Act, the United States Air Force intends to prepare a Draft Environmental Impact Statement on the proposed construction, activation and operation of Space Shuttle facilities at Vandenberg Air Force Base and supporting activities at Port Hueneme, California.

Construction of facilities is proposed to begin in 1979 for completion in late 1982. The initial operational capability of Vandenberg for the Space Shuttle program is proposed for December 1982. Operations would include the launch and landing of the space orbiter; the recovery and refurbishing of the solid rocket boosters; and all associated ground support for the shuttle program at Vandenberg.

All interested persons desiring to submit comments on the environmental effects of the above action should address them to the Special Assistant for Environmental Quality, SAF/ILE, Office of the Secretary of the Air Force, Washington, D.C. 20330.

FRANKIE S. ESTEP,
Air Force Federal Register Liaison Directorate of Administration.

[FR Doc.77-12579 Filed 5-2-77;8:45 am]

Office of the Secretary

DEFENSE SCIENCE BOARD, TASK FORCE ON INTELLIGENCE

Advisory Committee Meeting

The Defense Science Board Task Force on Intelligence will meet in closed session on May 20, 1977, in the Pentagon, Washington, D.C.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Director of Defense Research and Engineering on scientific and technical matters as they affect the perceived needs of the Department of Defense.

The Task Force will provide a review of intelligence requirements and issues reporting on alternative solutions.

In accordance with Section 10(d) of Appendix I, Title 5, United States Code, it has been determined that this Task Force meeting concerns matters listed in Section 552b.(c) of Title 5 of the United States Code, specifically subparagraph (1) thereof, and that accordingly this meeting will be closed to the public.

MAURICE W. ROCHE,
Director, Correspondence and Directives, Office of the Assistant Secretary of Defense (Comptroller).

APRIL 28, 1977.

[FR Doc.77-12622 Filed 5-2-77;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

RADIO TECHNICAL COMMISSION FOR MARINE SERVICES

Meetings

In accordance with Public Law 92-463, "Federal Advisory Committee Act," the schedule of future Radio Technical Commission for Marine Services (RTCM) meetings is as follows:

RTCM SC 69/FCC WARC-79 ADVISORY COMMITTEE FOR MARITIME MOBILE SERVICE

Thirteenth meeting at 1919 M Street NW., Washington, D.C., in Room 847, at 9:30 a.m.-12:30 p.m., Tuesday, May 24, 1977.

AGENDA

1. Call of the agenda.
2. Chairman's opening remarks.
3. Reports of the task forces.
4. Review work to be accomplished.
5. Further business.
6. Set date for next meeting.
7. Adjournment.

Charles Dorian, Chairman SC 69, COMSAT General, 950 L'Enfant Plaza SW., Washington, D.C. 20024.

To comply with the advance notice requirements of Public Law 92-463, a comparatively long interval of time occurs between publication of this notice and the actual meeting. Consequently, there is no absolute certainty that the listed meeting room will be available on the day of the meeting. Those planning to attend the meeting should report to the room listed in the notice. If a room substitution has been made, the new meeting room location will be posted at the room listed in this notice.

Agendas, working papers, and other appropriate documentation for the meeting is available at that meeting. Those desiring more specific information may contact either the designated Chairman or the RTCM Secretariat, phone 202-632-6490.

The RTCM has acted as a coordinator for maritime telecommunications since its establishment in 1947. Problems are studied by Special Committees and the final report is approved by the RTCM Executive Committee. All RTCM meetings are open to the public. Written statements are preferred but by previous arrangement, oral presentations will be permitted within time and space limitations.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.77-12647 Filed 5-2-77;8:45 am]

FEDERAL ENERGY ADMINISTRATION

STRATEGIC PETROLEUM RESERVE

West Hackberry Salt Dome Storage Site; Availability of Supplement to Final Environmental Impact Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act, 42 U.S.C. 4332(2)(C) et seq., the Federal Energy Administration (FEA) has prepared a supplement to the environmental impact statement (EIS) for the West Hackberry salt dome site. The supplement describes the environmental impacts of a proposed change in pipeline siting associated with the West Hackberry storage facility.

The West Hackberry site has been selected as a key element of the Strategic Petroleum Reserve. The Reserve (mandated by Part B of Title I, Energy Policy and Conservation Act, 42 U.S.C. 6231-6246) will be created for the storage of crude oil and/or petroleum products for use in the event of Presidential determination of a severe energy supply interruption or a requirement to meet the obligations of the United States under the International Energy Program.

FEA will allow for a minimum of 30 days for interested parties to comment before taking any administrative action with regard to the proposed pipeline alteration. Moreover, FEA will endeavor to comply with any requests (received during the 30-day period) for extensions of the review period up to a maximum of 15 days.

Single copies of the supplement to the West Hackberry EIS (DES-76/77-4) may be obtained from the FEA, Office of Communications and Public Affairs, Room 3138, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461. Copies of the supplement will also be available for public review in the FEA Information Access Reading Room, Room 2107, 12th and Pennsylvania Avenue N.W., Washington, D.C. 20461, between 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Interested persons are invited to submit data, views or arguments with respect to the supplement to Executive Communications, Box MB, Room 3309, Federal Energy Administration, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461.

Comments should be identified on the outside of the envelope and on the documents submited to FEA Executive Communications with the designation "Supplement to the West Hackberry EIS (FES-76/77-4)." Fifteen copies should be submitted. All comments should be received by FEA by June 1, 1977, in order to receive full consideration.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in one copy only. The FEA reserves the right to determine the confidential must be so identified and subband to treat it according to that determination.

Issued in Washington, D.C., April 27, 1977.

ERIC J. FYGI,
Acting General Council, Federal Energy Administration.

[FR Doc.77-12613 Filed 4-28-77;3:22 pm]

FEDERAL MARITIME COMMISSION

GENERAL PRINCIPLES RELATING TO EQUALIZATION AND ABSORPTION CLARIFICATION OF DENIAL OF PETITION FOR RULEMAKING

Filing of Petition for Modification

Correction

In FR Doc. 77-12109, appearing on page 21511 in the issue of Wednesday, April 27, 1977, the number in the fourth line of the last paragraph in the first column should read, "73-35".

AMERICAN EXPORT LINES, INC., ET AL

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before May 23, 1977. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a

statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

Howard A. Levy, Esquire, 17 Battery Place, Suite 727, New York, New York 10004.

Agreement No. 10294, among American Export Lines, Inc., Atlantic Container Line (G.I.E.), Dart Containerline Co., Ltd., Hapag-Lloyd AG, Sea-Land Service, Inc., Seatrain International, S.A. and United States Lines, Inc. applies to shipments from, to or via Atlantic and Gulf ports of the United States moving in marine container units stuffed by shippers and/or stripped by consignees, or any agent or contractor of such shippers and/or consignees. The agreement applies to containers loaded with any number of mixed commodities by any person, as defined by the Shipping Act, 1916, but not limited to forwarders, consolidators and non-vessel operating common carriers, on behalf of any number of multiple shippers. The parties shall not make or give, directly or indirectly, any payment, allowance, or other compensation for the consolidation or deconsolidation of shipments subject to this agreement performed at any place other than a deepsea waterfront facility.

By Order of the Federal Maritime Commission.

Dated: April 19, 1977.

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc.77-12641 Filed 5-2-77;8:45 am]

CITY OF LONG BEACH AND NATIONAL MOLASSES CO.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before May 23, 1977. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

Mr. Leslie E. Still, Jr., Deputy City Attorney, City of Long Beach, City Hall, 333 West Ocean Blvd., Long Beach, California 90802.

Agreement No. T-2153-5, between City of Long Beach and National Molasses Company (NMC), modifies the basic agreement between the parties which provides for the exclusive use of land and the preferential use of a wharf on Pier J to be used as a liquid bulk terminal. The purpose of the modification is to allow NMC to amend the insurance requirements by providing for deductibles or self-insured retention in any amount up to $25,000.

By Order of the Federal Maritime Commission.

Dated: April 28, 1977.

JOSEPH S. POLKING,
Acting Secretary.

[FR Doc.77-12642 Filed 5-2-77;8:45 am]

CITY OF LONG BEACH AND NATIONAL MOLASSES CO.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before May 23, 1977. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

Mr. Leslie E. Still, Jr., Deputy City Attorney, City of Long Beach, City Hall, 333 West Ocean Blvd., Long Beach, California 90802.

Agreement No. T-2647-1, between City of Long Beach and National Molasses Company (NMC), modifies the basic agreement between the parties which provides for the lease of certain premises on Pier A to be used as a tank farm, the secondary assignment of berths and a license for the continued operation of pipeline between the tank farm and berths. The purpose of this modification is to allow NMC to amend the insurance requirements by providing for deductibles of self-insured retention in any amount up to $25,000.

By Order of the Federal Maritime Commission.

Dated: April 28, 1977.

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc.77-12644 Filed 5-2-77;8:45 am]

PORT EVERGLADES AUTHORITY AND SEA-LAND SERVICE INC.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before May 23, 1977. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

Mr. William C. Blood, Manager, Foreign-Trade Zone No. 25, Port Everglades Authority, P.O. Box 13136, Port Everglades, Florida 33316.

Agreement No. T-3457, between Port Everglades Authority (Authority) and Sea-Land Service, Inc. (Sea-Land), provides for the one-year lease of 4.67 acres of land in Hollywood, Florida, to be used in connection with the handling of containers. As compensation, Sea-Land will pay $2,980 per month (based on land rental and a percentage of improvements on the land) plus applicable taxes and utility charges. Thirty days after Authority has received combined revenues of $54,929 (which includes land rent, revenues from vessel dockage and cargo wharfage and one month's rent) and for each succeeding month, Authority will refund to Sea-Land that month's land rent. In the event combined revenues exceeds $83,625, Authority will refund all land rental paid during the lease year not previously refunded. Sea-Land has option to expand operations to include adjoining three acres of land.

By Order of the Federal Maritime Commission.

Dated: April 28, 1977.

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc.77-12643 Filed 5-2-77;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. RP76-66]

McCULLOCH INTERSTATE GAS CO.

Order Approving Transportation Rate Settlement

APRIL 25, 1977.

On August 24, 1976, McCulloch Interstate Gas Corporation (McCulloch) filed a proposed stipulation and agreement of settlement which, if approved, would resolve all issues in the above-captioned proceeding. For the reasons set forth, the Commission finds the proposed stipulation and agreement to be reasonable and that it should be approved and adopted.

This proceeding began on March 2, 1976, when McCulloch tendered for filing First Alternative and Second Alternative First Revised Sheets to its FPC Gas Tariff, Original Volume No. 1. The purpose of McCulloch's proposed sheets was to increase the rate for jurisdictional natural gas transportation service in the Powder River Basin areas of Wyoming. The First Alternative Sheet proposed an increase in McCulloch's X-1 special transportation rate from 3.5 cents per Mcf to 14.68 cents per Mcf. This would have increased McCulloch's revenues by $964,380 annually based upon a volumetric allocation of transportation costs. The Second Alternative Sheet proposed use of an inch-mile method of allocation and would have increased the rate to 6.10 cents per Mcf. On March 31, 1976, the Commission accepted for filing the First Alternative Sheet, suspended its operation for five months, until September 1, 1976, and set the matter for hearing.

After the service of Staff's top sheets settlement discussions were held on July 22 and 23, 1976. These discussions led to the instant agreement. Public notice of the settlement was issued on September 9, 1976, with comments due to be filed on or before October 8, 1976. No comments have been received.

The settlement transportation rate of 7.0¢ per Mcf represents an annual increase in revenues under McCulloch's Rate Schedule X-1 of $460,000 for these transportation services. This is based upon a total cost of service of $5,087,243, as shown in Appendix A, with an overall rate of return of 9.83 percent. The settlement cost of service reflects also downward revisions relating to the elimination of an inflation factor, the elimination of purchased gas cost adjustments in this docket, and decreases in income taxes and working capital. The $460,000 transportation revenue relates to the transportation services by McCulloch for Mt. Fuel Supply Company. McCulloch supplies transportation service to Arco at a contractual rate of $1.00375 per Mcf. Arco's transportation rate is unaffected by this settlement agreement.

The other sections of the proposed agreement state that this "represents a negotiated settlement" and that no party has agreed to or accepted any ratemaking principle as a result of this settlement: that McCulloch shall file within 10 days of the issuance of an order approving the settlement revised tariff sheets to reflect the settlement; and, that McCulloch will refund within 10 days of the issuance of the order any excess amounts, together with simple interest at the rate of 9 percent per annum from the effective date of the rates to the date McCulloch mails the refund. Finally, the proposed agreement provides that the agreement shall be effective as of September 1, 1976, and shall terminate as of the effective date of any rate change filed by McCulloch.

The Commission's review of the proposed Agreement indicates that it resolves the issues in this proceeding in an equitable manner. The agreed upon amount for transportation service represents a compromise which provides a reasonable increase in the revenues received from the transportation service. Accordingly, the Commission finds that the proposed Agreement should be approved.

The Commission orders: (A) The proposed Stipulation and Agreement certified on August 24, 1976, in the referenced docket is hereby approved. That Agreement is hereby incorporated by reference to this order.

(B) McCulloch shall file within ten days of the issuance of this order revised tariff sheets, to be effective September 1, 1976, in accordance with the Rate Reduction section of the Agreement, to reflect the reduced rates resulting from approval of this Agreement.

(C) Within 10 days from the date of this order, McCulloch shall refund to its customers all amounts collected in excess of the settlement rates, together with interest at the rate of 9 percent per annum. Within 10 days thereafter, McCulloch shall file with the Commission a report of the refunds and interest paid.

(D) This order is without prejudice to any findings or orders which have been made or which may 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 McCulloch or any person or party.

(E) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-12501 Filed 5-2-77;8:45 am]

[Docket No. RP75-102]

PANHANDLE EASTERN PIPE LINE CO.

Order Accepting in Part and Rejecting in Part Settlement Agreement

APRIL 25, 1977.

PROCEDURAL HISTORY

On May 14, 1975, Panhandle Eastern Pipe Line Company (Panhandle) filed revised tariff sheets providing for a general rate increase of $31.2 million based on a claimed cost of service of $415,899,703 for the twelve months ended February 28, 1975, as adjusted. By order issued June 30, 1975, the use of the tariff sheets was suspended until December 1, 1975. Based on conditions in the suspension order, Panhandle filed substitute tariff sheets on October 31, 1975, which were amended by a subsequent filing on December 10, 1975, reflecting a reduction in the cost of purchased gas, an increase in advance payments, a United rate design and a revised demand charge adjustment. The substitute rates increased Panhandle's proposed annual increase to $41 million, based mainly on a claimed rate of return of 9.45%, increases in gas supply facilities and operating costs, and decreased sales volumes.

After completing its investigation, Staff served its case on February 25, 1976. Staff's primary adjustments reducing Panhandle's claimed cost of service by $17,451,896 represented reductions in purchased gas costs, labor, Gas Arctic and Northern Border project costs, return and related income taxes, and an increase in revenue credits. Subsequent conferences held among Panhandle, Staff, intervening customers, consumers and municipalities resulted in a settlement agreement which would provide an annual revenue increase of approximately $32 million based upon a stipulated total cost of service of $402,454,016. The Presiding Administrative Law Judge, Samuel Kanell, opened the hearings on June 22, 1976, at which time the testimony of witnesses for Panhandle, intervenors, and Staff was taken into the

ecord. The hearings were concluded on June 28, 1976, with the taking of additional testimony relating to Panhandle's expenses applicable to the Gas Arctic and Northern Border projects. The settlement agreement was certified to the Commission on June 30, 1976. The agreement reflected the concurrence of all parties with the exception of Staff which opposed the inclusion of $1,951,181 in the stipulated cost of service relating to the forementioned projects.

Stipulation and Agreement

The agreement provides for rate reductions and refunds, with interest at the rate of 9% per annum, based on the settlement rates shown on Appendices A through D of Exhibit No. 3. The Appendix B rates are to be effective December 1, 1975, through January 31, 1976. For February 1, the rates are reflected in Appendix C of Exhibit No. 3, and for the period commencing February 2 through March 31, the rates are reflected in Appendix D of the same exhibit. The rates set out at Appendix A of Exhibit No. 3 are to be effective commencing April 1, 1976. The differences between the settlement rates are due to PGA and surcharge adjustments.

Other important provisions of the agreement are summarized as follows:

Article IV provides for tracking of advance payments and sets forth the manner in which Panhandle may increase its rates to reflect a level higher than the $59,144,787 included in rate base, and reduce its rates to reflect any repayment of advance payments included in rate base.

Article V provides for adjustment of rates to reflect any change in the Federal income tax rate of 48% up or down.

Article VI reserved for hearing the issues on costs applicable to the Gas Arctic and Northern Border projects in the amounts of $1,632,481 and $525,000, respectively. Panhandle agrees to make rate reductions and refunds on amounts ultimately disallowed.

Article VII provides that the effectiveness of the agreement is subject to final Commission approval without modification or condition, except with respect to Article VI. Panhandle requests waiver of the Regulations, as required.

Settlement Cost of Service

The agreement is based upon a jurisdictional cost of service of $381,999,724 with annual jurisdictional sales of 540,899,311 Mcf. This cost of service represents an increase in annual revenue requirements of $32 million above the revenue that would be generated by Panhandle's underlying rates and test period sales. It also represents a reduction of $9 million from the revenues generated by the revised jurisdictional rates claimed by Panhandle.

Notice of the settlement certification was issued on July 9, 1976, with comments due by July 23, 1976. Staff filed comments supporting the exclusion of $1,951,181 from the settlement cost of service, representing post certificate application costs on the Gas Arctic and Northern Boarder projects. Michigan Consolidated Gas Company filed comments urging the Commission to approve the entire settlement agreement including all costs associated with these projects.

On March 10, 1977, Panhandle filed a motion for a prompt decision in this matter or in the alternative, to approve the proposed settlement agreement and reserve its decision on the contested issue. The settlement agreement provides that the Commission should decide this issue on the record evidence. Should the Commission determine that all or a portion of the project costs are not includable in the settlement cost of service, the agreement provides that Panhandle would be required to make a further adjustment in the settlement rates as a result of a final Commission order no longer subject to judicial review. Panhandle further states that by severing the contested issue and permitting the reduced rates in the agreement to go into effect, the Commission can implement the benefits of the settlement and at the same time protect the public interest. Inasmuch as the instant order disposes of the entire settlement, we will treat Panhandle's motion as moot.

Discussion

We turn first to the only litigated and contested portion of the settlement; the inclusion of the actual expenditures of Panhandle for test year operating expenses in the amount of $1,426,181 and $525,000 for Panhandle's share of expenses applicable to the Gas Arctic Northwest Project and the Northern Border Pipe Line PProject, respectively. As noted by the Judge:

> Staff argues that while it was proper for Panhandle to include the engineering, environmental and related research and exploratory costs of these projects in its annual cost of operations in accordance with Panhandle's normal accounting practice, it was inappropriate for Panhandle to consider these expenses ordinary costs of doing business after Panhandle sought Commission certification of these projects. Thus, staff asserts that these costs should be excluded from Panhandle's cost of service in this proceeding and should be charged to Account No. 183. This would afford Panhandle the opportunity to request Commission approval to amortize these charges over an appropirate period.[1]

The costs involved, relate to engineering, gas supply, environmental and financial feasibility studies, consulting fees, legal fees and the expenses of the proceedings in which the gas supply project is being reviewed by regulatory authorities both here and in Canada.[2] Staff maintains that these expenditures represent investments by Panhandle in projects already judged to be feasible and are not related to research and development and should be treated as all other expenses related to a project which remains uncertificated. Staff believes that "by filing for a certificate the group involved made a statement that the projects were feasible. Thus they can no longer fit within the definition of R&D found in the Commission's regulations."[3]

In support of inclusion of the subject expenditures, Panhandle argues that Account No. 183 is inappropriate for expenditures made after the feasibility of a project has been determined. Panhandle characterizes as "purely mechanical" staff's proposal to eliminate these expenditures. "There simply is no basis for considering the expenditures after the cut off as being less worthy or more shareholder-related than the earlier expenditure."[4] Panhandle also contends that the evidence demonstrates that the expenditures involved here have been relatively constant and that the amounts expended by Panhandle for its share of the Gas Artic and Northern Border Projects during the months of the test year have not decreased during succeeding months.

The question in this proceeding comes down to whether or not the expenses at issue represent research and development expenditures. The staff agrees that all such expenditures made by Panhandle in "Phase I" (i.e., prior to the application by Panhandle for a certificate) of these projects should be treated as research and development costs.[5]

Research and Development is defined in the Commission's Uniform System of Accounts at 18 C.F.R. 212, Definition 28B.

> "Research and Development" means expenditures incurred by natural gas companies either directly or through another person or organization (such as research institute, industry association, foundation, university, engineering company, or similar contractor) in pursuing research and development activities including experiment, design, installation, construction, or operation. Such research and development costs should be reasonably related to the existing or future utility business, broadly defined, of the company or to the environment in which it operates or expects to operate. The term includes but is not limited to: all such costs incidental to the design, development or implementation of an experimental facility, a plant process, a product, a formula, an invention, a system or similar items, and the improvement of already existing items of a like nature; amounts expended in connection with the proposed development and/or proposed delivery of substitute or synthetic gas supplies (alternate fuel sources for example, an experimental coal gasification plant or an experimental plant synthetically producing gas from liquid hydrocarbons); and the costs of obtaining its own patent, such as attorney's fees expended in making and perfecting a patent application. The term does not include expenditures for efficiency surveys; studies of management, management techniques and organizations; consumer surveys, advertising, promotions, or items of a like nature.

Account No. 183 (18 C.F.R. 201 § 183.2), provides:

> a. This account shall be charged with all expenditures for preliminary surveys, plans, investigations, etc., made for the purpose of

[1] Certification of proposed settlement agreement at 2.

[2] Exhibit No. 2a at 3.

[3] Comments of Commission Staff at 4.

[4] Comments of Panhandle at 8.

[5] *See*, Comments of Commission Staff at n. 4.

determining the feasibility of utility projects under contemplation other than the acquisition of land * * *.

Section 7(e) of the Natural Gas Act provides that "a certificate shall be issued to any qualified applicant therefore, authorizing the whole or any part of the operation, sale, service, construction, extension, or acquisition covered by the application if it is found that the applicant is able and willing properly to do the acts and to perform the service proposed and to conform to the provisions of the Act and Requirements, Rules, and Regulations of the Commission thereunder * * *." (emphasis added).

From the foregoing we conclude that Panhandle's application for a certificate must be viewed as an admission that Panhandle is able and willing to perform. Such a conclusion is inconsistent with the characterization of these expenditures as research and development. The feasibility of the projects having impliedly been determined, it is equally impossible to categorize these expenditures under Account No. 183. These expenditures are not unlike funds expended during construction. Such funds are excluded from rate base until such time as the facilities are used and useful to the company.* The same result should obtain in connection with preconstruction expenditures. Inasmuch as these funds do not, in our view, qualify for treatment as research and development nor as preliminary survey and investigation charges, we conclude that they can properly be included in Account No. 186 "Miscellaneous Deferred Debits". Panhandle shall retain the $1.9 million in this account pending disposition of the certificate applications filed in Docket Nos. CP74-239 and CP74-290.

We turn now to the unchallenged portion of the settlement agreement. As noted above, this agreement, set forth more fully as Exhibit No. 3, increases Panhandle's annual revenues by roughly $32 million on a stipulated jurisdictional cost of service of $381,999,724. The settlement provides for a 9.35% rate of return and a 12.7% return on common equity. Our determination to exclude from Panhandle's cost the engineering, environmental, and exploratory costs dealt with above, will require adjustment of the settlement cost of service with attendant rate reductions and refunds.

We find that the proposed settlement agreement is fully supported by the record and is just and reasonable and not unduly discriminatory. We will, therefore, approve the proposed settlement agreement in all of its terms with the exception of Article VI which refers to the inclusion of the engineering, environmental, and exploratory costs more fully discussed above.

*See, e.g., order issued August 14, 1975, in *Tennessee Natural Gas Company*, Docket No. RP75-114; and order issued August 15, 1975, in *Tennessee Gas Pipeline Company*, Docket No. RP75-113, et al.

The Commission finds: (1) The $1.9 million representing Panhandle's share of expenses applicable to the Gas Arctic Northwest Project and the Northern Border Pipeline Project should be excluded from the company's cost of service.

(2) Approval of the proposed settlement agreement certified to the Commission on June 30, 1976, as modified by the exclusion set forth in Paragraph (1) herein is just, reasonable, and not unduly discriminatory and should be approved.

The Commission orders: (A) The proposed settlement agreement set forth as Exhibit No. 3 in the instant docket certified to the Commission on June 30, 1976, as amended as more fully set forth above to exclude from Panhandle's total cost of service, $1,951,181 representing Panhandle's share of expenses applicable to the Gas Arctic Northwest Project in the Northern Border Pipe Line Project is adopted.

(B) Within 15 days from the date of this order, Panhandle shall file revised tariff sheets in accordance with the settlement agreement and this order.

(c) As soon as practicable but not later than 60 days after the date of this order, Panhandle shall refund all amounts collected in excess of the settlement rates, together with interest at the rate of 9 percent per annum. Panhandle shall thereafter submit a report of the refunds and interest to the Commission.

(D) Upon compliance by Panhandle with the terms of this order, this proceeding shall be terminated.

(E) This order is without prejudice to any findings or orders which have been made or which may hereafter be made by the Commission, and is without prejudice to any claims or contentions which may be made by the Commission, the Staff or any other party or person affected by this order in any proceeding now pending or hereinafter instituted by or against Panhandle or any other person or party.

(F) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

PANHANDLE EASTERN PIPE LINE COMPANY

SETTLEMENT COST OF SERVICE

[Docket No. RP75-102]

	Amount
Operating expenses	$294,159,331
Depreciation and amortization	39,322,495
Revenues-credit	(25,071,117)
Taxes:	
Federal income	30,268,914
State income	2,073,526
Other	12,063,855
Return at 9.35 pct	49,637,012
Total cost of service	402,454,016
Jurisdictional cost of service	381,999,724
Jurisdictional sales volumes-MCF	540,899,311

Panhandle Eastern Pipe Line Co.—Settlement capitalization and rate of return

[Docket No. RP75-102]

	Amount—in millions dollars	Ratio (percent)	Cost	Return component (percent)
Long-term debt	$476,110	62.84	$7.81	4.91
Preferred stock	33,500	4.42	6.96	.31
Accumulated deferred Federal income taxes	1,728	.23		
Common equity	246,319	32.51	12.70	4.13
Total	757,657	100.00		9.35

[FR Doc.77-12511 Filed 5-2-77;8:45 am]

REGULATORY INFORMATION SYSTEM

Proposed Technical Conference

APRIL 25, 1977.

Notice is hereby given that the Federal Power Commission intends to conduct during May/June 1977 a series of technical conferences regarding its Regulatory Information System. These technical conferences will be held for one day each at the following locations:

Date	Location	Subject
May 18, 1977	Washington, D.C., hearing room A, Federal Power Commission, 825 North Capitol St.	Electric power.
May 19, 1977	....do	Natural gas.
May 20, 1977	Boston, Mass., room 2003A, J. F. Kennedy Federal Center	Electric power.
May 23, 1977	Dallas, Tex., room 7A23, 1100 Commerce St	Do.
Do	Tulsa, Okla., David Copperfield Room, Sheraton Inn, 2201 North 77th Ave	Natural gas.
May 25, 1977	Dallas, Tex., room 7A23, 1100 Commerce St	Do.
Do	San Francisco, Calif., The Federal Bldg., room 13450, 450 Golden Gate Ave	Electric power.
May 26, 1977	....do	Natural gas.
June 1, 1977	Houston, Tex., Ponderosa Room, Quality Inn, Airport, 6115 Jetero Blvd	Do.
Do	Chicago, Ill., The Federal Bldg., room 3619, 230 South Dearborn St	Electric power.
June 3, 1977	New Orleans, La., Delta Tower Hotel, 1732 Canal St	Natural gas.
Do	Atlanta, Ga., room 556, 275 Peachtree St	Electric power.

The Agenda for the technical conferences is as follows:

9 to 12 a.m.—Introduction; Respondent reporting system overview; Forms analysis and design; Data base and standards; System outputs.
12 to 1 p.m.—Lunch break.
1 to 4:30 p.m.—Use of reference materials; Filling out sample forms; Availability of information; Questions and answers; System demonstration.

The locations of these technical conferences have been determined based on replies to the first notice on the subject of February 14, 1977. If you have already responded to the first notice and you anticipate no change in your plans, you need not reply to attend.

If you now wish to attend or change your plans about how many from your company will attend or what location you prefer, you are invited to reply by May 16, 1977 to:

Secretary, Federal Power Commission, 825 North Capitol Street, Washington, D.C. 20426.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-12510 Filed 5-2-77;8:45 am]

FEDERAL RESERVE SYSTEM

[H.2, 1977 No. 16]

ACTIONS OF THE BOARD

Applications and Reports Received During Week Ending April 16, 1977

ACTIONS OF THE BOARD

Regulation Z amendment, effective October 10, 1977, to require advance disclosure of any variable rate clause in a credit contract that may result in an increase in the cost of the credit to the customer (Docket No. R-0003).

Regulation Z amendment, to permit—but not require—disclosures called for by the Truth in Lending Act and Regulation Z to be made in Spanish in Puerto Rico (Docket No. R-0066).

Regulation Z, interpretation of Regulation Z (Truth in Lending) affecting credit card issuers which bill customers in full on a transaction-by-transaction basis and impose no finance charges; the Board will receive comment through May 16, 1977 (Docket No. R-0094).

Regulation H, proposed amendment that generally would prohibit State member banks from purchasing loans on improved real estate or mobile homes located in a flood hazard area if the property is not covered by flood insurance; the Board will receive comment through May 20, 1977 (Docket No. R-0069.

Regulation H, adoption of four technical amendments to the flood insurance provisions of Regulation H to make the regulation conform to recent changes in the Flood Disaster Protection Act of 1973 (Docket No. R-0095).

Purchase of Telephone System for the Federal Reserve Bank of St. Louis.

Purchase of Computers for the Branches of the Federal Reserve Bank of St. Louis.

Bank of the Commonwealth, Detroit, Michigan, to make an additional investment in bank premises.

Elliott State Bank, Jacksonville, Illinois, to make an additional investment in bank premises.[1]

Farmers Bank of Mathews, Mathews, Virginia, to make an investment in bank premises.[1]

Walter E. Heller International Corporation, Chicago, Illinois, extension of time to May 11, 1978, within which to divest its nonbanking subsidiary, Knoll International Inc., Chicago, Illinois.[1]

Deregistration under Regulation G for Electronic Data Systems Corporation, Dallas, Texas; Clovis Production Credit Association, Clovis, New Mexico, and for Cattleman's Production Credit Association, San Saba, Texas.[1]

Detroit Bank—Troy, Troy, Michigan, extension of time to September 24, 1977, within which to establish branches at the southwest corner of the intersection of Crooks and Maple Roads, and at the southeast corner of the intersection of Maple and John R. Roads, Troy, Michigan.[1]

Union Bank, Los Angeles, California, extension of time to May 2, 1978, within which to establish a branch in the vicinity of the southeast corner of Century Boulevard and La Cienega Boulevard, Los Angeles.[1]

Atlantic Bancorporation, subsidiaries of, Jacksonville, Florida, proposed merger with Atlantic Bank of Conway, Orange County, Florida; report to the Federal Deposit Insurance Corporation on competitive factors.[1]

Bank of Sebastopol, Sebastopol, Mississippi, proposed merger with Bank of Central Mississippi, Carthage, Mississippi; report to the Federal Deposit Insurance Corporation on competitive factors.[1]

First Marine Bank, Inc., subsidiaries of, Riviera Beach, Florida, proposed merger with First Marine Bank & Trust Company of Palm Beaches, Riviera Beach, Florida; report to the Federal Deposit Insurance Corporation on competitive factors.[1]

Flagship Bank of Haines City, Haines City, Florida, proposed merger with Flagship Bank of Lake Alfred, Lake Alfred, Florida and Davenport Flagship Bank, Davenport, Florida; report to the Federal Deposit Insurance Corporation on competitive factors.[1]

Fourth National Bank of Jackson, Jackson, Tennessee, proposed merger with The National Bank of Commerce of Jackson, Jackson Tennessee; report to the Comptroller of the Currency on competitive factors.[1]

Houston County Bank, Ashford, Alabama, proposed merger with The Farmers & Merchants Bank, Ashford, Alabama; report to the Federal Deposit Insurance Corporation on competitive factors.[1]

Independent National Bank, Stone Harbor, New Jersey, proposed merger with First Peoples National Bank of New Jersey, Westmont, New Jersey; report to the Comptroller of the Currency on competitive factors.[1]

Landmark Banking Corporation of Florida, subsidiaries of, Fort Lauderdale, Florida, proposed marger with Landmark First National Bank of Fort Lauderdale, Fort Lauderdale, Florida; report to the Comptroller of the Currency on competitive factors.[1]

West Main State Bank, Baytown, Texas, proposed merger with Peoples State Bank, Baytown, Texas; report to the Federal Deposit Insurance Corporation on competitive factors.[1]

To Establish a Domestic Branch Pursuant to Section 9 of the Federal Reserve Act.

APPROVED

Seabrook Bank and Trust Company, Seabrook, New Hampshire. Branch to be established on Route 1-A, Seabrook Beach.[2]

The Detroit Bank-Southfield, Southfield, Michigan. Branch to be established at the southeast corner of Southfield and Edwards Roads, Southfield, Oakland County.[2]

Elliott State Bank, Jacksonville, Illinois. Branch to be established at Westgate Avenue and West Morton Road, Jacksonville, Morgan County.[2]

* * * * *

International Investments and Other Actions Pursuant to sections 25 and 25 (a) of the Federal Reserve Act and sections 4(c)(9) and 4(c)(13) of the Bank Holding Company Act of 1956, as amended.

APPROVED

Citibank Overseas Investment Corporation, New York, New York: period of time for Trinkaus and Burkhardt, Germany, to dispose of three real estate holdings.

Citibank Overseas Investment Corporation, New York, New York: additional investment in IAC (Holdings) Limited, Melbourne, Australia.

United States Trust Company International Corporation, New York, New York: investment—½ of the shares of a de novo Investment Management Co., Geneva, Switzerland.

* * * * *

Thirty Day Notice of Intention to Establish an Additional Branch of a Member Bank in a Foreign Country.

APPROVED

Bank of America N.T. and S.A., San Francisco, California: additional branch in New Delhi, India.

International Investments and Other Actions Pursuant to sections 25 and 25(a) of the Federal Reserve Act and sections 4(c)(9) and 4(c)(13) of the Bank Holding Company Act of 1956, as amended.

DENIED

Allied Bank International, New York, New York: amend Articles of Association to reduce capital stock and number of shareholders.

* * * * *

To Form a Bank Holding Company Pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956.

RETURNED

Northwest Arkansas Bancshares, Inc., Bentonville, Arkansas, for approval to acquire 100 percent of the voting shares (less directors' qualifying shares) of First National Bank, Rogers, Arkansas.

REACTIVATED

First Bancshares of Kirksville, Inc., Kirksville, Missouri, for approval to acquire 80 percent or more of the voting shares of First National Bank, Kirksville, Missouri.[2]

Torrington National Company, Torrington, Wyoming, for approval to acquire 100 percent of the voting shares of First National Bank, Torrington, Wyoming.[2]

[1] Application processed on behalf of the Board of Governors under delegated authority.

[2] Application processed by the Reserve Bank on behalf of the Board of Governors under delegated authority.

APPROVED

First Bancshares of Kirksville, Inc., Kirksville, Missouri, for approval to acquire 80 percent or more of the voting shares of First National Bank, Kirksville, Missouri.[2]

Torrington National Company, Torrington, Wyoming, for approval to acquire 100 percent of the voting shares of First National Bank, Torrington, Wyoming.[2]

DENIED

Glen-An Corporation, Kanaranzi, Minnesota, for approval to acquire 95.6 percent of the voting shares of Farmers State Bank of Kanaranzi, Kanaranzi, Minnesota.

To Expand a Bank Holding Company Pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956.

APPROVED

Chemical Financial Corporation, Midland, Michigan, for approval to acquire 100 percent of the voting shares of the successor by consolidation to Gladwin County Bank, Beaverton, Michigan.

Manufacturers National Corporation, Detroit, Michigan, for approval to acquire 100 percent of the voting shares of Manufacturers Bank of St. Clair Shores, St. Clair Shores, Michigan, a proposed new bank.[2]

* * * * *

To Expand a Bank Holding Company Pursuant to section 3(a)(5) of the Bank Holding Company Act of 1956.

APPROVED

Texas Commerce Bancshares, Inc., Houston, Texas, for approval to merge with The BanCapital Financial Corporation, Austin, Texas.

* * * * *

To Expand a Bank Holding Company Pursuant to section 4(c)(8) of the Bank Holding Company Act of 1956.

PERMITTED

Massachusetts Bankshares, Inc., Hingham, Massachusetts, notification of intent to engage in *de novo* activities (making, acquiring, or servicing loans or other extensions of credit to persons, partnerships, trusts, associations, and corporations secured by a mortgage or other lien on real estate, or pledge, or by security interest in personal property, or without security) at 13 Main Street, Hingham, Massachusetts, through its subsidiary, Mortgage Shops, Inc. (4/14/77)[3]

Horizon Bancorp, Morristown, New Jersey, notification of intent to relocate de novo activities (leasing real and personal property on a nonoperating, full payout basis and acting as agent, broker, or adviser with respect to such property to be leased on that basis; and making or acquiring, for its own account or for the account of others, loans and other extensions of credit as would be made by a finance company, such loans or other extensions of credit would generally be secured by equipment or other assets which may be legally pledged) from Host Airport Hotel, Tampa International Airport, Tampa, Florida to 1600 SE. 17th Street, Fort Lauderdale, Florida, through its subsidiary, Horizon Creditcorp (4/11/77)[3]

Horizon Bancorp, Morristown, New Jersey, notification of intent to relocate de novo activities (making or acquiring, for its own account or for the account of others, loans and other extensions of credit principally secured by second mortgages on one-to-four family residences pursuant to the New Jersey Secondary Mortgage Act, Chapter 205, Pub. L. 1970; and, in connection therewith, selling credit life, health and accident insurance) from 900 State Road, Princeton, New Jersey to 479 Midland Avenue, Saddle Brook, New Jersey, through its subsidiary, Horizon Creditcorp (4/11/77)[3]

First Banc Group of Ohio, Inc., Columbus, Ohio, notification of intent to engage in de novo activities (leasing personal property and equipment, or acting as agent, broker, or adviser in leasing of such property where such property is acquired by the lessor at the request of the lessee for business purposes and where at the inception of the initial lease the expectation is that the effect of the transaction and reasonably anticipated future transactions with the same lessee as to the same property will be to compensate the lessor for not less than the lessors full investment in the property plus the estimated total cost of financing the property over the term of the lease; making, acquiring, and selling, for its own account or for the account of others, loans and other extensions of credit secured by interests in real property; and servicing loans and other extensions of credit secured by interest in real property for itself and for others) at 8060 Montgomery Road, Suite 201, Cincinnati, Ohio, through its wholly-owned subsidiary, First Banc Group Financial Services Corporation, Columbus, Ohio (4/14/77)[3]

Tennessee Valley Bancorp, Inc., Nashville, Tennessee, notification of intent to engage in de novo activities (making or acquiring, for its account or for the account of others, loans and extensions of credit; for the servicing of loans and other extensions of credit made by it and any other persons or entities; acting as an investment or financial adviser; acting as a mortgage bank or agent for others in negotiating, obtaining, placing, or making loans including, but not limited to, real estate loans and in connection therewith and/or to aid thereof; and to sell insurance directly related to such mortgages as prescribed by the laws of the State of Kentucky) at 4400 Breckrindridge Lane, Louisville, Kentucky, through a subsidiary, TVB Mortgage Corporation. (4/13/77)[3]

Merchants National Corporation, Indianapolis, Indiana, notification of intent to engage in de novo activities (leasing of capital goods and equipment to industry and banks or others, or acting as agent, broker, or adviser in leasing such personal property where at the inception of the initial lease the effect of the transaction will yield a return that will compensate the lessor for not less than the lessor's full investment in the property plus the estimated total cost of financing the property over the terms of the lease) at Austin Center, Cypress at Westshore Boulevard, Tampa, Florida, through a subsidiary of Circle Leasing Corp. known as Circle Leasing of Florida Corp. (4/14/77)[3]

Northern States Bancorporation, Inc., Detroit, Michigan, notification of intent to relocate de novo activities (mortgage banking activities by originating residential, commercial and industrial mortgage loans for its own account but principally for sale to others; servicing such loans for others and acting as an investment or financial adviser to the extent of serving as the advisory company for a mortgage or real estate investment trust) from 101 Southfield Road, Suite 302, Birmingham, Michigan to 4190 Telegraph Road, Bloomfield Hills, Michigan, through its subsidiary, Kelly Mortgage and Investment Company. (4/11/77)

Otto Bremer Foundation and Otto Bremer Company, both of St. Paul, Minnesota, notification of intent to engage in de novo activities (providing portfolio investment advice to any other person and furnishing general economic information and advice, general economic statistical forecasting services and industry studies) at 1300 Northern Federal Building, 366 North Wabasha Street, St. Paul, Minnesota, through a wholly-owned subsidiary, Bremer Service Company (4/11/77).[3]

BankAmerica Corporation, San Francisco, California, notification of intent to relocate de novo activities (making or acquiring, for its own account loans and other extensions of credit such as would be made or acquired by a finance company; such activities will include, but not be limited to, making consumer installment loans, purchasing installment sales finance contracts, making loans and other extensions of credit to small businesses, and making loans secured by real and personal property; acting as agent or broker for the sale of credit related life and credit related accident and disability insurance in connection with extensions of credit by FinanceAmerica Corporation of Massachusetts) from Store 31B, Westgate Shopping Center, Brockton, Massachusetts to Store No. 11, Park Plaza, 1334 Park Street, Stoughton, Massachusetts, through its indirect subsidiary, FinanceAmerica Corporation of Massachusetts (4/15/77).[3]

BankAmerica Corporation, San Francisco, California, notification of intent to relocate de novo activities (making loans and extending credit, servicing for itself and others, loans and other extensions of credit and providing services incident to such loans and extensions of credit such as would be made or provided by a finance company including, but not limited to, providing funds and/or credit services in connection with the financing of stock and floor plan inventory of distributors and dealers of consumer products; making available to such dealers at their option and cost, fire, theft, and damage insurance on a monthly reporting basis covering only the outstanding indebtedness on such floor plan inventory) from 151—87th Street to 347 Gellert Boulevard, Dale City, California, through its indirect subsidiaries, FinanceAmerica Private Brands, Inc. and Ariens Credit Corporation (Pennsylvania Corporation) and Hupp Credit Corporation (a Delaware Corporation) (4/15/77).[3]

First Security Corporation, Salt Lake City, Utah, notification of intent to engage in de novo activities (making or acquiring, for its own account or for the account of others, loans and other extensions of credit such as are normally made by a mortgage company and the servicing of such accounts for itself and for others including commercial and residential loans) at No. 8 East Broadway, Salt Lake City, Utah, through its subsidiary, First Security Mortgage Co. (4/14/77).[3]

First Security Corporation, Salt Lake City, Utah, notification of intent to engage in de novo activities (making or acquiring, for its own account or for the account of others, loans and other extensions of credit

[2] 4(c)(8) and 4(c)(12) notifications processed by Reserve Bank on behalf of the Board of Governors under delegated authority.

[3] 4(c)(8) and 4(c)(12) notifications processed by Reserve Bank on behalf of the Board of Governors under delegated authority.

such as are normally made by a mortgage company and the servicing of such accounts for itself and for others including commercial and residential loans) at 502 South Main, Rock Springs, Wyoming, through its subsidiary, First Security Mortgage Co. (4/14/77).[3]

Security Pacific Corporation, Los Angeles, California, notification of intent to relocate de novo activities (the organization and acquisition of mortgage loans, including development and construction loans on multi-family and commercial properties for its own account or for the sale to others and the servicing of such loans for others) from 3441 Torrance Boulevard, Torrance, California to 20620 South Leapwood, Carson, California, through its subsidiary, Security Pacific Mortgage Corporation (4/14/77).[3]

* * * * *

To Expand a Bank Holding Company Pursuant to section 4(c)(12) of the Bank Holding Company Act of 1956.

PERMITTED

American Financial Corporation, Cincinnati, Ohio, notification of intent to acquire 100 per cent of the outstanding common stock of Stonewall Insurance Company, Birmingham, Alabama, an on-going casualty insurance company (4/10/77).

To Establish a Domestic Branch Pursuant to Section 9 of the Federal Reserve Act.

Union Trust Company of Maryland, Baltimore, Maryland. Branch to be established at the intersection of U.S. Route 40 (Pulaski Highway) and Rossville Boulevard, Baltimore County.

* * * * *

Thirty Day Notice of Intention to Establish an Additional Branch of a Member Bank in a Foreign Country.

The First National Bank of Chicago, Chicago, Illinois: additional branch in Munich, Germany.

* * * * *

To Establish an Overseas Branch of a Member Bank Pursuant to section 25 of the Federal Reserve Act.

Chemical Bank, New York, New York: Branch in Hong Kong.

* * * * *

To Form a Bank Holding Company Pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956.

Crown Bancshares, Incorporated, Hammond, Indiana, for approval to acquire 90 percent or more of the voting shares of The First National Bank of Crown Point, Crown Point, Indiana.

Guaranty Bancshares Corporation, Kansas City, Kansas, for approval to acquire 96.03 percent of the voting shares of Guaranty State Bank & Trust, Kansas City, Kansas.

To Expand a Bank Holding Company Pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956.

First International Bancshares, Inc., Dallas, Texas, for approval to acquire 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to Peoples State Bank, Baytown, Texas.

Republic of Texas Corporation, Dallas, Texas, for approval to acquire 2,800 additional shares of the voting shares of First National Bank of Duncanville, Duncanville, Texas.

* * * * *

To Expand a Bank Holding Company Pursuant to section 4(c)(8) of the Bank Holding Company Act of 1956.

Chemical New York Corporation, New York, New York, notification of intent to engage in de novo activities (leasing real and personal property and equipment on a nonoperating, full payout basis and acting as agent, broker, and adviser with respect to such leases; financing real and personal property and equipment such as would be done by a commercial finance company; and servicing such extensions of credit) at 244 West Passaic Street, Rochelle Park, New Jersey, through its subsidiary, Chemlease, Inc. (4/13/77).[3]

Citicorp, New York, New York, notification of intent to relocate de novo activities (consumer sales finance activities) from 3401 Chinden Boulevard, Boise, Idaho to 1775 Westgate Drive, Suite 225, Boise, Idaho, through its subsidiary, Nationwide Financial Corporation and its subsidiary, Nationwide Financial Corporation of Idaho. This replaces the notification that was received on H. 2 No. 10 (4/12/77).[3]

Citicorp, New York, New York, notification of intent to relocate de novo activities (the making of consumer installment personal loans; and the sale of life/accident and health, and property insurance related thereto) from 3401 Chinden Boulevard to the Corner of Five Mile Road and Fairview Avenue, Boise, Idaho, through its subsidiary, Nationwide Financial Corporation and its subsidiary, Nationwide Financial Corporation of Idaho. This replaces the notification that was received on H. 2 No. 10 (4/12/77).[3]

United Virginia Bankshares Incorporated, Richmond, Virginia, notification of intent to relocate de novo activities (originating loans as principal; originating loans as agent; servicing loans for nonaffiliated individuals, partnerships, and corporations; servicing loans for affiliates of United Virginia Bankshares Incorporated; the sale, as agent, of credit life, credit disability, mortgage redemption and mortgage cancellation insurance in connection with such loans and other activities as may be incidential to the business of a mortgage corporation) from 11009 Warwick Boulevard, Newport News, Virginia to 718 J. Clyde Morris Boulevard, Newport News, Virginia, through its subsidiary, United Mortgage Corporation (4/14/77).[3]

Barnett Banks of Florida, Inc., Jacksonville, Florida, notification of intent to engage in de novo activities (performing or carrying on any one or more of the functions or activities that may be performed or carried on by a trust company including activities of a fiduciary agency or custodian nature in the manner authorized by Federal and State law; provided, however, that loans and investments will be made and deposits accepted only in conformity with Regulations of the Board of Governors of the Federal Reserve System) at 1900 Tyler Street, Hollywood, Florida, through a subsidiary, Barnett Banks Trust Company, N.A. (4/11/77).[3]

Landmark Bancshares Corporation, St. Louis, Missouri, notification of intent to engage in de novo activities (providing bookkeeping and data processing services to the parent company and its subsidiaries and the storing and processing of other banking, financial and related economic data including the performance of payroll, accounts receivable or payable, or billing services) at 6313 Dr. M. L. King Drive, St. Louis, Missouri, through a subsidiary, Landmark Data Services Incorporated (4/11/77).[3]

Rainier Bancorporation, Seattle, Washington, notification of intent to engage in de novo activities (making or acquiring, for its own account or for the account of others, loans and other extensions of credit including the making of consumer installment loans, purchasing consumer installment sales finance contracts, and making of loans to small businesses; leasing personal property and equipment or acting as agent, broker, or adviser in such leasing where at the inception of the initial lease the effect of the transaction (and, with respect to governmental entities only, resonably anticipated future transactions) will yield a return that will compensate the lessor for not less than the lessor's full investment in the property over the term of the lease; acting as insurance agent or broker with regard to credit life and disability insurance relating only to extensions of credit by Rainier Credit Company, secured or unsecured, with the limitation that the initial amount of such insurance issued with respect to any debtors may at no time exceed the amount owed by debtors) at 3278 B Lancaster Drive NE., Salem, Oregon, through its subsidiary, Rainier Credit Company (4/11/77).[3]

Valley Bancorporation, Rexburg, Idaho, notification of intent to engage in de novo activities (making or acquiring, for its own account or for the account of others, loans secured by real property and related fixtures and/or personal property and servicing such loans for any other person, corporation, firm, or legal entity) at 110 East Main, Rexburg; 1625 Northgate Mile, Idaho Falls; 1 Riverside Plaza, Blackfoot; 910 Yellowstone Avenue, Pocatello; 30 West Main, St. Anthony; 503 Main, Ashton; and 15 North Main, Driggs; all located in Idaho, through its subsidiary, Mountain Mortgage Company (4/11/77).[3]

* * * * *

To Expand a Bank Holding Company Pursuant to Section 4(c)(12) of the Bank Holding Company Act of 1956.

American Financial Corporation, Cincinnati, Ohio and its subsidiaries, notification of intent to acquire from 5 percent to 35 percent of the outstanding voting shares of the following 24 specified corporations: Air Florida Systems, Inc.; Bangor Punta Corporation; The Charter Company; Cowles Communications, Inc.; CNA Financial Corporation; DWG Corporation; Floyd Enterprises, Inc.; General Host Corporation; Gulf Life Holding Company; Gulf Life Insurance Company; IC Industries, Inc.; International Mining Corporation; Lone Star Industries, Inc.; New York Magazine Company, Inc.; The New York Times Company; Orion Capital Corporation; Pennsylvania Engineering Company; The Progressive Corporation; Rapid-American Corporation; Reliance Group, Inc.; St. Joe Paper Company; Stutz Motor Corporation of America, Inc.; The TI Corporation of California; and WUI, Inc. (4/13/77).[3]

* * * * *

REPORTS RECEIVED

Current Report Filed Pursuant to Section 13 of the Securities Exchange Act.

The Lorain County Savings & Trust Co., Elyria, Ohio.

Manufacturers Bank & Trust Company of St. Louis, St. Louis, Missouri.

Southwest Bank of St. Louis, St. Louis, Missouri.

* * * * *

PETITION FOR RULEMAKING

None.

Board of Governors of the Federal Reserve System, April 27, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77-12569 Filed 5-2-77;8:45 am]

GOODLETTSVILLE BANCSHARES, INC.

Formation of Bank Holding Company

Goodlettsville Bancshares, Inc., Goodlettsville, Tennessee, has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 80 per cent or more of the voting shares of The Bank of Goodlettsville, Goodlettsville, Tennessee. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than May 25, 1977.

Board of Governors of the Federal Reserve System, April 27, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77-12567 Filed 5-2-77;8:45 am]

NATIONAL DETROIT CORP.

Proposed Acquisition of Grand Traverse Mortgage Co., Inc.

National Detroit Corporation, Detroit, Michigan, has applied, pursuant to § 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire, through its subsidiary NBD Mortgage Company, certain assets of Grand Traverse Mortgage Company, Inc., Traverse City, Michigan. Notice of the application was published on March 18, 1977, in the Record Eagle, a newspaper circulated in Traverse City, Michigan.

Applicant states that upon consummation of the proposed transaction, NBD would engage in the activity of making, acquiring and servicing mortgage loans for its own account and for the account of others. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than May 25, 1977.

Board of Governors of the Federal Reserve System, April 27, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77-12568 Filed 5-2-77;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Assistant Secretary for Education

COLLECTION OF INFORMATION AND DATA ACQUISITION ACTIVITY

Comments

Pursuant to section 406(g)(2)(B), General Education Provisions Act, notice is hereby given as follows: The U.S. Office of Education has proposed collections of information and data acquisition activities which will request information from educational agencies or institutions.

The purpose of publishing this notice in the FEDERAL REGISTER is to comply with paragraph (g)(2)(B) of the "Control of Paperwork" amendment which provides that each educational agency or institution subject to a request under the collection of information and data acquisition activity and their representative organizations shall have an opportunity, during a 30-day period before the transmittal of the request to the Director of the Office of Management and Budget, to comment to the Administrator of the National Center for Education Statistics on the collection of information and data acquisition activity.

These data acquisition activities are subject to review by the HEW Education Data Acquisition Council and the Office of Management and Budget.

Descriptions of the proposed collections of information and data acquisition activities follow below.

Written comments on the proposed activities are invited. Comments should refer to the specific sponsoring agency and form number and must be received on or before June 2, 1977, and should be addressed to Administrator, National Center for Education Statistics, ATTN: Manager, Information Acquisition, Planning, and Utilization, Room 3001, 400 Maryland Avenue, SW., Washington, D.C. 20202.

Further information may be obtained from Elizabeth M. Proctor of the National Center for Education Statistics, 202-245-1022.

Dated April 28, 1977.

MARIE D. ELDRIDGE,
Administrator, National Center for Education Statistics.

DESCRIPTION OF PROPOSED COLLECTION OF INFORMATION AND DATA ACQUISITION ACTIVITY

1. TITLE OF PROPOSED ACTIVITY

Application for Nonprofit Organization Grants Under the Emergency School Aid Act.

2. AGENCY/BUREAU OFFICE

U.S. Office of Education/Bureau of Elementary and Secondary Education/Equal Educational Opportunity Programs.

3. AGENCY FORM NUMBER

OE Form 116.

4. LEGISLATIVE AUTHORITY FOR THIS ACTIVITY

"The Assistant Secretary is authorized to make grants to, and contracts with, public and private nonprofit agencies, institutions and organizations (other than local educational agencies and nonpublic elementary and secondary schools) to carry out programs or projects designed to support the development or implementation of a plan, program, or activity described in section 706."

(Pub. L. 92-318, sec. 708(b); (20 U.S.C. 1604(a)(3) and 1607(b); (45 CFR 185.61(a)).)

Bilingual projects (nonprofit organizations). "* * * the Assistant Secretary is authorized to make grants to, and contracts with private nonprofit agencies, institutions, and organizations to develop curricula, at the request of one or more educational agencies which are eligible for assistance under section 706, designed to meet the special educational needs of minority group children who are from environments in which a dominant language is other than English, for the development of reading, writing, and speaking skills, in the English language and in the language of their parents or grandparents, and to meet the educational needs of such children and their classmates to understand the history and cultural background of the minority groups of which such children are members * * *"

(Pub. L. 92-318, sec. 708(c)(1)(A); (20 U.S.C. 1607(c)(1)(A)); (45 CFR 185.51(b)).)

Special mathematics projects. "(3) The Assistant Secretary is authorized to make grants to, and contracts with, one or more private nonprofit agencies, institutions, or organizations, for the conduct, in cooperation with one or more local educational agencies, of special programs for the teaching of standard mathematics to children eligible for services under this Act through instruction in advanced mathematics by qualified instructors with bachelor degrees in mathematics, or the mathematical sciences from colleges or other institutions of higher education, or equivalent experience."

(Pub. L. 92-318, sec. 708(a)(3) (20 U.SC. 1605(d) and 1607(a)(3)) (45 CFR 185.92).)

5. VOLUNTARY/OBLIGATORY NATURE OF RESPONSE

Required to obtain benefits.

6. HOW INFORMATION TO BE COLLECTED WILL BE USED

Each application for a nonprofit organization grant under the Emergency School Aid Act will be subject to the following reviews:

A. *Statistical data review.* The statistical data regarding the enrollment and isolation of minority group students will be taken from the application and used to compute the extent of reduction of minority group isolation in the local educational agency or

agencies whose plan(s) the applicant proposes to support.

B. *Eligibility/assurances review.* The Office for Civil Rights (OCR) has the delegated authority to validate those assurances which determine if districts are eligible to apply for and receive financial assistance. In addition, OCR determines if the document submitted as a desegregation plan is actually a plan which requires the elimination, reduction or prevention of minority group isolation. The remaining ESAA assurances are verified by program personnel responsible for administering the Emergency School Aid Act.

C. *Educational quality review.* The educational quality score of each application will be determined by a panel of qualified persons. The listing of prominent milestones outlined by the applicant will be used by OE personnel to track the relative progress of the project.

7. DATA ACQUISITION PLAN

a. Method of collection: Mail.
b. Time of collection: January.
c. Frequency: Annually.

8. RESPONDENTS

a. Type: Public and private nonprofit agencies, institutions, or organizations.
b. Number: Sample, 1,000.
c. Estimated average number manhours per respondent: 35 hours.

9. INFORMATION TO BE COLLECTED

Applicants are required to submit the following information:

(a) *Documentation.* (1) A copy of the charter, articles of incorporation, bylaws, or other legal documents indicating the nature and purpose of the application, including evidence of nonprofit status.

(2) A copy or description of the plan being implemented by the appropriate local educational agency, except where the LEA has also applied for assistance.

(3) Applicants proposing to support the development of a plan or project should provide written documentation of the LEA's request for such support of development.

(4) A statement indicating the name of the LEA representative to whom the application was submitted and the date of submission and any comments received.

(5) A description of the provisions which have been made for effective liaison with the cooperating LEA with regard to operation of the proposed project.

(b) *Data items.* (1) Data regarding the establishment of the advisory committee including date established, date application was submitted to advisory committee for review and comment and the date the names of the advisory committee members and purpose of such committee were published in a newspaper.

(2) Data regarding the composition of the advisory committee including names of committee members, race or ethnic group and community organization represented. Applicant must also indicate if the advisory committee member is a parent of student affected by the ESAA plan or project, a classroom teacher or secondary school student.

(3) The current enrollment of minority group students in all schools of the LEA, and the total number of schools currently operated by the local educational agency and the total number of schools which have been affected by the desegregation plan under which the LEA is operating. This information need not be provided by applicants for bilingual projects.

NOTE.—Items (4) through (6) apply only if the LEA is not applying for Emergency School Aid assistance.

(4) By names of schools affected by the LEA's desegregation plan and by number of schools not affected by the plan, provide the total enrollment of the school district and the number and percentage of minority group pupils enrolled in such schools.

(5) By names of schools predicted to be affected by the LEA's desegregation plan, and by number of schools predicted not to be affected by the plan, provide the total enrollment and the number and percentage of minority pupils predicted to be enrolled in such schools.

(6) Provide a copy of the plan to prevent minority group isolation or plan to establish or maintain one or more integrated schools. By names of schools predicted to be affected by the LEA's desegregation plan, and by number of schools not predicted to be affected, provide the total enrollment and the number and percentage of minority group pupils predicted to be enrolled in such schools assuming the plan is implemented and assuming the plan is not implemented.

(7) Applicants for bilingual projects only. Provide the total enrollment in the LEA of pupils from environments in which a dominant language is other than English and the number and percentage of such children who receive instruction of any kind (prior to the application for assistance under this sub-part) in such language, the average number of hours per day such instruction is provided, and the educational goals of such instruction; the extent to which minority group children are separated from nonminority group children by or within classes for any part of the day for the provision of instructional or other services to such minority group children or for purposes of ability grouping or homogeneous instruction, and the educational justification for such separation; the extent to which materials utilized for reading instruction are varied (by primary language, subject matter, or intended level of instruction as between the various schools in the affected school district or between the various classrooms within such schools).

(c) *A program narrative.* Presented in the following manner:

(1) The needs assessment with each need ranked in order of priority and presented separately. Under each need component, the objectives and activities associated with the particular need, the plans for evaluation of those activities and the management of resources. Key project staff positions should be discussed.

(2) A statement of past activities etc.

(3) A statement of the extent to which other public or private nonprofit agencies or organizations in the affected school districts have been consulted in the preparation of the application and the provisions made for coordination with such organizations which have applied for or received Emergency School Aid Act (ESAA) assistance.

(4) Procedures by which the proposed ESAA program, project or activity will be coordinated with projects conducted pursuant to Titles I, III, and VII of the Elementary and Secondary Education Act of 1965 and Title IV of the Civil Rights Act of 1964.

DESCRIPTION OF A PROPOSED COLLECTION OF INFORMATION AND DATA ACQUISITION ACTIVITY

1. TITLE OF PROPOSED ACTIVITY

Application for Local Educational Agency Grants under the Emergency School Aid Act.

2. AGENCY/BUREAU/OFFICE

U.S. Office of Education, Bureau of Elementary and Secondary Education, Equal Educational Opportunity Programs.

3. AGENCY FORM NUMBER

OE Form 116-1.

4. LEGISLATIVE AUTHORITY FOR THIS ACTIVITY

(A) *Basic grants.* "The Assistant Secretary is authorized to make a grant to, or a contract with a local educational agency.

(A) Which is implementing a plan:

(i) Which has been undertaken pursuant to a final order issued by a court of the United States, or a court of any State, or any other State agency or official of competent jurisdiction, and which requires the desegregation of minority group segregated children or faculty in the elementary and secondary schools of such agency, or otherwise requires the elimination or reduction of minority group isolation in such schools; or

(ii) Which has been approved by the Secretary as adequate under Title VI of the Civil Rights Act of 1964 for the desegregation of minority group segregated children or faculty in such schools; or

(B) Which, without having been required to do so, has adopted and is implementing, or will, if assistance is made available to it under this title, adopt and implement, a plan for the complete elimination of minority group isolation in all the minority group isolated schools of such agency; or

(C) Which has adopted and is implementing, or will, if assistance is made available to it under this Act, adopt and implement, a plan:

(i) To eliminate or reduce minority group isolation in one or more of the minority group isolated schools of such agency,

(ii) To reduce the total number of minority group children who are in minority group isolated schools of such agency,

(iii) To prevent minority group isolation reasonably likely to occur (in the absence of assistance under this title) in any school in such district in which school at least 20 per centum but not more than 50 per centum, of the enrollment consists of such children, or

(D) Which, without having been required to do so, has adopted and is implementing, or will, if assistance is made available to it under this title, adopt and implement a plan to enroll and educate in the schools of such agency children who would not otherwise be eligible for enrollment because of nonresidence in the school district of such agency, where such enrollment would make a significant contribution toward reducing minority group isolation in one or more of the school districts to which such plan relates; or

(E) Which will establish or maintain one or more integrated schools as defined in section 720(7) and which:

(i) Has a sufficient number of minority group children to comprise more than 50 per centum of the number of children in attendance at the schools of such agency, and

(ii) Has agreed to apply for an equal amount of assistance under section (b)."
(Pub. L. 92-318, sec. 706(a)(1); (20 U.S.C. 1605(a)(1)); (45 CFR 185.21).)

(B) *Pilot projects.* "The Assistant Secretary is authorized to make grants to or contracts with local educational agencies * * * for unusually promising pilot programs or projects designed to overcome the adverse effects of minority group isolation by improving the academic achievement of children in one or more minority group isolated schools if * * * the local educational agency had a number of minority group children enrolled in its schools * * * which (1) is at least 15,000 or (2) constitutes more than 50 per centum of the total number of children enrolled in such schools."
(Pub. L. 92-318, sec. 706(b); (20 U.S.C. 1605 (b)); (45 CFR 185.21).)

(C) *Bilingual projects.* "The Assistant Secretary shall carry out a program to meet the

needs of minority group children who are from an environment in which a dominant language is other than English * * * the Assistant Secretary is authorized to make grants to and contracts with * * *

"(B) local educational agencies eligible for assistance under section 706 for the purpose of engaging in such activities; or

(C) local educational agencies which are eligible to receive assistance under section 706 for the purpose of carrying out activities authorized under section 707(a) * * *."

(Pub. L. 92-318, sec. 708(c)(1)(B) and (C)); (20 U.S.C. 1607(c)(1)(B) and (C)); (45 CFR 185.51.)

(d) *Special projects.* "The Assistant Secretary is authorized to make grants to, and contracts with, State and local educational agencies, and other public agencies and organizations (or a combination of such agencies and organizations) for the purposes of conducting special programs and projects carrying out activities otherwise authorized by this title, which the Assistant Secretary determines will make substantial progress toward achieving the purposes of this title."

(1) *Special arts projects.* "(a) Any public agency or organization responsible for the administration of statewide public arts programs, such as a State Arts Council or State Arts and Humanities Commission, may apply for assistance by grant * * * for special projects that would through the arts provide opportunities for interracial and intercultural communication and understanding to help meet the special needs incident to the implementation of a plan or project described in § 185.11 or § 185.31(a) * * *."

(Pub. L. 92-318, sec. 708(a)(2); (20 U.S.C. 1607(a)(2)) (45 CFR 185.91).)

(2) *Special student concerns projects.* "(a) Any public agency or organization * * * other than a local educational agency may apply for assistance by grant * * * for the conduct of special student concerns projects designed to eliminate the disproportionately high incidence of suspension, expulsion, and other disciplinary action involving minority group students in the schools of cooperating local educational agencies * * *."

(Pub. L. 92-318, sec. 708(a)(2); (20 U.S.C. 1607(a)(2)) (45 CFR 185.93).)

(3) *Other special projects.* "(a)(1) The Assistant Secretary may assist * * * any State or local educational agency or other public agency or organization * * * for the purpose of conducting special programs or projects which the Assistant Secretary determines will make substantial progress toward achieving the purposes of the Act."

(Pub. L. 92-318, sec. 708(a); (20 U.S.C. 1607 (a)) (45 CFR 185.94).)

5. VOLUNTARY/OBLIGATORY NATURE OF RESPONSE:

Required to obtain benefits.

6. HOW INFORMATION COLLECTED WILL BE USED

Each application for a LEA grant under the Emergency School Aid Act will be subject to the following reviews conducted in the regional offices:

A. *Statistical Data Review.* The statistical data regarding the enrollment and isolation of minority group students will be taken from the application and used to compute the extent of reduction of minority group isolation. Pilot project applications must be verified to have at least 15,000 minority group students in the district or 50 percent minority enrollment in the project schools.

B. *Eligibility/assurances review.* The Office for Civil Rights (OCR) has been delegated the authority to determine if districts are eligible to apply for and receive assistance under Pub. L. 92-318. The Office of Education is responsible for determining if the applicant has met the requirements for all other assurances.

C. *Educational quality review.* The educational quality score of each application will be determined by a panel of qualified persons using the criteria outlined in 45 CFR 185.14, 185.34, 185.35, 185.54(b), 185.84, 185.91-2, 185.93-3, and 185.94-3, as applicable. The listing of promihent milestones outlined by the applicant will be used by OE personnel to track the progress of the project.

7. DATA ACQUISITION PLAN

a. Method of collection: Mail.
b. Time of collection: January.
c. Frequency: Annually.

8. RESPONDENTS

a. Type: Local educational agencies.
b. Number: Sample—2000.
c. Estimated average man hours per respondent: 40 hours.

9. INFORMATION TO BE COLLECTED

Applicants for local educational agency (LEA) grants, including basic grants, pilot projects, bilingual projects, emergency special projects, territories, special arts, and special student concerns projects, are required to submit the following information:

(a) A copy of the desegregation plan including attachments to document assurances.

(b) Enrollement data showing the number of schools currently operated by the LEA as well as the number of schools to be affected by the plan under which the LEA is operating.

(c) Enrollment data on the number and/or percentage of minority group students as defined in 45 CFR 185.02(f) currently enrolled in such school district. (Applicants for bilingual projects must also list the total non-English dominant enrollment in the LEA.)

(d) Names of schools to be affected by the plan, as well as the percentage of minority group students enrolled in such schools for:

(1) School year immediately preceding the initiation of a LEA's current desegregation plan;

(2) School year for which funds are being requested or the next most recent school term for which such data are available.

(e) Number of schools not affected by the plan and the number and percentage of minority pupils currently enrolled.

(f) A program narrative presented in the following manner:

Needs Assessment should be broken down into individual needs, and each need should be ranked in order of priority and presented separately. Under each component, discuss the objectives and activities associated with the particular need, the plans for evaluation of those activities, the management of resources and for pilot projects only, the plans for replication of the program In discussing staffing, present a biographical sketch of the program director which includes his or her name, address, telephone number, background and other qualifying experience for the project. Special arts applicants must also state the prior experience in education, the arts, and interracial/intercultural relations of the State director level to be employed. Also, list the name and relevant experience of other key personnel to be involved in the project.

Bilingual applicants must include a description of the plan for inservice training, and the plan for implementation of any program developed or proposed to be developed (see 45 CFR 185.52 (b) and (c)).

LEA applicants only: (1) Describe the procedures proposed for the coordination of this proposed program or project with projects, when applicable, of Titles I, III, and VII of the Elementary and Secondary Education Act of 1965 and Title IV of the Civil Rights Act of 1964 and other laws of the United States (see 45 CFR 185.13(h)).

(2) Attach a description of how nonpublic school children and staff are expected to participate in the proposed project and of the procedure by which the applicant consulted with representatives of nonpublic schools in the development of the application, and procedures for effective liaison with such persons after the receipt of the funds requested (see 45 CFR 185.42(f)).

(g) For applicants for integrated schools projects only, for each school provide the total predicted enrollment and the number and percent of minority enrollment for each school affected by the plan and each school not affected by the plan.

(h) Number of students who are expected to participate in each school, by type of project and by racial category.

(i) For each nonpublic school which enrolls students or employs staff who will participate in the proposed ESAA project (45 CFR 185.42(f)), indicate the type of grant, the total number of staff and students, by race, in each school, and the number of staff and students who will participate in each project.

(j) For 45 CFR 185.13(i), show the total local revenue and tax rate for fiscal years 1977 and 1973 and show expenditures per pupil from local revenues for the applicable fiscal years (potential 3 years).

(k) For 45 CFR 185.13(1)(1); list the district's transactions with nonpublic schools since June 23, 1972, including gifts, leases, loans, sales or other transactions of property or service, by name and address of nonpublic school, date of transaction and description of property or services.

(l) For 45 CFR 185.13(1)(2), list by race, the number of principals, full-time classroom teachers, and head coaches for athletics employed by your district for the academic year immediately preceding implementation of any portion of the district's earliest plan and as of the date of the application.

(m) For 45 CFR 185.13(1)(3), give the total number of all minority or all-nonminority classes in the district and attach an educational justification of such assignments.

(n) For 45 CFR 185.13(1)(4), supply the district's current enrollment by race and type of disability in classes for the mentally retarded or for children with other learning disabilities; supply the current number and percentage of students enrolled in the first grade in the district whose primary home language is other than English. If the number of non-English dominant students is more than 100 or more than 5 percent, attach the averages of the most recent standardized reading achievement scores, by race, for students enrolled in the third and six grades (or the nearest grades).

(o) Provide data for advisory committees including date established, date application submitted to committee for review, date names of members and purpose published in newspaper and a copy of the minutes of the hearing must be attached: Also, indicate the names of advisory committee members, by race, organization represented, whether a parent of student affected by ESAA project or plan, classroom teacher or secondary school student. (For Special Student Concerns Projects only, indicate which members were designated by the cooperating LEAs and their advisory committees (45 CFR 185.65 (b)(2)).)

(p) For applicants for bilingual projects only (45 CFR 185.53(c)(3)), provide (1) number and percentage of minority group children in district from an environment in

which the dominant language is other than English who currently receive instruction in such language, the average number of hours per day, and the educational goals of such instruction; (2) indicate the extent to which such minority children are separated from nonminority children by or within classes for any part of the day for the provision of instructional or other services or for purposes of ability grouping or homogeneous instruction, by name of school, average number of hours of separation per day, and educational justification for separations (45 CFR 185.53(c)); and (3) explain any variation in materials used for reading instruction between the various schools in the district or between the various classrooms within such school. Variations should be described in terms of primary language, subject matter, or intended level of instruction.

[FR Doc.77-12611 Filed 5-2-77;8:45 am]

Food and Drug Administration

ADVISORY COMMITTEES

Meetings

Correction

In FR Doc. 77-10893, appearing at page 19917 in the issue for Friday, April 15, 1977, on page 19918, under entry number 8, Toxicology Advisory Committee, under the heading "Type of meeting and contact person", the telephone at the end of the paragraph should read 301-443-4490.

HEALTH CARE AND SERVICES

Notice of Open Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This document announces a forthcoming national Ad Hoc Professional Meeting to be chaired by the Deputy Commissioner of Food and Drugs.

DATE: The meeting will be at 1 p.m., Wednesday, May 18, 1977.

ADDRESS: The meeting will be held at the Shoreham Americana Hotel, 2500 Calvert St. NW., Washington, D.C. 20008.

FOR FURTHER INFORMATION CONTACT:

Alan S. Kaplan, Office of Professional Programs (HFG-15), Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-5470.

SUPPLEMENTARY INFORMATION: The theme of the meeting is "Agency Procedures for Public Information and Administration," which is pertinent to health professionals. The purpose of the meeting is to exchange educational and other informational items of mutual interest, to identify common problems within the sphere of FDA's responsibility that have an effect on the health care practioner and/or the delivery of health services, to seek solutions to those problems, and to conduct other activities of similar interest and benefit. The meeting will be open to all interested persons.

Dated: April 27, 1977.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.77-12588 Filed 5-2-77;8:45 am]

[Docket No. 76F-0484]

SOUTHERN SIZING CO.

Withdrawal of Petition for Food Additives

Agency: Food and Drug Administration, HEW.

ACTION: Notice.

SUMMARY: Southern Sizing Co. has withdrawn its petition (FAP 7A3251) to use polypropylene glycol as a defoaming agent in the manufacture of edible protein.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: Pursuant to the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786 (21 U.S.C. 348(b))), the following notice is issued:

In accordance with procedures for withdrawal of food additive petitions under § 171.7 (21 CFR 171.7, formerly § 121.52, prior to recodification published in the FEDERAL REGISTER of March 15, 1977 (42 FR 14302)), Southern Sizing Co., P.O. Box 90987, East Point, GA 30364, has withdrawn its petition (FAP 7A3251), notice of which was published in the FEDERAL REGISTER of December 28, 1976 (41 FR 56396), proposing that § 173.340 Defoaming agents (21 CFR 173.340, formerly § 121.1099, prior to recodification published in the FEDERAL REGISTER of March 15, 1977 (42 FR 14302)) be amended to provide for the safe use of polypropylene glycol as a defoaming agent in the manufacture of edible protein.

Dated: April 21, 1977.

HOWARD ROBERTS,
Acting Director, Bureau of Foods.

[FR Doc.77-12427 Filed 5-2-77;8:45 am]

INDIAN FELLOWSHIP PROGRAM

Closing Date for Receipt of Applications

Notice is hereby given that, pursuant to the authority contained in section 423 of the Elementary and Secondary Education Act, as added by the Indian Education Act, Part B of Title IV of Pub. L. 92-318 and as amended by Part C of Title VI of Pub. L. 93-380 (20 U.S.C. 887c-2), applications are being accepted from eligible applicants for purposes of the program described below. Applications for new fellowships must be received by the U.S. Office of Education Application Control Center on or before June 15, 1977. Applications for non-competing continuation fellowships should be received by the U.S. Office of Education Application Control Center on or before June 17, 1977.

References below to proposed regulations relate to the Notice of Proposed Rulemaking for the Indian Education Act, Part B, which was published in the FEDERAL REGISTER on March 25, 1977, at volume 42, pages 16267-16268 (Subpart H).

A. *Subpart H Awards (CFDA No. 13.569).* Pursuant to proposed 45 CFR 187.71 Subpart H, an Indian who is in attendance, or who has been accepted for admission, as a full-time student at an institution of higher education for study in a graduate or professional program may apply for a fellowship. The applicant's program of study must be one of not less than three nor more than four academic years and provide a professional or graduate degree in engineering, medicine, law, business, forestry, or a field related to one of these areas.

A program of study to be undertaken by a fellow must be one leading to a post-baccalaureate degree. Applicants in the field of business, engineering, or forestry must be entering at a level not lower than the third year of undergraduate school. Applicants in the fields of medicine or law must be entering at a level not lower than the first year of medical school or law school, whichever is applicable.

Criteria for the Indian Fellowship Program are set forth in proposed 45 CFR 187.72. Priorities are set forth in proposed 45 CFR 187.73.

B. *Availability of funds and estimated number of awards.* The estimated total amount of funds which will be available for the Indian Fellowship Program is $1,000,000. Of this amount, approximately half has been committed to continue fellowship awards which began with Fiscal Year 1976 funds. Based on an average fellowship award of $5,000, approximately 100 new fellowship awards will be made.

C. *Applications sent by mail.* An application sent by mail should be addressed as follows: U.S. Office of Education, Grant and Procurement Management Division, Application Control Center, 400 Maryland Avenue SW., Washington, D.C. 20202, Attention: 13.569. An application for a new fellowship sent by mail will be considered to be received on time by the Application Control Center if:

(1) The application was sent by registered or certified mail not later than June 10, 1977 for new applications and June 13 for non-competing continuation, as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date, by either the

Department of Health, Education, and Welfare, or the U.S. Office of Education mail rooms in Washington, D.C. In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.

D. *Hand-delivered applications.* An application to be hand delivered must be taken to the U.S. Office of Education Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets SW., Washington, D.C. Hand-delivered applications will be accepted daily between the hours of 8:00 a.m. and 4:00 p.m., Washington, D.C. time, except Saturdays, Sundays, or Federal holidays. Applications will not be accepted after 4:00 p.m. on the closing date.

E. *Program information and forms.* Information and application forms may be obtained from the Office of Indian Education, Division of Special Projects and Programs, U.S. Office of Education, Room 2158, 400 Maryland Avenue SW., Washington, D.C. 20202.

F. *Applicable regulations.* Awards under this program will be subject to the Office of Education General Provisions Regulations (45 CFR Part 100a) and, subject to their becoming effective, the Indian Education Act, Part B program regulations (45 CFR Part 187) published in the FEDERAL REGISTER as proposed rules on March 25, 1977, at volume 42, pages 16257–16258.

(20 U.S.C. 887c–2.)

(Catalog of Federal Domestic Assistance Number 13.569, Indian Education—Fellowships for Indian Students.)

Dated: April 7, 1977.

WILLIAM F. PIERCE,
Acting U.S. Commissioner of Education.

[FR Doc.77–12606 Filed 5–2–77;8:45 am]

SPECIAL PROGRAMS RELATING TO ADULT EDUCATION FOR INDIANS

Closing Date for Receipt of Applications

Notice is hereby given that pursuant to the authority contained in section 314 of Pub. L. 89–750, as amended by Title IV, Part C of Pub. L. 92–318 and Title VI, Part A of Pub. L. 93–380 (20 U.S.C. 1211a), applications are being accepted for the following programs:

A. *Programs for which applications are being solicited.* (1) *Demonstration, basic literacy and high school equivalency, research and development, and dissemination and evaluation.* Applications are being accepted from State educational agencies; local educational agencies; and Indian tribes, institutions, and organizations for planning, pilot, and demonstration projects described in the following paragraphs of the proposed rules published in the FEDERAL REGISTER on March 25, 1977, at volume 42, page 16272.

(a) Demonstration, proposed 45 CFR 188.5(a). Projects to test and demonstrate the effectiveness of adult Indian education programs;

(b) Basic literacy and high school equivalency, proposed 45 CFR 188.5(b). Projects that establish and operate programs for basic literacy training and high school equivalency;

(c) Research and development, proposed 45 CFR 188.5(c). Projects to support a major research and development program to develop innovative and effective techniques for achieving literacy and high school equivalency; and

(d) Dissemination and evaluation, proposed 45 CFR 188.5(e). Projects for dissemination and evaluation of materials on Adult Indian education.

Applications received in the areas described above will be evaluated against the criteria in § 188.15. Priority points will be awarded in accordance with § 188.17.

(2) *Basic surveys.* Applications are being accepted from State and local education agencies; and Indian tribes, institutions, and organizations for basic surveys on the problems of illiteracy and lack of completion of high school on Indian reservations as described in proposed 45 CFR 188.5(d), published in the FEDERAL REGISTER on March 25, 1977, at volume 42, page 16273. Applications received in this area will be evaluated against the criteria in paragraphs 188.15 (a), (c), (d), (e), and (f) plus the criteria in § 188.16. Priority points will be awarded in accordance with § 188.17.

(3) *Dissemination and evaluation.* Applications are being accepted from public agencies and institutions; and Indian tribes, institutions and organizations for projects which evaluate the effectiveness of federally assisted programs in which adult Indians may participate and disseminate information concerning adult Indian education as described in proposed 45 CFR 188.6, published in the FEDERAL REGISTER on March 25, 1977, at volue 42, page 16273A.

Applications received in this area will be evaluated against the criteria in paragraphs 188.15 (a), (c), (d), (e), and (f) plus the criteria in § 188.16. Priority points will be awarded in accordance with § 188.17.

Applications must be received by the U.S. Office of Education Application Control Center on or before June 17, 1977.

B. *Applications sent by mail.* An application sent by mail should be addressed as follows: U.S. Office of Education; Grant and Procurement Management Division, Application Control Center, 400 Maryland Avenue SW., Washington, D.C. 20202, Attention: 13.536. An application sent by mail will be considered to be received on time by the Application Control Center if:

(1) The application was sent by registered or certified mail not later than June 13, 1977, as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mail rooms in Washington, D.C. In establishing the date of receipt, the Commissioner will rely on the time date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.

C. *Hand-delivered applications.* Applications to be hand delivered must be taken to the U.S. Office of Education Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets SW., Washington, D.C. Hand delivered applications will be accepted daily between the hours of 8:00 a.m. and 4:00 p.m., Washintgon, D.C. time, except Saturdays, Sundays, or Federal holidays. Applications will not be accepted after 4:00 p.m. on the closing date.

D. *Program information and forms.* Information and application forms may be obtained from the Division of Special Projects and Programs, Office of Indian Education, U.S. Office of Education, Room 2161, Federal Office Building Six, 400 Maryland Avenue SW., Washington, D.C. 20202.

E. *Multiple year project grants.* Applicats may submit applications for projects which will require more than one year for completion as authorized by proposed 45 CFR 188.11. Consideration will be given to providing support for projects of two to three years on a case-by-case basis. Where assistance is provided for multiple year project grants, grant awards will be made for a budget period of a single year's duration with continuation awards made on a non-competitive basis subject to satisfactory performance (as determined pursuant to proposed 45 CFR 188.11(d)) and the availability of funds in future fiscal years.

F. *Available funds.* Funds available from appropriations for this program are approximately $4,000,000 for this fiscal year. It is anticipated that sixty-one grants will be awarded with the approximate range of award amounts from $20,000 to $100,000.

G. *Applicable regulations.* The regulations applicable to this program include the Office of Education General Provisions Regulations (45 CFR Part 100a, except 45 CFR 100a.26(b)) and subject to their becoming effective, the proposed rules for awarding Financial Assistance for the Improvement of Educational Opportunities for Adult Indians published in the FEDERAL REGISTER on March 25, 1977, at volume 42, page 16272.

(20 U.S.C. 1211a.)

(Catalog of Federal Domestic Assistance Number 13.536; Indian Education—Adult Education.)

Date: April 7, 1977.

WILLIAM F. PIERCE,
Acting U.S. Commissioner of Education.

[FR Doc.77–12607 Filed 5–2–77;8:45 am]

SPECIAL PROGRAMS AND PROJECTS TO IMPROVE EDUCATIONAL OPPORTUNITIES FOR INDIAN CHILDREN

Closing Date for Receipt of Applications

Notice is hereby given pursuant to the authority contained in the Elementary and Secondary Education Act of 1965, as added by the Indian Education Act, Part B of Title IV, Pub. L. 92-318 and as amended by Part C of Title VI, Pub. L. 93-380 (20 U.S.C. 887c; 20 U.S.C. 887c-1; 20 U.S.C. 887c-2), that applications are being accepted from eligible applicants for purposes of the programs listed below. An eligible applicant may submit applications for one or more programs. Competing applications (those which did not receive a multiple year award in Fiscal Year 1975 or Fiscal Year 1976) should be based upon a ten-month grant award period and must be received by the U.S. Office of Education Application Control Center on or before June 15, 1977. Non-competing continuation applications (multiple year awards made in Fiscal Year 1975 and Fiscal Year 1976) may be based upon a twelve-month grant award period and should be received on or before June 17, 1977.

References below to proposed regulations relate to the Notice of Proposed Rulemaking for the Indian Education Act, Part B, which was published in the FEDERAL REGISTER on March 25, 1977, at volume 42, pages 16257-16269.

A. *Subpart B Awards. (CFDA No. 13.535A).* Pursuant to 45 CFR 187.11 of the proposed regulations, State and local educational agencies; federally supported elementary and secondary schools for Indian children; and Indian tribes, Indian organizations, and Indian institutions may submit applications for grants to support planning, pilot, and demonstration projects for improving educational opportunities for Indian children. Criteria for this program are set forth in proposed 45 CFR 187.12. Priorities are set forth in proposed 45 CFR 187.13.

B. *Subpart C Awards. (CFDA No. 13.535A).* Pursuant to 45 CFR 187.21 of the proposed regulations, State and local educational agencies, and tribal and other Indian community organizations may submit applications for programs to provide educational services to improve the educational opportunities for Indian children. Criteria for this program are set forth in proposed 45 CFR 187.22. Priorities are set forth in proposed 45 CFR 187.23.

C. *Subpart D Awards. (CFDA No. 13.535A).* Pursuant to 45 CFR 187.31 of the proposed regulations, State and local educational agencies, and tribal and other Indian community organizations may submit applications for programs to provide exemplary programs and centers to improve the educational opportunities for Indian children. Criteria for this program are set forth in proposed 45 CFR 187.32. Priorities are set forth in 45 CFR 187.33.

D. *Subpart E Awards. (CFDA No. 13.535A).* Pursuant to 45 CFR 187.41 of the proposed regulations, public agencies and institutions, Indian tribes, Indian institutions, and Indian organizations may apply for assistance for dissemination, evaluation, and training and technical assistance programs. Criteria for this program are set forth in proposed 45 CFR 187.42. Priorities are set forth in proposed 45 CFR 187.43.

E. *Subpart F Awards. (CFDA No. 13.535A).* Pursuant to 45 CFR 187.51 of the proposed regulations, institutions of higher education and State and local educational agencies in combination with institutions of higher education, may apply for grants to prepare persons to serve Indian children as teachers, teacher aides, social workers, or ancillary educational personnel, or to improve the qualifications of those persons serving Indian children in those capacities. Criteria for this program are set forth in proposed 45 CFR 187.53. Priorities are set forth in proposed 45 CFR 187.54.

F. *Subpart G Awards. (CFDA No. 13.535B).* Pursuant to 45 CFR 187.61 of the proposed regulations, institutions of higher education, Indian tribes, and Indian organizations may apply for grants to prepare individuals for teaching in or administering special programs and projects designed to meet the special educational needs of Indian children; or to provide in-service training for persons already teaching in those programs and projects; or both. Criteria for this program are set forth in proposed 45 CFR 187.63. Priorities are set forth in proposed 45 CFR 187.64.

G. *Subpart H Awards—Indian Fellowship Program. (CFDA No. 16.569).* Applications for Subpart H, 45 CFR 187.71 are not being solicited at present in this notice. A separate notice of closing date will be published this year soliciting applications for fellowship awards.

H. *Mutliple year awards.* Applicants may submit applications for projects which will require more than one year for completion. Consideration will be given to providing support for projects of two to three years on a case-by-case basis. Where assistance is provided for multiple year projects, grant awards will be made for budget periods of a single year's duration with continuation awards made on a non-competitive basis subject to satisfactory performance as determined pursuant to 45 CFR 187.6(d) and the availability of funds in future fiscal years.

I. *Availability of funds and estimated number and amount of awards.* The estimated total amount of funds which will be available for the above activities is $13,080,000. Of this amount, approximately $4,317,000 has been committed to continue 27 multiple year grants which began with Fiscal Year 1975 or 1976 funds.

Based on a $103,000 average grant for a ten-month period, it is estimated that, with the remainder of the Fiscal Year 1977 funds ($8,763,000), approximately 85 new grants will be awarded. A more detailed subpart by subpart estimate follows:

Subpart B—$1,063,000—11 grant awards.
Subpart C—$2,500,000—26 grant awards.
Subpart D—$1,000,000—9 grant awards.
Subpart E—$1,200,000—11 grant awards.
Subpart F—$1,500,000—14 grant awards.
Subpart G—$1,500,000—14 grant awards.

J. *Applications sent by mail.* An application sent by mail should be addressed as follows: U.S. Office of Education; Grant and Procurement Management Division, Attention: CFDA # 13.535, Application Control Center, 400 Maryland Avenue, SW., Washington, D.C. 20202. An application sent by mail will be considered to be received on time by the Application Control Center if:

(1) The application was sent by registered or certified mail not later than June 10, 1977 for the competing portion of the program and June 13, 1977 for the non-competing portion, as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date, by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mail rooms in Washington, D.C. In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.

K. *Hand-delivered applications.* An application to be hand delivered must be taken to the U.S. Office of Education Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets, SW., Washington, D.C. Hand-delivered applications will be accepted daily between the hours of 8:00 a.m. and 4:00 p.m., Washington, D.C. time except Saturdays, Sundays, or Federal holidays. Applications will not be accepted after 4:00 p.m. on the closing date.

L. *Program information and forms.* Information and application forms may be obtained from the Office of Indian Education; Division of Special Projects and Programs; U.S. Office of Education; Room 2158; 400 Maryland Avenue, SW.; Washington, D.C. 20202.

M. *Applicable regulations.* Awards under these programs will be subject to the Office of Education General Provisions Regulations (45 CFR Part 100a, except 100a.26(b)) and subject to their becoming effective, the Indian Education Act Part B program regulations (45 CFR Part 187) published in the FEDERAL REGISTER as proposed rules on March25, 1977, at vol. 42, pages 16257-16269.

(20 U.S.C. 887c.)

(Catalog of Federal Domestic Assistance Number 13.535A and 13.535B, Indian Education—Special Programs and Projects.)

Dated: April 7, 1977.

WILLIAM F. PIERCE,
Acting U.S.
Commissioner of Education.

[FR Doc.77-12608 Filed 5-2-77;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[Docket No. N-77-506]

PRIVACY ACT OF 1974

Proposed Amendment of Notice of System of Records

AGENCY: Department of Housing and Urban Development.

ACTION: Proposed amendment.

SUMMARY: The Department is proposing to amend its Statement of Routine Uses required by the Privacy Act for one of its systems of records by adding a new routine use.

DATES: Interested persons may submit comments on or before June 2, 1977.

ADDRESSES: Rules Docket Clerk, Office of the Secretary, Room 10141, Department of Housing and Urban Development, 451 Seventh Street S.W., Washington, D.C. 20410.

FOR FURTHER INFORMATION CONTACT:

Mr. Harold Rosenthal, Departmental Privacy Act Officer, on (202) 755-5192.

SUPPLEMENTARY INFORMATION: The Department proposes to amend the Statement of Routine Uses for the system of records designated as HUD/DEPT-28 (Mobile Home Improvement and Rehabilitation Loans—Delinquent/Default) by adding a routine use for the disclosure of individually identifiable information concerning delinquent government-owed debts to debtors' employers and Federal agencies to the extent necessary for the Department to carry out its functions in exercising diligence in collecting government-owed debts as required by the Federal Claims Collection Act of 1966 (31 U.S.C. 95). The system of records was published at 41 FR 50610 on November 16, 1976.

In order to more properly reflect the type of records, the system name is being changed to "Property and Mobile Home Improvement and Rehabilitation Loans—Delinquent/Default." The designation, HUD/DEPT-28, is being retained.

A Finding of Inapplicability respecting the National Environmental Policy Act of 1969 has been made in accordance with HUD Handbook 1390.1. A copy of this Finding of Inapplicability will be available for public inspection during regular business hours at the address set forth above.

The Department of Housing and Urban Development proposes the routine uses to read:

Routine Uses of records maintained in the system including categories of users and the purposes of such uses. See Routine Uses paragraphs in prefatory statement. Other routine uses: To GAO for audit purposes; to private employers and other Federal agencies for the purpose of collecting government-owed debts; and to the Department of Justice and U.S. Attorney's offices for collection purposes.

For the convenience of the public, the Department is republishing the system of records in its entirety, as follows:

HUD/DEPT-28

System name:

Property and Mobil Home Improvement and Rehabilitation Loans-Delinquent/Default.

System location:

Headquarters and most area and insuring offices maintain files of this type. For a complete listing, with addresses, see Appendix A.

Categories of individuals covered by the system:

Mobile home, home improvement, and rehabilitation loan debtors; builders and contractors under mobile home, home improvement and rehabilitation programs.

Categories of records in the system:

Names, credit applications, and case histories of borrowers; records of payments, financing statements; delinquent and defaulted loan records and account cards; collection and field reports; records of claims and chargeoffs; creditor request for collection assistance; justifications for closing collection actions; related correspondence.

Routine Uses of records maintained in the system including categories of users and the purposes of such uses:

See Routine Uses paragraphs in prefatory statement. Other routine uses: To GAO for audit purposes; to private employers and other Federal agencies for the purpose of collecting government-owed debts; and to the Department of Justice and U.S. Attorney's offices for collection purposes.

Policies and practices for storing, retrieving, accessing, retaining and disposing of records in the system:

Storage:

In file folders.

Retrievability:

By name and case file number of individual covered.

Safeguards:

Files are stored in lockable file cabinets.

Retention and disposal:

Files are partly active and partly historical and are disposed of in accordance with HUD Handbook.

System manager and address:

Director, Office of Organization and Management Information, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410.

Notification procedure:

For inquiry about existence of records, contact the Privacy Act Officer at the appropriate location, in accordance with procedures in 24 CFR Part 16. If additional information or assistance is required, contact the Privacy Act Officer at the appropriate location. A list of all locations is given in Appendix A.

Record access procedures:

The Department's rules for providing access to records to the individual concerned appear in 24 CFR Part 16. If additional information or assistance is required, contact the Privacy Act Officer at the appropriate location. A list of all locations is given in Appendix A.

Contesting record procedures:

The Department's rules for contesting the contents of records and appealing initial denials, by the individual concerned, appear in 24 CFR Part 16. If additional information or assistance is needed, it may be obtained by contacting: (i) in relation to contesting contents of records, the Privacy Act Officer at the appropriate location. A list of all locations is given in Appendix A; (ii) in relation to appeals of initial denials, the HUD Departmental Privacy Appeals Officer, Office of General Counsel, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410.

Record source categories:

Subject individual; current and previous employers; credit bureaus; financial institutions; firms; federal and non-federal agencies; law enforcement agencies.

Authority:

5 U.S.C. 552a, 88 Stat. 1896; Sec. 7(d) Department of HUD Act (42 U.S.C. 3535 (d)).

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

Issued at Washington, D.C., April 12, 1977.

PATRICIA ROBERTS HARRIS,
Secretary of Housing and Urban Development.

[FR Doc.77-12540 Filed 5-2-77;8:45 am]

DEPARTMENT OF THE INTERIOR

National Park Service

NATIONAL REGISTER OF HISTORIC PLACES

Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before April 22, 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 May 13, 1977.

JERRY L. ROGERS,
Chief, Office of Archeology and Historic Preservation.

ARIZONA

Yavapai County

Poland vicinity, *Poland Tunnel*, W of Poland off AZ 69.

CALIFORNIA

Alameda County

Oakland, *Peralta, Antonio Maria, House*, 2465 34th Ave.

El Dorado County

Placerville, *Episcopal Church of Our Savior*, 2979 Coloma St.

Monterey County

Monterey, *Merritt, Josiah, Adobe*, 386 Pacific St.

San Mateo County

Portola Valley, *Our Lady of the Wayside*, 930 Portola Rd.

Santa Clara County

San Jose, *St. Joseph's Roman Catholic Church*, Market and San Fernando Sts.

Tulare County

Visalia, *The Pioneer*, 27000 S. Mooney Blvd.

Ventura County

Ventura, *Bard, Elizabeth, Memorial Hospital*, 121 N. Fir St.

KANSAS

Bourbon County

Fort Scott, *Moody Building*, 15 E. 2nd St.

Chase County

Cottonwood Falls, *Cartter Building*, 303 Broadway.
Cottonwood Falls, *Chase County National Bank*, 301 Broadway.

Jackson County

Holton, *State Bank of Holton*, 4th and Pennsylvania Ave.
Whiting, *Shedd and Marshall Store*, 3rd and Whiting Sts.

Leavenworth County

Leavenworth, *Angell, A. J., House*, 714 S. Broadway.

Mitchell County

Beloit, *Mitchell County Courthouse*, Main St. and Hersey Ave.

MARYLAND

Baltimore (independent city)

Baltimore Equitable Society, 21 N. Eutaw St.

Baltimore County

Brooklandville vicinity, *Brooklandville House*, S of Brooklandville at Falls and Hillside Rds.
Lansdowne, *Hull Memorial Christian Church*, 101 Clyde Ave.

Harford County

Aberdeen vicinity, *Griffith House*, 1120 Old Philadelphia Rd.
Bel Air vicinity, *Thomas Run Church*, NE of Bel Air off MD 136.

Howard County

Ellicott City vicinity, *Elmonte*, N of Ellicott City at Mt. Hebron Dr. and MD 99.

Queen Annes County

Church Hill, *St. Luke's Church*, jct. of MD 213 and MD 19.
Wye Mills vicinity, *Wilton*, 0.5 mi. N of Wye Mills on MD 213.

Washington County

Keedysville vicinity, *B & O Bridge*, NW of Keedysville over Antietam Creek.

NEW JERSEY

Bergen County

Ridgewood Vicinity, *Zabriskie, Albert J., Farmhouse*, E. 37 Ridgewood Ave.

Warren County

Oxford, *Oxford Furnace*, Belvidere and Washington Aves.

NEW YORK

Chemung County

Elmira, *Park Church*, 208 W. Gray St.

Warren County

Glens Falls, *Sherman House*, 380 Glen St.

NORTH CAROLINA

Buncombe County

Asheville, *Montford Area Historic District*, irregular pattern along Montford Ave.

PENNSYLVANIA

Carbon County

Jim Thorpe, *Old Mauch Chunk Historic District*, Broadway, Susquehanna, Race, and High Sts.

Huntingdon County

Marklesburg vicinity, *Brumbaugh Homestead*, NE of Marklesburg off PA 26.

York County

Wellsville, *Wellsville Historic District*, PA 74.

RHODE ISLAND

Providence County

Providence, *Providence-Biltmore Hotel*, 11 Dorrance St.

TENNESSEE

Clay County

Celina, *Clay County Courthouse*, TN 52.

Franklin County

Old Salem vicinity, *Mann, R. N., House*, N of Old Salem off U.S. 64.

WASHINGTON

WA *San Juan County*

East Sound vicinity, *Rosario*, S of East Sound, Orcas Island.

[FR Doc.77-12330 Filed 5-2-77;8:45 am]

NATIONAL REGISTER OF HISTORIC PLACES

Additions, Deletions, and Corrections

By notice in the FEDERAL REGISTER of February 1, 1977, Part IX, there was published a list of the properties included in the National Register of Historic Places. Further notice is hereby given that certain amendments or revisions in the nature of additions, deletions, or corrections to the previously published list are adopted as set out below.

It is the responsibility of all Federal agencies to take cognizance of the properties included in the National Register as herein amended and revised in accordance with section 106 of the National Historic Preservation Act of 1966, 80 Stat. 16 U.S.C. 470 et seq. (1970 ed.), and the procedures of the Advisory Council on Historic Preservation, 36 CFR Part 800.

JERRY L. ROGERS,
Chief, Office of Archeology and Historic Preservation.

The following properties have been added to the National Register since April 5, 1977. National Historic Landmarks are designated by NHL; properties recorded by the Historic American Buildings Survey are designated by HABS; and properties recorded by the Historic American Engineering Record are designated by HAER.

ALABAMA

Lawrence County

Courtland vicinity, *Wheeler, Joseph, Plantation*, E of Courtland off AL 20 (4-13-77) HABS.

Marengo County

Demopolis, *Curtis House*, 510 N. Main (4-11-77).

ARKANSAS

Clay County

Success, *Waddle House*, S. Erwin (3-28-77).

Cleveland County

Rison, *Cleveland County Courthouse*, Main and Magnolia (4-11-77).

Monroe County

Clarendon, *Monroe County Jail*, 2nd and Kendall (4-11-77).

Pulaski County

Little Rock, *Bruner House*, 1415 Cantrell Rd. (4-11-77).

CALIFORNIA

Butte County

Chico, *Allen-Sommer-Gage House*, 410 Normal St. (4-13-77).

Los Angeles County

Los Angeles, *Watts Towers of Simon Rodia*, 1765 E. 107th St. (4-13-77).
Pearland vicinity, *Little Rock Creek Dam*, 4.5 mi. S of Pearland off CA 138 (4-15-77).
Santa Monica, *Horatio West Court*, 140 Hollister Ave. (4-11-77) HABS.

Orange County

Santa Ana, *Howe-Waffle House and Carriage House*, Sycamore and Civic Center Dr. (4-13-77).

San Francisco County

San Francisco, *Mills Building and Tower*, 220 Montgomery St. and 220 Bush St. (4-13-77).

Santa Clara County

Los Altos vicinity, *Griffin, Willard, House and Carriage House*, 12345 S. El Monte Ave. (4-13-77).
Santa Clara, *Morse, Charles Copeland, House*, 981 Fremont St. (4-13-77).

Santa Cruz County

Scotts Valley, *Scott, Hiram D., House*, 4603 Scotts Valley Dr. (4-13-77).

COLORADO

Eagle County

McCoy vicinity, *Waterwheel*, SE of McCoy at Colorado River (4-11-77).

El Paso County

Manitou Springs, *Miramont (Francolon's Castle)*, 9 Capitol Hill (4-11-77).

DELAWARE

New Castle County

New Castle vicinity, *Swanwyck*, 65 Landers Lane (3-17-77) HABS.
Odessa vicinity, *Hell Island Site*, S of Odessa (4-13-77).

Sussex County

Lewes, *Coleman House*, 422 Kings Highway (4-11-77).

GEORGIA

Chatham County

Savannah, *Hodgson, W. B., Hall*, 501 Whitaker St. (3-25-77).

Cobb County

Marietta, *Glover-McLeod-Garrison House*, 250 Garrison Rd., SE (3-25-77).

Fulton County

Atlanta, *Nicolson, William P., House*, 821 Piedmont Ave. (3-25-77).
Atlanta, *Sweet Auburn Historic District*, Auburn Ave. (12-8-76) NHL.

Oglethorpe County

Lexington, *Lexington Historic District*, U.S. 78 (4-13-77).

INDIANA

Fayette County

Connersville vicinity, *Elmhurst*, S of Connersville on IN 121 (4-11-77) HABS.

Marion County

Indianapolis, *Bates-Hendricks House*, 1526 S. New Jersey St. (4-11-77) HABS.
Indianapolis, *Hollingsworth House*, 6054 Hollingsworth Rd. (4-13-77).

IOWA

Allamakee County

Waukon, *Allamakee County Courthouse*, 107 Allamakee St. (4-11-77).

Clayton County

Elkader, *Schmidt House*, 101 Oak St., NW (3-25-77).
Garnavillo, *First Congregational Church*, Washington St. (3-25-77).

Dubuque County

Dubuque, *Rath, Johann Christian Frederick, House*, 1204 Mt. Loretta Ave. (4-11-77).

Howard County

Lime Springs, *Lime Springs Mill Complex*, SR 157 (4-11-77).

Jefferson County

Fairfield vicinity, *New Sweden Chapel*, E of Fairfield off U.S. 34 (3-25-77).

Johnson County

Coralville, *Coralville Union Ecclesiastical Church*, 405 2nd Ave. (4-11-77).
Kalona vicinity, *St. John's* Lutheran Church, N of Kalona (4-5-77).

Madison County

Winterset vicinity, *North River Stone Schoolhouse*, N of Winterset off U.S. 169 (4-11-77).

O'Brien County

Sheldon, *Carnegie Library*, 321 10st St., (4-11-77).

Polk County

Des Moines, *Maish House*, 1623 Center St., (4-11-77).

Scott County

Davenport, *Ambrose Hall*, 518 W. Locust (4-11-77).

Sioux County

Orange City, *Sioux County Courthouse*, off IA 10 (4-11-77).

Winneshiek County

Decorah vicinity, *Horn House*, NW of Decorah (3-25-77).

KANSAS

Leavenworth County

Eastern vicinity, *Biehler Barn*, 2.5 mi. N of Easton (4-11-77).

Pottawatomie County

Olsburg, *Coffey Site*, N of Olsburg (4-11-77).

KENTUCKY

Henry County

New Castle, *Henry County Courthouse, Jail, and Warden's House*, Courthouse Sq. (4-11-77).

Mercer County

Harrodsburg vicinity, *Taylor, Capt. Samuel, House (Bachelor's Barter)*, NE of Harrodsburg on Chatham Pike (4-13-77).

Scott County

Georgetown vicinity, *Blackburn, Julius, House*, W of Georgetown off U.S. 460 (4-14-77).

Taylor County

Campbellsville vicinity, *Cowherd, Jonathan Jr., House*, W of Campbellsville off KY 70 (4-11-77).

LOUISIANA

Ascension Parish

Donaldsonville vicinity, *Palo Alto Plantation*, W of Donaldsonville on LA 1 (4-13-77).

DeSoto Parish

International Boundary Marker. Reference—see Panola County, TX.

Orleans Parish

New Orleans, *Julia Street Row*, 602-646 Julia St. (3-28-77).

MAINE

Washington County

Cherryfield, *Campbell, Gen. Alexander, House*, Campbell Hill (4-13-77).

MARYLAND

Baltimore (independent city)

U.S. Post Office and Courthouse, 111 N. Calvert St. (3-25-77).

Talbot County

St. Michaels vicinity, *Sherwood Manor*, 4 mi. N of St. Michaels on MD 451 (4-5-77).

Worcester County

Showell vicinity, *St. Martins Church*, 1 mi. S of Showell at jct. of U.S. 113 and MD 589 (4-13-77).

MASSACHUSETTS

Essex County

Lawrence, *Great Stone Dam*, Merrimack River and MA 28 (4-13-77).

Middlesex County

Bedford vicinity, *Bacon-Gleason-Blodgett Homestead*, 118 Wilson Rd. (4-14-77).

Lexington, *Chandler, Gen. Samuel, House*, 8 Goodwin Rd. (4-13-77).
Lowell, *Holy Trinity Greek Orthodox Church*, Lewis St. (4-13-77).

MICHIGAN

Berrien County

Buchanan vicinity, *Moccasin Bluff Site*, (4-13-77).

St. Clair County

Port Huron, *Grand Trunk Western Railroad Depot*, 520 State St. (4-13-77).

Tuscola County

Vassar, *North, Townsend, House*, 325 N. Main (4-13-77).

Washtenaw County

Ypsilanti, *Starkweather Religious Center*, 901 W. Forest (4-13-77).

MINNESOTA

Douglas County

Alexandria, *Nelson, Knute, House*, 420 12th Ave,. SE (4-13-77).

Faribault County

Blue Earch, *Faribault County Courthouse*, N. Main and 2nd Sts. (4-11-77).

Goodhue County

Red Wing vicinity, *Tower View*, W. of Red Wing in U.S. 61 (4-13-77).

Jackson County

Jackson, *Jackson County Courthouse*, bounded by Sherman, W. Ashley, 4th and 5th Sts. (4-13-77).

Kanabec County

Mora, *Kenabec County Courthouse*, Maple and Vine Sts. (4-11-77).

Lincoln County

Lake Benton, *Lake Benton Opra House*, Benton St. between Fremont and Center Sts. (3-25-77).

Mille Lacs County

Milaca, *Mille Lacs County Courthouse*, 5th Ave., SE and 2nd St, SE (3-25-77).

Murray County

Slayton, *Murray County Courthouse*, Main and 7th Sts. (4-13-77).

Wright County

Cokato, *Akerlund, August, Photographic Studio*, 390 Broadway Ave. (4-11-77).

MISSISSIPPI

Alcorn County

Corinth, *Battery Williams*, Fulton Dr. at Southern Railroad (4-11-77).

Warren County

Vicksburg, *Sprague*, Vicksburg Harbor (4-15-77).

NEBRASKA

Cass County

Elmwood, *The Elms (Bess Streeter Aldrich House)*, off NE 1 (3-24-77).
Murray vicinity, *Naomi Institute*, 3 mi. E of Murray (3-24-77).

Gage County

Filley vicinity, *Filley, Elijah, Stone Barn*, S of Filley off U.S. 136.

NEW HAMPSHIRE

Grafton County

Woodsville, *Haverhill-Bath Covered Bridge*, NH 135 (4-18-77).

NEW JERSEY

Essex County

Newark, *Cathedral of the Sacred Heart*, 89 Ridge St. (12-22-76).

Middlesex County

New Brunswick, *Buccleuch Mansion*, 200 College Ave., Buccleuch Park (4-13-77) HABS.

Monmouth County

Atlantic Highlands, *Alexander Hamilton* (Steamship), off NJ 36 3-25-77).

Morris County

Mountain Lakes, *Grimes Homestead*, 45 Bloomfield Ave. (4-1-77).

NEW YORK

Livingston County

Livonia, *Livonia Baptist Church*, 9 High St. (3-25-77).

Nassau County

Manhasset vicinity, *Valley Road Historic District*, S of Manhasset on Community Dr. (4-8-77).

Saratoga County

Hadley, *Hadley Parabolic Bridge*, Corinth Rd. (3-25-77).

Westchester County

Ardsley-on-Hudson, *Nuits*, Hudson Rd. and Clifton Pl. (4-13-77).

NORTH CAROLINA

Bladen County

Tar Heel vicinity, *Purdie House and Purdie Methodist Church*, 2.8 mi. E of Tar Heel (4-13-11).

Buncombe County

Asheville, *S and W Cafeteria*, Patton Ave. (3-28-77).

Northampton County

Jackson, *Northampton County Courthouse Square*, Jefferson St. between Atherton and Brown Sts. (4-11-77).

Wake County

Raleigh, *Polk, Leonidas L., House*, 612 N. Blount St. (4-13-77).

Wayne County

Goldsboro, *Goldsboro Union Station*, 101 North Carolina St. (4-13-77).

NORTH DAKOTA

Traill County

Hatton, *Eielson, Carl Ben, House*, 405 8th St. (4-11-77).
Mayville, *Mayville Public Library*, Center Ave. N. (4-11-77).
Mayville, *Robinson, Col. William H., House*, 127 4th Ave., NE (4-11-77).

Wells County

Fessenden, *Beiseker Mansion*, 2nd St. and Roberts Ave. (4-13-77).
Hurdsfield vicinity, *Hurd Round House*, 7 mi. SE of Hurdsfield (4-11-77).

OHIO

Adams County

Seaman vicinity, *Wilson, John T., Homestead*, NE of Seaman on OH 32 (4-11-77).

Ashland County

Ashland vicinity, *Anderson Schoolhouse*, SW of Ashland on U.S. 42 (3-25-77).

Athens County

Truetown vicinity, *Kidwell Covered Bridge*, 1 mi. N of Truetown (4-11-77).

Brown County

Decatur vicinity, *Sutton House*, 0.3 mi. E of Decatur on OH (3-25-77).

Butler County

Hamilton vicinity, *Hughes, Phillip, House*, E of Hamilton at jct. of OH 4 and OH 747.
Shandon, *Thomas Select School*, 3637 Millville-Shandon Rd. (4-11-77).

Carroll County

Waynesburg vicinity, *St. Mary's of Morges*, 8012 Bachelor Rd., NW (4-11-77).

Clermont County

Mt. Olive vicinity, *Winter, William, Stone House*, N of Mt. Olive on OH 133 (3-25-77).

Cuyahoga County

Independence, *Independence Presbyterian Church*, U.S. 21 (4-13-77).
Lakewood, *Honam, John, House*, 14710 Lake Ave. (4-13-77) HABS.

Darke County

Greenville, *Beir, Anna, House*, 214 E. 4th St. (4-11-77).

Defiance County

Defiance, *Riverside Chapel*, S. Clinton St. in Riverside Cemetery (4-11-77).

Delaware County

Harlem vicinity, *Cook, John, Farm*, E of Harlem at Miller Paul Rd. and Gorsuch Rd. (4-11-77).

Fairfield County

Pickerington vicinity, *Blacklick Covered Bridge*, 3.5 mi. NW of Pickerington (4-11-77).

Franklin County

Westerville vicinity, *Osborn, Charles S.*, 5785 Cooper Rd. (3-28-77).

Hamilton County

Cincinnati, *Bepler, August, House (Holly Ridge)*, 805 Tusculum Ave. (4-13-77).
Cincinnati, *Episcopal Church of the Resurrection*, 7346-48 Kirkwood La. (4-13-77).
Cincinnati vicinity, *Williams, W. L., House*, 280 Anderson Ferry Rd. (3-25-77).
Newtown and vicinity, *Perin Village Site*, off OH 32 (3-25-77).

Lawrence County

Chesapeake vicinity, *Maplewood*, W of Chesapeake on Maplewood La. (4-13-77).

Licking County

Newark, *Chapel Hill Cemetery Buildings*, Cedar St., Chapel Hill Cemetery (4-13-77).

Montgomery County

Dayton, *Brown, Samuel N., House*, 1633 Wayne Ave. (4-11-77).
Dayton, *Gottschall, Oscar M., House*, 20 Livingston Ave. (4-11-77).
Germantown vicinity, *Koehne-Poast Farm*, W of Germantown off OH 725 (4-11-77).

Muskingum County

Zanesville vicinity, *Five Mile House*, S of Zanesville off U.S. 22 (4-11-77).

OKLAHOMA

Le Flore County

Cameron vicinity, *Reynolds, James E., House*, E of Cameron off OK 112 (4-13-77).

Oklahoma County

Oklahoma City, *St. Paul's Cathedral*, 127 NW 7th St. (4-11-77).

PENNSYLVANIA

Allegheny County

East Pittsburgh, *Westinghouse, George, Memorial Bridge*, U.S. 30 at Turtle Creek (3-28-77).

Bucks County

Wrightstown, *Smith, William, House*, Mud and Penns Park Rd. (4-13-77).

Butler County

Zelienople, *Passavant House*, 243 S. Main St. (4-11-77).

Centre County

Bellefonte, *Brockerhoff Hotel*, High and Allegheny Sts. (4-11-77).
Bellefonte vicinity, *Logan Furnace Mansion*, 3 mi. S of Bellefonte on PA 144 (4-11-77).
Boalsburg, *Hill House (Col. James Johnston House)*, Tennis St. (3-28-77).
Centre Hall vicinity, *Neff, Maj. John, Homestead*, SW of Centre Hall (4-11-77).
Stormstown, *Elder, Abraham, Stone House/Tavern*, PA 550 (4-13-77).

Crawford County

Meadville, *Mosier, Dr. J. R., Office*, Terrace St. (3-28-77).

Cumberland County

Dickinson vicinity, *Pine Grove Furnace*, S of Dickinson on PA 233 (4-13-77).

Delaware County

Westchester vicinity, *Thompson Cottage*, SE of Westchester on Thornton Rd. (4-13-77).

Franklin County

Chambersburg vicinity, *Gass House*, E of Chambersburg off U.S. 30 (4-11-77).

Montgomery County

Schwenksville vicinity, *Sunrise Mill*, 3 mi. W of Schwenksville on Neiffer Rd. (4-11-77).

Northumberland County

Milton, *Milton Freight Station*, 90 Broadway (4-13-77).

Philadelphia County

Philadelphia, *Eyre, Wilson, House*, 1003 Spruce St. (4-13-77).

Wyoming County

Nicholson vicinity, *Tunkhannock Viaduct*, 0.5 mi. E of Nicholson at Tunkhannock Creek (4-11-77).

PUERTO RICO

Guanica vicinity, *Faro de Guanica*, S of Guanica (3-28-77).

RHODE ISLAND

Providence County

Providence, *St. Michael's Roman Catholic Church, Convent, Rectory, and School*, 251 Oxford St. (3-25-77).

SOUTH DAKOTA

Minnehaha County

Sioux Falls, *Augustana College Historic Buildings*, 29th and S. Summit Sts. (3-25-77).

Pennington County

Hill City, *Harney Peake Hotel*, U.S. 16 (4-11-77).
Hill City, *Von Woehrmann Building*, U.S. 16 (4-13-77).

Walworth County

Mobridge, *Mobridge Masonic Temple*, 6th and Main Sts. (3-25-77).

TENNESSEE

Montgomery County

Clarksville, *Rezinger, Samuel, House*, 703 E. College St. (4-13-77).

TEXAS

Bosque County

Meridian, *Bosque County Courthouse*, Public Sq. (4-13-77).

Culberson County

Toyah vicinity, *Granado Cave*, 36.6 mi. W of Toyah (3-25-77).

El Paso County

El Paso vicinity, *Doyle, Sgt., Site*, 4 mi. NE of El Paso (4-11-77).

Hill County

Itasca vicinity, *Turner, Joe E., House*, 3 mi. E of Itasca on SR 934 (4-13-77) HABS.

Hopkins County

Sulphur Springs, *Hopkins County Courthouse*, Church and Jefferson Sts. (4-11-77).

Johnson County

Rio Vista vicinity, *Hart, Meredith, House*, E of Rio Vista on SR 916 (4-13-77).

Panola County

Deadwood vicinity, *International Boundary Marker*, SE of Deadwood off SR 31 at LA State line (4-13-77).

Parker County

Tin Top vicinity, *Tin Top Suspension Bridge*, 2 mi. S of Tin Top on SR 1884 (3-25-77).

Presidio County

Redford vicinity, *Tapalcomes*, S of Redford (3-25-77).

Rains County

Emory vicinity, *Gilbert Site*, 3 mi. N of Emory (4-13-77).
Emory vicinity, *Koons Site*, 3 mi. N of Emory (4-13-77).
Emory vicinity, *Yandell Site*, N of Emory (4-13-77).

San Augustine County

San Augustine vicinity, *Garrett, William, Plantation House*, 1 mi. W of San Augustine on Tx 21 (3-25-77) HABS.

Tarrant County

Fort Worth, *Texas & Pacific Steam Locomotive #610*, Felix and Hemphill Sts. (3-25-77).

Wood County

Alba vicinity, *Sadler Site*, N of Alba (4-13-77).
Quitman vicinity, *Howle Site*, W of Quitman (4-13-77).

Zapata County

San Ygnacio vicinity, *San Francisco Ranch*, 1 mi. N of San Ygnacio (3-25-77).

UTAH

Sevier County

Joseph vicinity, *Parker, Joseph William, Farm*, 2.5 mi. NE of Joseph (3-25-77).

VERMONT

Addison County

Orwell vicinity, *Orwell Site* (4-11-77).

Rutland County

Poultney, *Poultney Central School*, Main St. (3-25-77).

Windham County

Townshend vicinity, *Simpsonville Stone Arch Bridge*, N of Townshend on VT 35 (4-11-77).

VIRGINIA

Fairfax County

Great Falls vicinity, *Cornwell Farm*, SE of Great Falls, 9414 Georgetown Pike (4-13-77).

Richmond County

Farnham vicinity, *Linden Farm*, N of Farnham on VA 3 (4-13-77).

WASHINGTON

Kittitas County

Ellensburg vicinity, *Springfield Farm*, 9 mi. N of Ellensburg (4-13-77).

WEST VIRGINIA

Greenbrier County

Lewisburg vicinity, *Morlunda (Col. Samuel McClung Place)*, NW of Lewisburg on SR 40 (3-25-77).

WISCONSIN

Milwaukee County

Milwaukee, *German-English Academy*, 1020 N. Broadway (4-11-77).
Milwaukee, *Schlitz, Joseph, Brewing Company Saloon*, 2414 S. St. Clair St. (4-11-77).

Rock County

Beloit, *Hanchett-Bartlett Farmstead*, 2149 St. Lawrence Ave. (4-11-77).
Janesville vicinity, *LaPrairie Grange Hall No. 79*, SE of Janesville on Town Hall Rd. (4-11-77).

* * * * *

The following is a list of corrections to properties previously listed in the FEDERAL REGISTER:

CALIFORNIA

Mariposa County

Curry Village, *Le Conte Memorial Lodge*, Yosemite Valley, Yosemite National Park (3-8-77).

GEORGIA

Floyd County

Rome, *Chieftains*, 80 Chatillon Rd. (4-7-71) NHL; G.

Wilkes County

Washington, *Toombs, Robert, House*, 216 E. Robert Toombs Ave. (4-11-72) NHL; HABS; G.

IDAHO

Bannock County

Fort Hall vicinity, *Fort Hall*, 11 mi. W. of Fort Hall, Fort Hall Indian Reservation (10-15-66) NHL.

ILLINOIS

Cook County

Chicago, *Auditorium Building, Roosevelt University*, Michigan Ave. and Congress St. (4-17-70) NHL; HABS; G.

KANSAS

Douglas County

Lecompton, *Constitution Hall*, Elmore St. between Woodson and 3rd Sts. (5-14-71) NHL.

Linn County

Trading Post vicinity, *Marais des Cygnes Massacre Site*, 5 mi. NE of Trading Post (6-21-71) NHL.

LOUISIANA

Natchitoches Parish

Melrose, *Melrose Plantation (Yucca)*, LA 119 off LA 493 (6-13-72) NHL; HABS; G.

MAINE

Aroostook County

Fort Kent vicinity, *Fort Kent*, 0.75 mi. SW of Fort Kent off ME 11 (12-1-69) NHL.

Kennebec County

Augusta, *Fort Western*, Bowman St. (12-2-69) NHL; HABS.

MARYLAND

Prince Georges County

Rosaryville vicinity, *His Lordship's Kindness*, 3.5 mi. W of Rosaryville (4-15-70) NHL; G.

MASSACHUSETTS

Suffolk County

Boston, *Massachusetts Historical Society Building*, 1154 Boylston St. (10-15-66) NHL.
Boston, *Old South Church in Boston*, 645 Boylston St. (12-30-70) NHL.

MONTANA

Powell County

Deer Lodge, *Montana Territorial and State Prison*, 925 Main St. (9-3-76) (county correction).

NEBRASKA

Otoe County

Nebraska City vicinity, *Arbor Lodge (J. Sterling Morton House)*, W of Nebraska City on Arbor Lodge State Park (4-16-69) NHL; G.

Scotts Bluff County

Gering vicinity, *Robidoux Pass*, 9 mi. W of Gering (10-15-66) NHL.

NEW JERSEY

Union County

Elizabeth, *Boxwood Hall (Boudinot Mansion)*, 1073 E. Jersey St. (12-18-70) NHL; HABS.

NEW YORK

Albany County

Watervliet, *Watervliet Arsenal*, S. Broadway (11-13-66) NHL.

Columbia County

Germantown, *Clermont*, Clermont State Park (2-18-71) NHL; HABS.

Greene County

Catskill, *Cole, Thomas, House*, 218 Spring St. (10-15-66) NHL.

Nassau County

Westbury vicinity, *Old Westbury Gardens (Phipps Estate)*, 71 Old Westbury Rd. (11-8-76).

New York County

New York, *Metropolitan Savings Bank (First Ukrainian Assembly of God)*, 9 E. 7th St. (12-12-76).

Oneida County

Utica, *Conkling, Roscoe, House*, 3 Rutger St. (5-15-75) NHL.

Orange County

West Point, *U.S. Military Academy (West Point)*, NY 218 (10-15-66) NHL.

OHIO

Cuyahoga County

Cleveland, *Cleveland Arcade*, 401 Euclid Ave. (3-20-73) NHL; HABS.

PENNSYLVANIA

Bucks County

New Hope vicinity, *Honey Hollow Watershed*, 2.5 mi. S of the Delaware River on PA 263 (8-4-69) NHL.

Philadelphia County

Philadelphia, *Mother Bethel A.M.E. Church*, 419 6th St. (3-16-72) NHL; G.
Philadelphia, *Music Fund Hall*, 808 Locust St. (3-11-71) NHL.

SOUTH CAROLINA

Beaufort County

Beaufort, *Beaufort Historic District*, bounded by the Beaufort River, Bladen, Hamar, and Boundary Sts. (12-17-69) NHL; HABS.

Charleston County

Charleston, *Fireproof Building*, 100 Meeting St. (7-29-69) NHL; HABS; G.
Charleston, *Market Hall and Sheds*, 188 Meeting St. (6-4-73) NHL.
Charleston, *Russell, Nathaniel, House*, 51 Meeting St. (8-19-71) NHL; HABS.
Charleston, *Simmons-Edwards House*, 12-14 Legare St. (1-25-71) NHL; HABS.
Charleston, Stuart, Col. John, House, 104-106 Tradd St. (10-22-70) NHL; HABS.
Mt. Pleasant vicinity, *Snee Farm*, 6 mi. W of Mt. Pleasant off U.S. 17 (4-13-73) NHL.

Georgetown County

Georgetown vicinity, *Hopsewee (Thomas Lynch House)*, 12 mi. S. of Georgetown on U.S. 17 (1-25-71) NHL.

Greenwood County

Ninety Six vicinity, *Old Ninety Six and Star Fort*, 2 mi. S. of Ninety Six between SC 248 and 27 (12-3-69) NHL; G.

Lancaster County

Lancaster, *Lancaster County Courthouse*, 104 N. Main St. (2-24-71) NHL.

Richland County

Columbia, *First Baptist Church*, 1306 Hampton St. (1-25-71) NHL.
Columbia, *South Carolina State Hospital*, Mills Building, 2100 Butt St. (11-7-73) NHL.

Sumter County

Pinewood vicinity, *Milford Plantation*, W of Pinewood on SC 261 (11-19-71) NHL.

TEXAS

Travis County

Austin, *Governor's Mansion*, 1010 Colorado St. (8-25-70) NHL.

VIRGINIA

Bedford County

Lynchburg vicinity, *Popular Forest*, S of jct. of Rtes 661 and 460 (11-12-69) NHL; HABS.

Caroline County

Port Royal vicinity, *Camden*, N of jct. of Rte 686 and U.S. 17 (11-12-69) NHL; HABS.

Charles City County

Hopewell vicinity, *Shirley*, 5 mi. N of Hopewell off VA 608 (10-1-69) NHL; HABS.

Clarke County

Boyce vicinity, *Saratoga*, SE of jct. of Rtes. 723 and 617 (2-26-70) NHL; HABS.

Goochland County

Manakin vicinity, *Tuckahoe*, SE of Manakin near jct. of Rtes 650 and 647 (11-22-68) NHL.

Halifax County

South Boston vicinity, *Berry Hill*, S of jct. of Rtes 659 and 682 (11-25-69) NHL; HABS.

VIRGINIA

James City County

Williamsburg vicinity, *Carter's Grove*, SE of jct. of Rte 667 and U.S. 60, (11-12-69) NHL; HABS.

King William County

Tunstall vicinity, *Elsing Green*, SW of jct. of SR 632 and 623 (11-12-69) NHL; HABS.

Loudoun County

Leesburg vicinity, *Oatlands*, S of jct. of Rtes 15 and 651 (11-12-69) NHL; G.

Portsmouth (independent city)

Drydock No. 1, Norfolk Naval Shipyard (11-11-71) NHL.

Prince George County

Brandon vicinity, *Brandon*, W bank of the James River on Rte 611 (11-12-69) NHL; HABS.

Richmond (independent city)

City Hall, bounded by 10th, Broad, 11th and Capitol Sts. (10-1-69) NHL.
Egyptian Building, E. Marshall and College Sts. (4-16-69) NHL.
Monumental Church, 1224 E. Broad St. (4-16-69) NHL; G.

Richmond County

Ethel vicinity, *Menokin*, NW of jct. of Rtes. 690 and 621 (10-1-69) NHL; HABS.

WISCONSIN

Fond du Lac County

Ripon, *Little White Schoolhouse*, SE corner of Blackburn and Blossom Sts. (8-14-73) NHL; HABS.

* * * * *

The following properties were omitted from the February 1, 1977, listing of properties in the FEDERAL REGISTER.

PENNSYLVANIA

Allegheny County

Bruceton vicinity, *Experimental Mine*, S of Bruceton off Cochran Mill Rd. (10-18-77).

Crawford County

Prairie du Chien, *Dousman Hotel*, Water St. (10-15-66) NHL.

* * * * *

The following properties have been determined to be eligible for inclusion in the National Register. All determinations of eligibility are made at the request of the concerned Federal Agency under the authorities in section 2(b) and 1(3) of Executive Order 11593 as implemented by the Advisory Council on Historic Preservation, 36 CFR Part 800. This listing is not complete. Pursuant to the authorities discussed herein, an Agency Official shall refer any questionable actions to the Director, Office of Archeology and Historic Preservation, National Park Service, Department of the Interior, for an opinion respecting a property's eligibility for inclusion in the National Register.

Historical properties which are determined to be eligible for inclusion in the National Register of Historic Places are entitled to protection pursuant to section 106 of the National Historic Preservation Act of 1966, as amended, and the procedures of the Advisory Council on Historic Preservation, 36 CFR Part 800. Agencies are advised that in accord with the procedures of the Advisory Council on Historic Preservation, before an agency of the Federal Government may undertake any project which may have an effect on such a property, the Advisory Council on Historic Preservation shall be given an opportunity to comment on the proposal.

ALABAMA

Green County

Gainesville vicinity, *Archeological Sites in Gainesville Project*. Tombigbee Waterway (also in Pickens and Sumter counties).

Jefferson County

Site 1Je36. Project I-459-4(4).

Madison County

Huntsville, *Lee House*, Red Stone Arsenal.

Maricopa County

Site U:1:30 (ASU).
Site U:1:31 (ASU).

Washington County

Sunflower vicinity, *Dr. Williams Home*, AL project RF-98(7).

ALASKA

Nome Division

Little Diomede Island, *Iyapana, John House*.

Sitka Division

Crab Bay, *Crab Bay Petroglyph*.

ARIZONA

Apache County

Grand Canyon National Park, *Old Post Office*.

Conconino County

Gray Mountain Site, (AR-02-020-946).
House Rock Springs, Upper Houserock Valley.
Paria Plateau Archeological District.

Graham County

Foote Wash—No name Wash Archeological District.

Maricopa County

Beth Israel Synagogue, 120 E. Culver.
Cave Creek Archeological District.
Glendale vicinity, *Cave Creek Dam*.
New River Dams Archeological District.
Phoenix, *Brooks, M. B., House*, 334B 75th Ave.
Phoenix, *Ellis-Shackleford House*, 1242 N. Central.
Phoenix, *Evans Barn*, 67th Ave., between Van Buren and McDowell.
Phoenix, *Fennemore House*, 501 E. Moreland.
Phoenix, *Hidden-Porcher House*, 763 E. Moreland.
Phoenix, *Ivy House*, 111 W. Monroe St.
Phoenix, *Kenilworth Elementary School*, 1210 N. 5th Ave.
Phoenix, *Stewart House*, 1115 N. Central.
Site T:4:6.
Site U:1:30 (A.S.U.).
Site U:1:31 (A.S.U.).
Skunk Creek Archeological District.

Mohave County

Colorado City vicinity, *Short Creek Reservoir States NA 13,257 and NA 13,258*.

Navajo County

Polacca vicinity, *Walpi Hopi Village*, adjacent to Polacca.

Pima County

Tucson, *Convento Site*.

Yavapai County

Copper Basin Archeological District, Prescott National Forest.

Yuma County

Eagle Tail Mountains Archeological Site.
Yuma, Southern Pacific Depot.

ARKANSAS

Archeological Sites, Black River Watershed.

Clay County

Site 3CY34, Little Black River Watershed.

Faulkner County

Site 3WH145, E fork of Cadron Creek Watershed (also in White county).
Sites 3VB49–3VB51, N fork Cadron Creek Watershed.

Hempstead County

Archeological Sites in Ozan Creeks Watershed.

Ouachita County

Camden, *Old Post Office*, Washington St.

CALIFORNIA

Archeological Sites, Buchanan Dam at Chowchilla River.

Alpine County

Woodsford vicinity, *Archeological Site 4-Alp-105*.

Amador County

Amador City, 35 mi. SE of Sacramento.

Benito County

Chalone Creek Archeological Sites, Pinnacles National Monument.

Calavras County

New Melones Historical District, New Melones Lake Project area, Stanislaus River (also in Tuolumne County).

Colusa County

Stoneyford vicinity, *Upper and Lower Letts Valley Historical District*, 12 mi. SW of Stoneyford.

Del Norte County

Chimney Rock, Six Rivers National Forest.
Doctor Rock, Six Rivers National Forest.
Peak No. 8, Six Rivers National Forest.

El Dorado County

Site Eld–58.
Giebenhahn House and Mountain Brewery Complex.

Fresno County

Helms Pumped Storage Archeological Sites, Sierra National Forest.
Home Camp T.S. (6 archeological sites) in Sierra National Forest.

Glenn County

Willows vicinity, *White Hawk Top Site*, Twin Rocks Ridge Road Reconstruction Project.

Humbolt County

Eureka, Eureka Historic District.

Imperial County

Glamis vicinity, *Chocolate Mountain Archeological District*.
Lake Cahuilla, *Lot 1*.
Lake Cahuilla, *Lot 5*.

Inyo County

Scotty's Castle, Death Valley National Monument.
Scotty's Ranch, Death Valley National Monument.
The Twenty Mule Team Borax Wagon Road (also in Kern and San Bernardino counties).

Kern County

Site Ca-Ker-322.

Lassen County

Archeological Site HJ–1 and HJ–5.

Los Angeles County

Big Tujunga Prehistoric Archeological Site, I 210 Project.
Los Angeles, *Fire Station No. 26*, 2475 W. Washington Blvd.
Simi Valley, *Archeological Site Ven–341*.
Van Norman Reservoir, Site CA–LAN 646, CA–LAN 643, Site CA–LAN 490, and a cluster made up of Sites CA–LAN, 475, 491, 492, and 493.

Madera County

Bass Lake Archeological Sites
CA–MAD 176–185.
Lower China Crossing.
New Site.

Marin County

Point Reyes, P. E. Booth Company Pier, Point Reyes National Seashore.
Point Reyes, *Point Reyes Light Station*.

Modoc County

Alturas vicinity, *Rail Spring*, about 30 mi. N of Alturas in Modoc National Forest.
Johnson Slough Site (Site 1).
Tulelake vicinity, *Lava Bed National Monument Archeological District*, S of Tulelake (also in Siskiyou County).

Mono County

Archeological Site CA–MNO–684.

Monterey County

Big Sur, *Point Sur Light Station*.
Pacific Grove, *Point Pinos Light Station*.

Napa County

Archeological Sites 4–Nap–14, 4–Nap–261.
Napa River Flood Control Project.

Plumas County

Mineral, *Hay Barn and Cook's Cabin, Drakesbad (Sifford Family) Guest House*, Lassen Volcanic National Park.
Mineral, *Summit Lake Ranger Station*, Lassen Volcanic National Park.

Riverside County

Twentynine Palms, *Cottonwood Oasis (Cottonwood Springs)*, Joshua Tree National Monument.
Twentynine Palms, *Lost Horse Mine*, Joshua Tree National Monument.

Sacramento County

Sacramento River Bank Protection Project, Site 1, Sacramento River.
Sacramento Weir
Sacramento, *Tower Bridge*, M St. over Sacramento River (also in Yolo County).

San Bernardino County

Squaw Spring Well Archeological District.
Steam Well Petroglyph Archeological District.
Trona Pinnacles Railroad Camp.
Twentynine Palms, *Keys, Bill, Ranch*, Joshua Tree National Monument.
Twentynine Palms, *Twentynine Palms Oasis*, Joshua Tree National Monument.

San Diego County

North Inland, *Camp Howard, U.S. Marine Corps*, Naval Air Station.
North Island, *Rockwell Field*, Naval Air Station.
San Diego, *Marine Corps Recruit Depot*, Barnett Ave.

San Francisco County

San Francisco, *Twin Peaks Tunnel*.

San Luis Obispo County

New Cuyana vicinity, *Caliente Mountain Aircraft Lookout Tower*, 13 mi. NW of New Cuyana off Rte. 166.
San Luis Obispo, *San Luis Obispo Light Station*.

San Mateo County

Hillsborough, *Point Montara Light Station*.

Santa Barbara County

Santa Barbara, *Site SBa–1330*, Santa Monica Creek.
Site CA–Sba–1325.

Santa Clara County

Sunnyvale, *Theuerkauf House*, Naval Air Station, Moffett Field.

Shasta County

Mineral, *Comfort Station*, Lassen Volcanic National Park.
Mineral, *Park Entrance Station and Residence*, Lassen Volcanic National Park.
Mineral, *Park Naturalist's Residence*, Lassen Volcanic National Park.
Mineral, *Warner Valley Ranger Station*, Lassen Volcanic National Park.
Redding vicinity, *Squaw Creek Archeological Site*, NE of Redding.
Whiskeytown, *Irrigation System (165 and 166)*, Whiskeytown National Recreation Area.

Sierra County

Archeological Site HJ–5 (Border Site 26WA–1676).
Properties in Bass Lake Sewer Project.

Siskiyou County

Thomas-Wright Battle Site, Lava Beds National Monument.

Sonoma County

Dry Creek-Warm Springs Valley Archeological District.
Petaluma, *Ferrell Home*, 500 E. Washington St.
Santa Rosa, *Santa Rosa Post Office*.

Tehama County

Los Molinos vicinity, *Ishi Site (Yahi Camp)*, E of Los Molinos in Deer Creek Canyon.

Tulare County

Atwell's Mill, Sequoia National Park.
Cattle Cabins, Sequoia National Park.
Quinn Ranger Station.

Yuba County

Site 4–Yub–S27 (Marysville Riverfront Park Project), along the Feather River, City of Marysville.

COLORADO

Denver County

Denver, *Eisenhower Memorial Chapel*, Building No. 27, Reeves St., on Lowry AFB.

Douglas County

Keystone Railroad Bridge, Pike National Forest.

El Paso County

Colorado Springs, *Alamo Hotel*, corner of Tejon and Cucharras Sts.
Colorado Springs, *Old El Paso County Jail*, corner of Vermijo and Cascade Ave.

Larimer County

Estes Park, *Beaver Meadows Maintenance Area*, Rocky Mountain National Park utility area.
Sites 5–LR–257 and 5–LR–263, Boxelder Watershed Project.

Pueblo County

Pueblo, *Pueblo Federal Building (U.S. Post Office)*, 5th and Main Sts.

CONNECTICUT

Fairfield County

Bridgeport Harbor, *Bridgeport Canal Barges.*
Norwalk, *Washington Street—S. Main Street Area.*

Hartford County

Farmington, *Gridley-Parsons-Staples Homestead*, Rte. 4, Farmington Ave.
Hartford, *Christ Church Cathedral and Cathedral House*, 955 Main St. and 45 Church St.
Hartford, *Houses on Charter Oak Place.*
Hartford, *Houses on Wethersfield Avenue*, between Morris and Wyllys Sts., particularly Nos. 97–81, 65.
Southington, *Lewis, Sally, House*, 500 N. Main St.

Middlesex County

Middletown, *Cookson, John, House*, S. Main St.
Middletown, *Fuller, Caleb. House*, Upper Williams St.
Middletown, *Southmayd, William, House*, Lower Williams St.

New London County

New London, *Buckingham Memorial Building*, 307 Main St.
New London, *Washington Street Historic District*, project 103–159.
New London, *Williams Memorial Institute Building*, 110 Broad St.

DISTRICT OF COLUMBIA

Auditors' Building, 201 14th St. SW.
Brick Sentry Tower and Wall, along M St.
Central Heating Plant, 13th and C Sts. SW. SE between 4th and 6th Sts SE
1700 Block Q Street NW; 1700–1744, 1746, 1748 Que St. NW.; 1536, 1538, 1540, 1602, 1604, 1606, 1608, 17th St. NW.

FLORIDA

Broward County

Hillsboro Inlet, *Coast Guard Light Station.*

Collier County

Marco Island, *Archeological Sites on Marco Island.*

Monroe County

Knights Key Moser Channel—Packet Channel Bridge (Seven Mile Bridge)
Long Key Bridge
Old Bahia Honda Bridge

Pinellas County

Bay Pines, *VA Center*, Sections 2, 3, and 11 TWP 31–S, R–15E.

GEORGIA

Bibb County

Macon, *Vineville Avenue Area*, both sides of Vineville Ave. from Forsyth and Hardman Sts. to Pio Nono Ave.

Chatham County

Archeological Site, end of Skidway Island.
Savannah, *516 Ott Street.*
Savannah, *908 Wheaton Street.*
Savannah, *914 Wheaton Street.*
Savannah, *920 Wheaton Street.*
Savannah, *828 Wheaton Street.*
Savannah, *930 Wheaton Street.*
Skidaway Island, *Priest's Landing Mounds.*

Chatooga County

Archeological Sites in area of Structure 1–M, and Trion Dikes 1 and 2, headwaters of Chatooga Watershed (also in Walker County).

Clay County

Archeological Site WGC–73, downstream from Walter F. George Dam.

Cobb County

Bostwick, Charles C., House, 325 Atlanta St.
Brumby, Arnoldus, House, 472 Powder Springs St.
Clay, Alexander Stephens, House, 353 Atlanta St.
McCullock–Wellons House, 348 Powder Springs Rd.
Slaughter, M. G., Cottage, 216 Fraser St.

De Kalb County

Atlanta, *Atkins Park Subdivision*, St. Augustine, St. Charles, and St. Louis places.
Decatur, *Sycamore Street Area.*

Fulton County

Atlanta, *Downtown Atlanta Historic District*, beginning at jct. Atlanta St. and Central Ave.

Gordon County

Haynes, Cleo, House and Frame Structure, University of Georgia.
Moss—Kelly House, Sallacoa Creek area.

Greene County

Wallace Reservoir Archeological District, (also in Hancock, Morgan, and Putnam counties).

Gwinnett County

Duluth, *Hudgins, Scott, Home (Charles W. Summerour House)*, McClure Rd.

Heard County

Philpott Homesite and Cemetery, on bluff above Chattahoochee River where Grayson Trail leads into river.

Richmond County

Archeological Sites Project F–117–1 (7).
Augusta, *Blanche Mill.*
Augusta, *Enterprise Mill.*
Augusta, *Green Street.*

Stewart County

Rood Mounds, Walter F. George Dam and Reservoir.

Sumter County

Americus, *Aboriginal Chet Quarry*, Souther Field.

HAWAII

Hawaii County

Hawaii Volcanoes National Park, *Mauna Loa Trail.*
Kwalakakwa Bay, *Kona Field System*

Maui County

Hana vicinity, *Kipahulu Historic District*, SW of Hana on Rts. 31.

Oahu County

Moanalua Valley.

IDAHO

Ada County

Boise, *Alexanders*, 826 Main St.
Boise, *Falks Department Store*, 100 N. 8th St.
Boise, *Idaho Building*, 216 N. 8th St.
Boise, *Simplot Building (Boise City National Bank)*, 805 Idaho St.
Boise, *Union Building*, 712½ Idaho St.

Clearwater County

Orofino vicinity, *Canoe Camp—Suite 18*, W of Orofino on U.S. 12 in Nez Perce National Historical Park.

Gem County

Marsh and Ireton Ranch, Montour Flood project.
Town of Montour, Montour Flood project.

Idaho County

Kamiah vicinity, *East Kamiah*—Suite 15, SE of Kamiah on U.S. 12 in Nez Perce National Historical Park.

Lemhi County

Tendoy, *Lewis and Clark Trail, Pattee Creek Camp.*

Nez Perce County

Lapwai, *Fort Lapwai Officer's Quarters*, Phinney Dr. and C St. in Nez Perce National Park.
Lapwai, *Spalding.*
Lewiston, *Fix Building*, 211–213 Main St.
Lewiston, *Lower Snake River Archeological District*
Lewiston, *Moxley Building*, 215 Main St.
Lewiston, *Scully Building*, 209 Main St.

ILLINOIS

Bureau County

I & M Canal (also in Henry, Rock Island, and Whiteside counties).

Carroll County

Savanna vicinity, *Spring Lake Cross Dike Island Archeological Site*, 2 mi. SE of Savanna.

Cook County

Chicago, *Ogden Building*, 180 W. Lake St.
Chicago, *Oliver Building*, 159 N. Dearborn St.
Chicago, *Springer Block (Bay, State, and Kranz Buildings)*, 126–146 N. State St.
Chicago, *Unity Building*, 127 N. Dearborn St.

De Kalb County

De Kalb, *Haish Barbed Wire Factory*, corner of 6th and Lincoln Sts.

Lake County

Fort Sheridan, *Museum Bldg. 33*, Lyster Rd.
Fort Sheridan, *Water Tower*, Bldg. 49, Leonard Wood Ave.

Madison County

American Bottoms, 69 archeological sites in Madison, Monroe, and St. Clair counties.

Rock Island County

Archeological Site 11–Ri–337, East Moline, Mississippi and Rock Rivers.

Scott County

Naples vicinity, *Naples-Castle Site*, SW of Naples.

Williamson County

Wolf Creek Aboriginal Mound, Crab Orchard National Wildlife Refuge.

INDIANA

Lawrence County

Mitchell, *Riley School.*

Marion County

Indianapolis, *Lockfield Gardens Public Housing Project*, 900 Indiana Ave.
Indianapolis vicinity, *Garfield Park Pagoda*, 2 mi S of Indianapolis in Garfield Park.

Monroe County

Bloomington, *Carnegie Library.*

Orange County

Cox Site, Lost River Watershed.
Half Moon Spring, Lost River Watershed.

St. Joseph County

Mishawaka, *100 NW Block*, properties fronting N. Main St. and W. Lincoln Way.

Spencer County

Evansville, *Pollard, Maier, House.*

Vanderburgh County

Evansville, *Riverside Neighborhood.*

Vermillion County

Houses in SR 63/32 Project, jct. of SR 32 and SR 63 and 1st rd. S. of Jct.

IOWA

Boone County

Saylorville Archeological District (also in Polk and Dallas counties).

Ida County

Muri Brown Site (13-IA-4), County Courthouse.

Johnson County

Indian Lookout.

KANSAS

Douglas County

Lawrence, *Curtis Hall (Kiva Hall)*, Haskell Institute.

KENTUCKY

Jefferson County

Archeological Sites: Section 2, SW Jefferson County Local Protection Project.

Johnson County

Fishtrap United Methodist Church.
Volga, *McKenzie Log Cabin*, McKenzie Branch.

Lawrence County

Fort Ancient Archeological Site.

Trigg County

Golden Pond, *Center Furnace*, N of Golden Pond on Bugg Spring Rd.

LOUISIANA

East Baton Rouge Parish

Baton Rouge, *Spanish Town*, Baton Rouge.

Orleans Parish

New Orleans, *Casey, Kate, House*, 932-934 Howard.
New Orleans, *Central City District.*
New Orleans, *Cordes, John, House*, 3027-3029 Royal St., Square 170.
New Orleans, *Deyron, Dr. J. A., House*, 3037 Royal St., Square 170.
New Orleans, *Dunn, Andrew Jackson, House*, 928-930 Calliope St., Square 119.
New Orleans, *Duyer, James, House*, 933-935 Gaienne St., Square 119.
New Orleans, *Gasquet, William, Houses*, 1128-1130 Constance St., Square 119.
New Orleans, *Hart, James S., House*, 615 Erato St., Square 71.
New Orleans, *I-Sea Storage and Transfer Company Building*, 2201 Clio St., Square 348.
New Orleans, *Jahucke Building*, 814 Howard Ave., Square 237.
New Orleans, *Lee Circle and Lee Monument*, St. Charles Ave. at Howard Ave.
New Orleans, *Maginnis Cotton Mills*, 1054 Constance St., Square 120.
New Orleans, *McDowall, Robert, House*, 1119-1121 Constance St., Square 130.
New Orleans, *McLaughlin, M. A., House*, 1122-1126 Constance St., Square 119.
New Orleans, *McLeod, Euphenia Napir, House*, 1523-1525 Calliope St., Square 183.
New Orleans, *Murray, Thomas, House*, 1131 S. Rampart St., Square 290.
New Orleans, *Old Firehouse*, 1045 Magazne St., Square 158.
New Orleans, *Peyton, William H., House*, 1135 S. Rampart St., Square 290.
New Orleans, *Roper, George W., House*, 1032 St. Charles Ave., Square 183.
New Orleans, *St. John the Baptist Church*, 1139 Dryades St., Square 277.
New Orleans, *Saulet, Marie Theresa, House*, 1218-1222 Annunciation St., Square 100.
New Orleans, *Schwegmann, G. A., House* 3044 Royal St., Square 142.
New Orleans, *Sincer, Louis, House*, 1061 Camp St., Square 183.
New Orleans, *Sporl, C. J., House*, 3015 Royal St., Square 142.
New Orleans, *Talen, Aaldemar Appollonius, Studio-House*, 1029 Calliope St., Square 137.
New Orleans, *Temple Sinai*, 1032 Ceroudelet St., Square 215.
New Orleans, *Verret, Theodore, House*, 1216 Annunciation St., Square 109.
New Orleans, *Tourae, Nicholas, House*, 1169 Tchoupitoulas St., Square 71.
New Orleans, *Zangel, Frederick, House*, 1118 Constance St., Square 119.

St. Martins Parish

Site 16, Sm—45, Atchafalaya Basin Floodway.

Vernon Parish

Ft. Polk, *Site 16 VN 18.*

MARYLAND

Allegany County

Flintstone vicinity, *Martin Gordon Farm*, Breakneck Rd. (Rte. 1).
Flintstone vicinity, *Martins Mountain Farm*, Breakneck Rd. (Rte. 1).

Anne Arundel County

Claiborne, *Bloody Point Bar Light*, on Chesapeake Bay.
Skidmore, *Sandy Point Shoal Light*, on Chesapeake Bay.

Baltimore (independent city)

Baltimore Belt (Baltimore and Ohio) Railroad (Howard Street Tunnel and Power House).
Barre Circle Historic District, Lombard St., Fremont Ave., Scott St.
Mount Calvary Church Historic District, Biddle St., Madison Ave., N. Eutaw St.

Baltimore County

Fayette Street Methodist Episcopal Church, 745 West Fayette St.

Baltimore County

Federal Hill-Riverside Park Historic District, Federal Hill and Riverside Park areas.
Fort Howard, *Craighill Channel Upper Range Front Light*, on Chesapeake Bay.
Hollins-Lombard Historic District, 800 blocks of Hollins and Lombard Sts., bet. Fremont and Callender; unit block of Parkin St.
New Owings Mills Railroad Station, W of Reisterstown Rd.
Old Owings Mills Railroad Station, Reisterstown Rd.
Old Western Police Station (Old Pine Street Station).
Ridgely's Delight Historic District.
Sparrows Point, *Craighill Channel Range Front Light*, on Chesapeake Bay.
St. Paul's Cemetery, Union Block, Fremont Ave.

Carroll County

Bridge No. 1-141 on Hughes Road.

Cecil County

Sassafras Elk Neck, *Turkey Point Light*, at Elk River and Chesapeake Bay.

Dorchester County

Hoppersville, *Hooper Island Light*, Chesapeake Bay-Middle Hooper Island.

Frederick County

Fort Detrick, *Horton Test Sphere (One-Million-Liter Test Sphere).*

Montgomery County

Rockville, *Third Addition to Rockville and Old St. Mary's Church and Cemetery.*

St Marys County

Piney Point, *Piney Point Light Station.*
St. Inigoes, *St. Inigoes Manor House*, Naval Electronic System Test and Evaluation Detachment.
St. Marys City, *Point No Point Light*, on Chesapeake Bay.

Talbot County

Tilghman Island, *Sharps Island Light*, on Chesapeake Bay.

MASSACHUSETTS

Barnstable County

North Eastham, *French Cable Hut*, jct. of Cable Rd. and Ocean View Dr.
Rider, Samuel, House, Gull Pond Rd. off Mid-Cape Hwy. 6.
Truro, *Highland Gold Course*, Cape Cod Light, area.
Truro, *Highland House*, Cape Cod Light (Highland Light) area.
Wellfleet vicinity, *Atwood—Higgins House*, Boundbrook Island.

Bristol County

New Bedford, *Fire Station No. 4*, 79 S. 6th St.

Hampden County

Holyoke, *Caledonia Building (Crafts Building)*, 185-193 High St.
Holyoke, *Cleary Building (Stiles Building)*, 190-196 High St.
Holyoke, *Steamer Company No. 3.*

Middlesex County

Wayland, *Old Town Bridge (Four Arch Bridge)*, Rte. 217, 1.5 m. NW of Rte. 126 Jct.

Suffolk County

Northern Avenue Bridge, Fort Point Channel.

Worcester County

Leicester, *Shaw Site (Sites 4, 5, and 6)*, Upper Quaboag River Watershed project.
North Brookfield, *Meadow Site No. 11*, Upper Quaboag River Watershed.
Worcester, *Oxford-Crown Streets District*, Chatham, Congress, Crown, Pleasant, Oxford Sts., and Oxford Pl.

MICHIGAN

Kalamazoo County

Masonic Temple, corner Rose and Eleanor Sts.
Little Forks Archeological District.

MINNESOTA

St. Louis County

Duluth, *Morgan Park Historic District.*

Winona County

Winona, *Second Street Commercial Block.*

MISSISSIPPI

Lowndes County

Tibbee Creek Archeological Site, Columbus lock and dam project.

Tishomingo County

Tennessee—Tombigbee Waterway.

MISSOURI

Buchanan County

St. Joseph, *Hall Street Historic District,* bounded by 4th St. on W., Robidoux on S., 10th on E., and Michel, Corby, and Ridenbaugh on N.

Dent County

Lake Spring, *Hyer, John, House.*

Franklin County

Leslie, *Noser's Mill and adjacent Miller's House,* Rural Rte. 1.

Greene County

Springfield, *Landers Theater,* 311 East Walnut St.

Henry County

La Due, *Batschelett House,* near Harry S Truman Dam and Reservoir.
Little Black River Watershed (also in Ripley County).

Monroe County

Violette, Alexander House.

MONTANA

Big Horn County

Fort Smith *Big Horn Canal Headgate.*

Carbon County

Hardin *Pretty Creek Site (Hough Creek Site)* Big Horn Canyon National Recreation Area.

Custer County

"Old Fort" at Fort Keogh.

Fergus County

Lewis & Clark, Campsite, May 23, 1805.
Lewis & Clark, Campsite, May 24, 1805.

Lewis and Clark County

Marysville, *Marysville Historic District.*

NEBRASKA

Cherry County

Valentine vicinity, *Fort Niobrara National Wildlife Refuge.*
Valentine vicinity, *Newman Brothers House.*

Knox County

Niobrara Historic Properties.

NEVADA

Clark County

Las Vegas vicinity, *Blacksmith Shop,* Desert National Wildlife Range.
Las Vegas vicinity, *Mesquite House,* Desert National Wildlife Range.

Elko County

Carlin vicinity, *Archeological Sites 26EK1669, 26EK1672.*

Nye County

Las Vegas vicinity, *Emigrant's Trail,* about 75 mi. NW of Las Vegas on U.S. 95.

Pershing County

Lovelock vicinity, *Adobe in Ruddell Ranch Complex.*
Lovelock vicinity, *Lovelock Chinese Settlement Site.*

Storey County

Sparks vicinity, *Derby Diversion Dam,* on the Truckee River 19 mi. E of Sparks, along I 80 (also in Washoe County).

Washoe County

Site 26Wa2065.

NEW HAMPSHIRE

Hillsborough County

Amoskaag Millyard Complex.
Smyth Tower.

Rockingham County

Portsmouth, *Pulpit Rock Observation Station,* Portsmouth Harbor.

Strafford County

Odd Fellow's Hall (Morning Star Block).
O'Neill House (Cocheco Co. Housing).
Public Market (Morrill Block).
Trella House (Dover Manufacturing Co. Housing).
Veteran's Building (Central Fire House).
Western Auto Block (Merchants Row).

NEW JERSEY

Hudson County

S.S. Newton, midway between Ellis and Liberty islands.

Mercer County

Hamilton and West Windsor Townships, *Assunpink Historic District.*
Trenton, *Lamberton Interceptor.*
West Windsor Township Wastewater Facilities (Archeological Site 3313.14)—Extended.

Middlesex County

Cranbury Historic District.
New Burnswick, *Delaware and Raritan Canal,* between Albany St. Bridge and Landing Lane Bridge.

Monmouth County

Long Branch, *The Reservation,* 1–9 New Ocean Ave.

Morris County

Morristown, *Abbett Avenue Bridge.*

Ocean County

Joseph Holmes Mill (The Mill Site), SW corner of intersection of Mill and Parker Sts.

Warren County

Oxford Industrial District, Oxford Township.

NEW MEXICO

Chaves County

Cites LA11809—LA11822, Cottonwood-Walnut Creek Watershed (also in Eddy County).

Dona Ana County

Placitas Arroyo, *Cites SCSPA 1—8.*

Guadalupe County

Los Esteros Lake Archeological Site.

Lee County

Laguna Plata Archeological District.

McKinley County

Zuni Pueblo Watershed, *Oak Wash Sites N.M.G.:13:19—N.M.G.:13:37.*

Otero County

Three Rivers Petroglyphs.

Rio Arriba County

Cerrito Recreation Site Archeological District.

NEW YORK

Albany County

Guilderland, *Nott Prehistoric Site.*
Tetilla Peak Site.

Bronx County

New York, *Bronx Post Office.*
New York, *North Brothers Island Light Station,* in center of East River.

Broome County

Mill Site at Site 7–A, Manticoke Creek project (also in Tioga County).
Vestal, *Vestal Nursery Site,* Vestal Project (also in Union County).

Chautauqua County

Dunkirk, *Properties in the city of Dunkirk.*
Loomis Archeological Site, South and Central Chautauqua Lake

Greene County

New York, *Hudson City Light Station,* in center of Hudson River.

Kings County

Steeplechase Parachute Jump.

Nassau County

Greenvale, *Toll Gate House,* Northern Blvd.
Long Island, *Seafood Park Archeological Site.*

New York County

New York, *Colonial Park Pool Complex,* Bradhurst Ave.
New York, *Harlem Courthouse,* 170 E. 121st St.
New York, *New York Cancer Hospital (Towers Nursing Home),* 2 W. 106th St.

Orange County

Port Jervis, *Church Street School,* 55 Church St.
Port Jervis, *Farnum, Samuel, House,* 21 Ulster Pl.

Oswego County

Gustin-Earle Factory Site, village of Mexico.
Musico Motors Building, W. First and W. Seneca Sts.

Otsego County

Swart-Wilcox House

Queens County

Fort Totten Officers' Club.

Richmond County

New York, *Romer Shoal Light Station,* located in lower bay area of New York Harbor.
Staten Island, *U.S. Coast Guard Base, St. George.*

Saratoga County

Saratoga Springs, *Yaddo House and Gardens, District.*
Satatoga Springs, *Yaddo House and Gardens,* Saratoga Springs Historic District.
Schuylerville, *Archeological Site,* Schuylerville Water Pollution Control Facility.

Schoharie County

Breakabeen, *Breakabeen Historic District,* between village of North Blenheim and Breakabeen.

Staten Island

Tottenville, *Ward's Point,* Oakwood Beach Project.

Suffolk County

Janesport vicinity, *East End Site.*
Janesport vicinity, *Hallock's Pond Site*
New York, *Fire Island Light Station,* U.S. Coast Guard Station.
New York, *Little Gull Island Light Station,* off North Point of Orient Point, Long Island.
New York, *Plum Island Light Station,* off Orient Point, Long Island.
New York, *Race Rock Light Station,* S. of Fishers Island, 10 mi. N. of Orient Point.
Northville Historic District, houses along Sound Ave.

Ulster County

Kingston vicinity, *Esopus Meadows Light Station*, middle of Hudson River.
New York, *Rondout North Dike Light*, center of Hudson River at Jct. of Rondout Creek and Hudson River.
New York, *Saugerties Light Station*, Hudson River.
Wildmere and Cliffhouse Resort Hotels (Minnewaska Acquisition Project), towns of Gardiner and Rochester.

Washington County

Greenwich, *Palmer Mill (Old Mill)*, Mill St.

Westchester County

Port Washington vicinity, *Execution Rocks Light Station*, lower SW portion of Long Island Sound.
Yonkers, *Women's Institute Building*.
Yorktown, *Yorktown Railroad Station*.

NORTH CAROLINA

Alamance County

Burlington, *Clapp's Mill and Dam Site* (also in Guilford County).
Burlington, *Faust Mill* (also in Guilford County).
Burlington, *Low House* (also in Guilford County).
Burlington, *Southern Railway Passenger Depot*, NE corner Main and Webb Sts.

Brunswick County

Southport, *Fort Johnston*, Moore St.

Caswell County

Archeological Sites CS-12, County Line Creek Watershed Project (also in Rockingham County).
Womack's Mill, in County Creek Watershed Project (also in Rockingham County).

Cleveland County

Archeological Resources in Second Brood River Watershed Project (also in Rutherford County).

Cumberland County

Fayetteville, *Veterans Administration Hospital Confederate Breastworks*, 23 Ramsey St.

Dare County

Buxton, *Cape Hatteras Light*, Cape Hatteras National Seashore.

Hyde County

Ocracoke, *Ocracoke Lighthouse*.

NORTH DAKOTA

Burleigh County

Bismarck, *Fort Lincoln Site*.

OHIO

Adams County

Wrightsville vicinity, *Grimes Site (33 AD 39)*, Killen Electric Generating Station.
Wrightsville vicinity, *Killen Bridge Site, (33 AD 36), Killen Electric Generating Station*.

Astabula County

Astabula, *West Fifth Street Bridge*, over Astabula River.

Clermont County

Neville vicinity, *Maynard House*, 2 mi. E of Neville off U.S. 52.

Crawford County

Calvary Reformed Church, First United Methodist Church, Crestline Shunk Museum.

Darke County

DAR-S.R.-571-0.00.

Montgomery County

Columbia Bridge Works.
Lower Cratis Road Bridge.

Pickaway County

Williamsport vicinity, *The Shack (Daugherty, Harry, House)*, 5.5 mi. NW of Williamsport.

Richland County

Mansfield, *Ritter, William, House*, 181 S. Main.

Seneca County

Tiffin, *Old U.S. Post Office*, 215 S. Washington St.

Summit County

United Way Building, Perkins St.

Tuscarawas County

Conotton Creek Bridge, CR 90 in Warren Township, over Conotton Creek.

Warren County

Corwin, *Shafer Mound*, S of New Burlington Rd.
Harveysburg, *E. L. Anderlee Mound*, S of New Burlington Rd. in Caesar Creek Lake Project.

Wayne County

Wooster, *Thorne House*, 1576 Beall Ave.

OKLAHOMA

Atoka County

Estep Shelter, Lower Clear Boggy Watershed.
Graham Site, Lower Clear Boggy Watershed.

Comanche County

Fort Sill, *Blockhouse on Signal Mountain* off Mackenzie Hill Rd.
Fort Sill, *Camp Comanche Site*, E range on Cache Creek.
Fort Sill, *Chiefs Knoll, Post Cemetery*, N of

Haskell County

Keota vicinity, *Otter Creek Archeological Site*, SW of Keota.

Kay County

Newkirk vicinity, *Bryson Archeological Site*, NE of Newkirk.

OREGON

Baker County

Baker vicinity, *Virtue Flat Mining District*, 10 mi. E of Baker off Hwy. 86.

Columbia County

Scappose vicinity, *Portland and Southwestern Railroad Tunnel*, 13 mi. NW of Scappose.

Coos County

Charleston, *Cape Arago Light Station*.

Curry County

Port Orford, *Cape Blanco Light Station*.

Douglas County

Winchester Bay, *Umpqua River Lighthouse*.

Gilliam County

Archeological Sites (Ghost Camp Reservoir).
Arlington vicinity, *Four Mile Canyon Area (Oregon Trail)*, 10 mi. SE of Arlington.
Crum Gristmill, Ghost Camp Reservoir area.
Old Wagon Road, Ghost Camp Reservoir area.
Olex School, Ghost Camp Reservoir area.
Steel Truss Bridge, Ghost Camp Reservoir area.

Klamath County

Crater Lake National Park, *Crater Lake Lodge*.

Lane County

Roosevelt Beach, *Heceta Head Lighthouse*.
Roosevelt Beach, *Heceta Head Light Station*.

Lincoln County

Agate Beach, *Yakuina Head Lighthouse*.

Tillamook County

Tillamook, *Cape Meares Lighthouse*.

Wasco County

Memaloose Island, River Mile 177.5 in Columbia River.

Wheeler County

Antone, *Antone Mining Town*, Barite 1901-1906.

PENNSYLVANIA

Adams County

Gettysburg, *Barlow's Knoll*, adjacent to Gettysburg National Military Park.
Kuhn's Fording Bridge, spans Conewago Creek.

Allegheny County

Bruceton, *Experimental Mine*, U.S. Bureau of Mines, off Cochran Mill Rd.
McJunkin Site, New Texas Rd.

Berks County

Mt. Pleasant, *Berger-Stout Log House*, near jct. of Church Rd. and Tulephocken Creek.
Mt. Pleasant, *Conrad's Warehouse*, near jct. of Rte. 183 and Powder Mill Rd.
Mt. Pleasant, *Heck-Stamm-Unger Farmstead*, Gruber Rd.
Mt. Pleasant, *Miller's House*, jct. of Rte. 183 and Powder Mill Rd.
Mt. Pleasant, *O'Bolds-Billman Hotel and Store*, Gruber Rd. and Rte. 183.
Mt. Pleasant, *Pleasant Valley Roller Mill*, Gruber Rd.
Mt. Pleasant, *Reber's Residence and Barn*, on Tulephocken Creek.
Mt. Pleasant, *Union Canal*, Blue Marsh Lake Project area.

Butler County

Butler, *Bonnie Brook Archeological Site*.

Chester County

Charlestown, *Nesspor House (Thomas Davis House)*, State Rd.
Charlestown, *Pickering Creek Ice Dam*, State Rd.
Lock Aerie.
Nature Center of Charleston, State Rd. Charleston township.

Clinton County

Lockhaven, *Apsley House*, 302 E. Church St.
Lockhaven, *Harvey Judge, House*, 29 N. Jay St.
Lockhaven, *McCormick, Robert, House*, 234 E. Church St.
Lockhaven, *Mussina, Lyons, House*, 23 N. Jay St.

Delaware County

I 476 Historic Sites (20 Historic Sites), Mid-County Expwy. (also in Montgomery County).
Minshall House, Media Borough.

Huntingdon County

Brumbaugh Homestead, Raystown Lake Project.

Lackawanna County

Carbondale, *Miners and Mechanics Bank Bldg.*, 13 N. Main St.

Lancaster County

Bainbridge Township, *Haldeman Mansion*.

Lehigh County

Colesville vicinity, *Site 1: Farmhouse, barn, and outbuildings*, I-78.

Dorneyville, *King George Inn and two other stone houses*, Hamilton and Cedar Crest Blvds.

Lycoming County

Williamsport, *Faxon Co., Inc.*, Williamsport Beltway.

Northampton County

Lehigh Canal.
Site 3: Farmhouse, barn, and outbuildings, I–78.
Site 4: Farmhouse, barn, and outbuildings, I–78.

Philadelphia County

Philadelphia, *Bridge on "I" Street, over* Tacony Creek.
Philadelphia, *Courthouse and Post Office*, 9th St., between Chestnut and Market Sts.
Philadelphia, *New Forest Theatre*, 1108–1114 Walnut St.
Philadelphia, *Poth, Frederick, House*, 216 N. 33rd St.
Philadelphia, *Tremont Mills*, Wigonocking St. and Adams Ave.
U.S. Naval Base, *Quarters "A" Commandant's Quarters.*

Washington County

Charleroi, *Ninth Street School.*
Somerset Township, *Wright No. 22 Covered Bridge.*

RHODE ISLAND

Providence County

Providence, *Woonesquatucket Bridge.*
Woonsocket, *Club Marquette Building* (*St. Anne's Gymnasium*), Cumberland St.

Washington County

Narragansett, *Sprague, Gov., Bridge*, Boston Neck Rd.

SOUTH CAROLINA

Beaufort County

Parris Island, *Marine Corps Recruit Depot.*

Charleston County

Charleston, *139 Ashley St.*
Charleston, *69 Barre St.*
Charleston, *69r Barre St.*
Charleston, *316 Calhoun St.*
Charleston, *316r Calhoun St.*
Charleston, *268 Calhoun St.*
Charleston, *274 Calhoun St.*
Charleston, *Old Rice Mill*, off Lockwood Dr.

SOUTH DAKOTA

Minnehaha County

Orpheum Theater, 315 N. Phillips Ave.

Pennington County

Rapid City, *612–632 Main St.*

TENNESSEE

Davidson County

Nashville, *Ancient Indian Village and Burial Ground*, section 203(b).

Trousdale County

Dixon Springs, *McGee House.*

TEXAS

Bexar County

Fort Sam Houston, *Eisenhower House*, Artillery Post Rd.

Concho County

Middle Colorado River Watershed, *Prehistoric Archeology in the Southwest Laterals Subwatershed* (also in McCulloch County).

Denton County

Hammons, George House, between Sangers and Pilot Point.

El Paso County

Castner Range Archeological Sites.

Galveston County

Galveston, *U.S. Customhouse*, bounded by Avenue B, 17th, Water, and 18th Sts.

Hardeman County

Quanah, *Quanah Railroad Station*, Lots 2, 3, and 4 in Block 2.

Uvalde County

Leona River Watershed, Archeological Sites.

Webb County

Laredo, *Bertani, Paul Prevost House*, 604 Iturbide St.
Laredo, *De Leal, Viscaya, House*, 620 Zaragoza St.
Laredo, *Garza, Zoila De La, House*, 500 Iturbide St.
Laredo, *Leyendecker/Salinas House*, 702 Iturbide St.
Laredo, *Montemayor, Jose A., House* (*Carol's Vela House*), 601 Zaragosa St.

TRUST TERRITORY OF THE PACIFIC ISLANDS

Truk District

Sapore Village, *Aikei/Winas*, Fefen Island.

UTAH

Emery County

Site ML–2145, Manti-LaSal National Forest.

Salt Lake County

Salt Lake City, *Lollin Block*, 238–240 S. Main St.

VERMONT

Chittenden County

Clark Memorial Building.

Windham County

Rockingham, *Bellow Falls Armory*, 72 Westminster St., Bellows Falls.

Windsor County

Windsor, *Post Office Building.*

VIRGINIA

Accomack County

Captain's Cove Dev., Archeological Sites (*Chincoteague Bay*).

Allegheny County

Gathright Lake Project (*Archeological sites*), (also in Bath County).

Wythe County

Fort Criswell

WASHINGTON

Benton County

Richland vicinity, *Paris Archeological Site*, Hanford Works Reservation.
Richland vicinity, *Wooded Island Archeological District*, N of Richland.

Callam County

Cape Alava vicinity, *White Rock Village Archeological Site, S o, Cape Alava.*
Olympic National Park Archeological District, Olympic National Park (also in Jefferson County).
Segium, *New Dungeness Light Station.*

Grays Harbor County

West Port, *Grays Harbor Light Station.*

King County

Burton, *Point Robinson Light Station.*
Seattle, *Alki Point Light Station.*
Seattle, *Home of the Good Shepherd.*
Seattle, *West Point Light Station.*

Kitsap County

Hansville, *Point No Point Light Station.*

Pacific County

Ilwaco, *North Head Light Station.*

Pierce County

Fort Lewis Military Reservation, *Captain Wilkes, July 4, 1841, Celebration Site.*
Longmire, *Longmire Cabin*, Mount Rainier National Park.

San Juan County

San Juan Islands, *Patos Island Light Station.*

Skamania County

North Bonneville, *Site 44SA11*, Bonneville Dam Second Powerhouse Project.

Snohomish County

Mukilteo, *Mukiltea Light Station.*

WEST VIRGINIA

Barbour County

Covered Bridge across Rooting Creek, Elk Creek Watershed (also in Harrison County).

Cabell County

Huntington, Old Bank Building, 1208 3rd Ave.

Kanawha County

Charleston, *Kanawha County Courthouse.*
St. Albans, *Chilton House*, 439 B St.

Wood County

Parkersburg, *Wood County Courthouse.*
Parkersburg, *Wood County Jail.*

WISCONSIN

Ashland County

Ashland vicinity, *Madeline Island Site 7302.*

Fond du Lac County

Fond du Lac, Aetna Station No. 5, 193 N Main St.

LaCrosse County

LaCrosse, *LaCrosse Post Office.*

Rock County

Portion of Evansville Historic District.

WYOMING

Albany County

Woods Landing vicinity, *Boswell Ranch*, WY 10.

Fremont County

Pilot Butte Powerplant, Wind River Basin.

Johnson County

Casper, *Cantonment Reno.*
Casper, *Castle Rock Archeological Site.*
Casper, *Dull Knife Battlefield.*
Casper, *Middle Fork Pictograph-Petroglyph Panels.*
Casper, *Portuguese Houses.*

Park County

Mammouth, *Chapel at Fort Yellowstone*, Yellowstone National Park.

PUERTO RICO

Mona Island, *Sardinero Site and Ball Courts.*

[FR Doc.77–12617 Filed 5–2–77;8:45 am]

NORTH ATLANTIC REGION ADVISORY COMMITTEE

Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act—Pub. L. 92-463, that a meeting of the North Atlantic Committee will be held at 9 a.m., e.s.t. on May 26, 1977 through approximately 3 p.m., e.s.t. on May 27, 1977 at the New England Center for Continuing Education, University of New Hampshire, Durham, New Hampshire in the Adams Residential Tower Kennebec Room.

The purpose of the Committee is to provide for the free exchange of ideas between the National Park Service and the Public, and to facilitate the solicitation of advice or other counsel from members of the public on problems and programs pertinent to the North Atlantic Region.

The members of the Committee are as follows:

Dr. Charles H. W. Foster, New Haven, Connecticut.
Mr. George Hamilton, Dover, New Hampshire.
Dr. John P. Keith, Hartsdale, New York.
Frederick R. Micha, Ontario, New York.
Mr. William Niering, Gales Ferry, Connecticut.

Matters to be discussed at this meeting include:

1. Current activities in the North Atlantic Region.
2. Report of Subcommittee: Proposed Lowell National Cultural Park.
3. Report of Subcommittee: St. Gaudens Interpretation.
4. Policy Discussion: Personnel Rotation Local Advisory Commissions.

The meeting will begin approximately 9 a.m., May 26, 1977, at the New England Center for Continuing Education, University of New Hampshire, Durham, New Hampshire in the Adams Residential Tower Kennebec Room. The meeting will be open to the public. Any member of the public may file with the Committee a written statement concerning the matters to be discussed.

The meeting will conclude approximately 3 p.m., May 27, 1977.

LEONARD A. FRANK,
Acting Regional Director,
North Atlantic Region.

[FR Doc.77-12615 Filed 5-2-77;8:45 am]

Office of Hearings and Appeals

[Docket No. M 77-161]

GALLIA COAL CO.

Petition for Modification of Application of Mandatory Safety Standards

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Gallia Coal Co., P.O. Box 414, Pt. Pleasant, West Virginia 25550, has filed a petition to modify the application of 30 CFR 75.1710, cabs or canopies, to its Williams Mine, located in Mason County, West Virginia.

The substance of Petitioner's statement is as follows:

1. Because of low seam heights encountered and the expectations of such conditions in its mining operations, the continued use of canopies is creating hazards that far exceed the protection they provide under the supported roof.

2. Petitioner's present mining height in its seven working places vary from 41 to 48 inches in seam height. With the use of a 2-inch half header in its roof bolting operation the travel height for equipment is reduced to less than 39 inches. This is not to say that all of Petitioner's coal will be that low, as some of it will be as much as 60 inches. However, while Petitioner cannot use the equipment with canopies because such cannot get through the lowest areas of the mine. Even in the area of higher seam height Petitioner very frequently encounters rolls that reduce the mining height to less than 40 inches.

3. Petitioner bases the statement "using canopies is creating hazards that far exceed the protection they provide" on the following reasons:

a. It is nearly impossible to maintain check curtains to provide ventilation to the working places.

b. Water lines are torn down frequently in places where they have to cross over the haulroad.

c. Trailing cables are caught by the canopies.

d. Roof bolts are frequently being bumped, thereby destroying their effectiveness.

e. The vision of the equipment operators is so restricted that they cannot see where they are going or when they might have caught a cable.

f. There is an added danger of equipment striking other workers or collisions of equipment.

g. Equipment operators will be tempted to protrude their heads out from under the canopy for better vision, thereby creating the likelihood of getting crushed between the machine and the rib.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before June 2, 1977. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

DAVID TORBETT,
Acting Director, Office of Hearings and Appeals.

APRIL 25, 1977.

[FR Doc.77-12580 Filed 5-2-77;8:45 am]

[Docket No. M77-162]

JOHNSON COAL CO., INC.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Johnson Coal Company, Inc., Box 644, Martin, Kentucky 41649, has filed a petition to modify the application of 30 CFR 75.1710, cabs or canopies, to its No. 11 Mine, located in Knott County, Kentucky.

The substance of Petitioner's statement is as follows:

1. Petitioner feels that by having canopies installed on its equipment, it is creating a hazard to the operators.

2. Petitioner's equipment consists of: one cutting machine, model 16RB serial number 18005; one 14BU10 loader, serial number 10080; one Joy CD81 coal drill, serial number 4104; one Galis 300 roof bolter, serial number 8742728; one D3 Acme pinner, serial number 1990; one D1 Acme pinner, serial number 2142; and two 21SC shuttle cars, serial numbers ET11314 and ET11313.

3. The No. 11 Mine is in the Hazard 4 Seam which ranges from 42 to 46 inches. In this seam Petitioner is constantly running into ascending and descending grades, resulting in dips both in top and bottom. By installing canopies on the equipment, Petitioner is limiting the vision of the operators of the equipment, creating a hazard to them as well as to other employees in the mine.

4. Petitioner feels that since the operator's vision is limited and because of the position which he must assume in order to see (hanging out, etc.) canopies could be a contributing factor to accidents that may arise. The Kentucky Department of Mines and Minerals has ordered Petitioner not to use them.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before June 2, 1977. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

DAVID TORBETT,
Acting Director,
Office of Hearings and Appeals.

APRIL 25, 1977.

[FR Doc.77-12581 Filed 5-2-77;8:45 am]

[Docket No. M 77-168]

KENTLAND ELKHORN COAL CORP.

Petition for Modification of Application of Mandatory Safety Standards

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Kentland Elkhorn Coal Corporation, Lebanon, Virginia 24266, has filed a petition to modify the application of 30 CFR 75.329-1, sealing or ventilation of pillared or abandoned area, to its No. 1 Mine, located in Pike County, Kentucky.

The substance of Petitioner's statement is as follows:

1. The location of the areas involved are as follows:

a. The entire length of No. 1 belt (1,800 feet, the areas behind the right permanent stopping line).

b. The entire length of No. 2 belt (1,500 feet, the areas behind the right permanent stopping line).

c. The abandoned 2 North Panel adjacent to No. 3 belt, behind the permanent stopping line to the left.

2. Kentland No. 1 Mine is located in the Lower Elkhorn seam and operates one mining section using a 265 Lee-Norse continuous miner.

3. The mine employs 30 men and has a daily estimated production of 159 tons of clean coal per shift. The mine was in operation from October 1946 to September 1976 and reopened March 14, 1977.

4. Petitioner states the following alternate method for locations Number 1 and 2.

a. These areas were originally mined from 1948 to 1952, with no provisions being made for the establishment of a bleeder system.

b. The Petitioner proposes to install two 12-inch corrugated iron pipes on the No. 1 belt with a velocity of 2,500 C.F.M. These pipes will serve as regulators. They will be installed in the permanent stoppings on the intake airway side and will extend across the belt entry, under the belt and be installed in the permanent stoppings on the right side of the No. 1 belt, at a distance of approximately 40 feet. This will insure ventilation of the abandoned area at all times.[1]

c. The regulators mentioned in the above proopsal will be examined weekly to insure that they are functional and the air will be examined to determine the quantity, quality and the direction of travel.[1]

d. The permanent stoppings on the right side on No. 1 belt will be maintained in good repair at all times.[1]

e. The Petitioner proposes one additional regulator to be installed in a permanent stopping adjacent to the No. 4 Belt Drive with 3,000 C.F.M. passing through to add additional ventilation to the abandoned areas adjacent to No. 2 belt.

f. A survey was conducted and the air was traveling over the abandoned areas to surface openings at the following different locations:

Belt	Auger hole	Drift openings
No. 1	29	7
No. 2	9	6

g. This mine has no history of methane.

5. Petitioner states the following for the No. 3 location:

a. This area was originally mined from 1950 to 1952, with no provisions being made for the establishment of a bleeder system.

b. There is a difference in elevation of approximately 60 feet between the outby and inby ends of 2 North and it is believed the area is roofed with water due to adverse roof conditions. This cannot be safely ascertained.

c. This area is on the return side.

d. There is 45,000 C.F.M. of air sweeping the outby end of this area.

e. No one is required to travel in or by this area.

f. We have one evaluation station located 1 break inby this area and another evaluation station in the return drift portal to monitor the air for quantity, quality and direction of travel. This relieves us from traveling this area of the return outby the first location, in which 2 North is located (previous approved 301(c), Docket No. M 76-489).

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before June 2, 1977. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

DAVID TORBETT,
Director,
Office of Hearings and Appeals.

APRIL 25, 1977.

[FR Doc.77-12582 Filed 5-2-77;8:45 am]

[Docket No. M77-157]

OAKWOOD RED ASH COAL CORP.

Petition for Modification of Application of Mandatory Safety Standards

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Oakwood Red Ash Coal Corp., Box 227, Vansant, Virginia 24656, has filed a petition to modify the application of 30 CFR 75.1710, cabs or canopies, to its Oakwood Red Ash No. 3 Mine, located in Buchanan County, Virginia.

The substance of Petitioner's statement is as follows:

1. The mine is approximately 6 years old. Petitioner has owned and operated the mine for 6 years. The projected life of the mine is 3 years. There has been no recent rehabilitation of the mine. Petitioner employs 95 men and they are not represented by a labor union.

2. The mine is located in the Widow Kennedy seam and the thickness of the coal seam is 24 to 36 inches. The average height of the coal seam is 32 to 34 inches in locations where equipment, subject to cab and canopy regulations, is being used. The lowest height of the coal seam is 24 inches and the distance of the low height is 5,280 feet.

3. Petitioner's equipment consists of the following: Lee-Norse miner 245; 1410 Joy loader 739; 16RB Joy cutter 733; Galis pinners (4); Schroeder drill 296; Joy Shuttle cars; Elkhorn tractors (4). The height, length and width of each piece of equipment is: cutter—39 feet long, 9 feet wide, 25½ inches high; loader—31 feet long, 8 feet wide, 26 inches high; pinners 14 feet long, 8 feet wide, 26 inches high; drill 30 feet long, 8 feet wide, 26 inches high; miner—37 feet long, 8 feet wide, 26 inches high; shuttle cars—29 feet long, 10 feet wide, 26 inches high; tractor—17 feet long, 9 feet wide, 26 inches high.

4. Petitioner's mine produces 750 tons of coal with four shifts per day. Cab and canopy installation will cut production by 50 percent per day. Petitioner uses the continuous and conventional mining method. The average room size of each working section where equipment is used is 30 to 35 inches high, 25 to 26 inches high, 22 feet wide. In these locations the top is fair. The floor is also fair.

5. Petitioner is operating in very low coal. As a result, when cabs or canopies are placed on its equipment, the operator is "trapped" on one side. His vision is obscured or blocked because of the cramped position.

6. The roof fall prevention techniques used consist of roof bolting per an approved plan. Petitioner wants his modification for as long as it is operating in coal below 48 inches. Petitioner will train its employees regarding the modified systems.

7. The mine operator has an on-going and comprehensive safety instructional program which includes instruction provided by MESA personnel through operator invitation.

8. Requiring cabs and canopies on equipment being operated in coal below 48 inches is unrealistic, impractical and unsafe. Section 75.1710-1(4) et seq. attempts to oversimplify what is actually a very complicated situation. Coal seams under 48 inches vary in height throughout the terrain, requiring more specialized equipment than that which is used in higher coal. Such equipment must be capable of traversing the lowest sections of the mine smoothly and safely. Cabs and canopies in low coal create the dangers of limiting vision, cramping (and possibly trapping) the operator during the workshift, and endangering personnel working in the vicinity of the equipment. (Note: Unlike high coal, low coal cabs and canopies must generally be placed on one side of mining equipment, thus making it impossible for the operator to see anything on the other side.) In addition, the Virginia Division of Mines and Quarries has issued closure orders in coal as high as 50 inches in other mines near Petitioner's until such time as the operator therein removed its cabs and canopies, considering such equipment unsafe and thus acting in a manner which directly conflicts with Federal regulation. Well-intentioned regulations requiring cabs and canopies in coal below 48 inches present a dangerous situation, whereas safety programs, good roof bolting plans, and

[1] This will be duplicated for No. 2 belt. Maps are available for inspection at the address listed in the last paragraph of this notice.

competent monitoring by qualified personnel provide a safe working environment.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before June 2, 1977. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

DAVID TORBETT,
Acting Director,
Office of Hearings and Appeals.

APRIL 25, 1977.

[FR Doc.77-12583 Filed 5-2-77;8:45 am]

[Docket No. M77-158]

OAKWOOD RED ASH COAL CORP.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Oakwood Red Ash Coal Corp., Box 227, Vansant, Virginia 24656, has filed a petition to modify the application of 30 CFR 75.1710, cabs or canopies, to its Oakwood Red Ash No. 4 Mine, located in Buchanan County, Virginia.

The substance of Petitioner's statement is as follows:

1. The mine is approximately 7 years old. Petitioner has owned and operated the mine for 7 years. The projected life of the mine is 2 years. There has been no recent rehabilitation of the mine. Petitioner employs 55 men and they are not represented by a labor union.

2. The mine is located in the Widow Kennedy Seam and the thickness of the coal seam is 40–42 inches. The average height of the coal seam is 40–42 inches in locations where equipment, subject to cab and canopy regulation, is being used. The lowest height of the coal seam is 30 inches and the distanct of the low height is 120 feet.

3. Petitioner's equipment consists of the following: Continuous miner-Joy-14 CM (1); Galis 300 roof bolters (2); AR5 Elkhorn tractors (5); AR5b Elkhorn scoop (1); S & S scoop (1). The height, length and width of each piece of equipment is: 14 CM miner—11 feet wide, 35 feet long, 34 inches high; roof bolter—8½ feet wide, 12 feet long, 24 inches high; tractor—9 feet wide, 16 feet long, 25 inches high; scoop—9 feet wide, 23½ feet long, 24 inches high; scoop—8½ feet wide, 25 feet long, 27 inches high.

4. Petitioner's mine produces 200 tons of coal with two shifts per day. Cab and canopy installation will cut production by 50 percent per day. Petitioner uses the continuous mining method. The average room size of each working section where equipment is used is 60 by 60 centers, 22 feet wide. In these locations the top is fair. The floor is good.

5. Petitioner is operating in very low coal. As a result, when cabs or canopies are placed on its equipment, the operator is "trapped" on one side. His vision is obscured or blocked because of the cramped position.

6. Petitioner's equipment is 3 to 5½ years old. The roof fall prevention techniques used consist of roof bolting per an approved plan. Petitioner wants this modification for as long as it is operating in coal below 48 inches. Petitioner will train its employees regarding the modified system.

7. The mine operator has an on-going and comprehensive safety instructional program which includes instruction provided by MESA personnel through operator invitation.

8. Requiring cabs and canopies on equipment being operated in coal below 48 inches is unrealistic, impractical and unsafe. Section 75.1710–1(4) et seq. attempts to oversimplify what is actually a very complicated situation. Coal seams under 48 inches vary in height throughout the terrain, requiring more specialized equipment than that which is used in higher coal. Such equipment must be capable of traversing the lowest sections of the mine smoothly and safely. Cabs and canopies in low coal create the danger of limiting vision, cramping (and possibly trapping) the operator during the workshift, and endangering personnel working in the vicinity of the equipment. (NOTE: Unlike high coal, low coal cabs and canopies must generally be placed on the side of mining equipment, thus making it impossible for the operator to see anything on the other side.) In addition, the Virginia Division of Mines and Quarries has issued closure orders in coal as high as 50 inches in other mines near Petitioner's, until such time as the operator therein removed its cabs and canopies, considering such equipment unsafe and thus acting in a manner which directly conflicts with Federal Regulation. Well-intentioned regulations requiring cabs and canopies in coal below 48 inches present a dangerous situation, whereas safety programs, good roof bolting plans, and competent monitoring by qualified personnel provide a safe working environment.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before June 2, 1977. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

DAVID TORBETT,
Acting Director,
Office of Hearings and Appeals.

[FR Doc.77-12584 Filed 5-2-77;8:45 am]

[Docket No. M77-160]

PETROS COAL CORP.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Petros Coal Corp., Route No. 3, Box 150, Oliver Springs, Tennessee 37840, has filed a petition to modify the application of 30 CFR 75.1710, cabs or canopies, to its Mine No. 2, located in Anderson County, Tennessee.

The substance of petitioner's statement is as follows:

1. Installing canopies or cabs on Petitioner's equipment will create more hazards than presently exist.

2. The mine roof at Petitioner's mine is not uniform, and the average thickness of the coal is approximately thirty-six (36) inches or less. The operator could be fatally injured by the projection of the canopy or cab higher than the space provided in the mine. Commercials showing the safety value of canopies are photographed in mines where the coal is 5 to 6 feet in height, which is ideal for their use.

3. Present safety rules in effect at the mine have prevented accidents to operators of electric face equipment, including shuttle cars in low-seam mining; and these measures already taken will be of more benefit than the installation of the canopies or cabs as ordered by the Mining Enforcement and Safety Administration.

4. A copy of this Petition has been given to the representative of the miners at the mine, and in addition, has also been posted at the mine.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before June 2, 1977. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

DAVID TORBETT,
Acting Director, Office of Hearings and Appeals.

APRIL 25, 1977.

[FR Doc.77-12585 Filed 5-2-77;8:45 am]

[Docket No. M77-166]

PONTIKI COAL CORP.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861 (c) (1970), Pontiki Coal Corp., Box 57, Lovely, Kentucky 41231, has filed a petition to modify the application of 30

CFR 75.1710, cabs or canopies, to its Pontiki No. 1 Mine, located in Martin County, Kentucky.

The substance of petitioner's statement is as follows:

1. Petitioner's equipment consists of: Joy 15RU cutting machine—Ser. No. 18347—38" high, Joy 14BU10-11BKK loading machine—Ser. No. 10361—35" high.

2. The present minimum coal height is 42 inches where this equipment is to be used. Petitioner plans to use header boards to aid in its roof support.

3. Petitioner feels that a cab or canopy on this equipment would so restrict the operator's vision that hazards would be created which would exceed any benefits to be gained by the use of the cab or canopy.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before June 2, 1977. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

DAVID TORBETT,
Acting Director,
Office of Hearings and Appeals.

APRIL 25, 1977.

[FR Doc.77-12586 Filed 5-2-77;8:45 am]

[Docket No. M77-167]

SLAB FORK COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Slab Fork Coal Company, P.O. Box 553, Charleston, West Virginia 25322, has filed a petition to modify the application of 30 CFR 75.1405, automatic couplers, to its Slab Fork No. 8 Mine, located in Wyoming County, West Virginia.

The substance of Petitioner's statement is as follows:

1. Petitioner avers that it has an alternative method which will guarantee no less than the same measure of protection as would be afforded by the mandatory standard, and in support thereof states:

a. Petitioner requests that the regulation be modified to permit the use of its existing supply cars and rock loading cars altered as hereinafter described.

b. Supplies for this mine are received at two separate portals. The "Tams Portal" is a drift portal and the track outside upon which supply cars are loaded is limited in length with no apparent means for lengthening the track available. Supplies are loaded into three or four cars. These cars then must be switched out and more cars located at the same place for further loading of supplies. Unitized trains are extremely difficult to handle at this point.

c. The "Slab Fork Portal" for supplies is a slope entry. Supply cars are pulled to the surface by use of a hoist and set off on an adjacent track for receiving supplies. Only two cars at a time can be hoisted to the surface.

d. Supplies necessary to mining are varied requiring many separate cars to be used. The supplies are stored inside the mine in the cars on side tracks adjacent to the main line track. Individual supply cars are switched onto or from these storage tracks as needed.

e. Supply cars are placed at each belt head when transporting supplies on each section. Each belt head is located either on a side track adjacent to the main line track, or, if necessary, near the end of a main line track. The supply cars must be switched to and from these supply points.

f. Upon removal of all supplies from a car, the car is shifted out of the train of supply cars and returned to a portal for reloading.

g. Rock loading at this mine is accomplished by using a continuous or mobile loading machine which load directly into rock cars at the end of the machine by a locomotive. When loaded, it is pulled from the loading area and switched to an adjacent track. Another car is placed in loading position and the process repeated.

h. When several cars have been loaded, they are transported to a rotary dump where they are unloaded. The cars are then returned to the rock loading area for reloading.

i. Supply cars and rock loading cars (empty or loaded) are transported to and from portals and rotary dump area by electric locomotives in unit trips over a rail haulage system. Lead and tail locomotives are coupled to these trips. When switching of cars is necessary, one locomotive is uncoupled and the cars switched to the location necessary by the remaining locomotive coupled to the cars.

j. Petitioner requests in lieu of the regulation that it be permieted to provide all track supply and rock loading cars with a lever system permanently mounted on the pin end of the car. The lever system will enable a worker to lower the pin to couple the cars or lift the pin from the car bumper sufficiently to uncouple the cars. The lever can be latched in a notch welded on the end of the mine car so that the pin can be maintained in an "up" position until there is occasion to use the lever again to lower the pin coupling.

k. The lever will extend toward both sides of the car and will be of such length as to obviate the worker placing himself between the mine cars to position the link.

l. Detailed specifications for the coupling lever, link aligners, and proposed coupling and uncoupling linkage for the Slab Fork No. 8 Mine Track Haulage supply and rock loading cars have been prepared. In addition the coupling-uncoupling levers and the link aligners have been designed and prototypes prepared.

m. If the foregoing alternative is permitted in lieu of the requirements of the regulation, all workers who couple and uncouple supply and rock loading cars will be trained and instructed in the proper operation and use of the coupling levers and link aligners and their proper use will be a mandatory requirement for coupling and uncoupling of all supply and rock loading cars.

n. The alternative system for coupling and uncoupling mine supply and rock loading cars will at all times guarantee to the miners in this mine no less than the same measure of protection sought to be accomplished by automatic couplers; and will, under the particular conditions and lay-outs pertaining to supplying, and to the loading of rock at this particular mine, eliminate certain hazards which would be encountered if automatic couplers were mandated.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before June 2, 1977. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

DAVID TORBETT,
Acting Director,
Office of Hearings and Appeals.

APRIL 25, 1977.

[FR Doc.77-12587 Filed 5-2-77;8:45 am]

[Docket No. M77-164]

V & R COAL CO., INC.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), V & R Coal Co., Inc., P.O. Box 1026, Mullens, West Virginia 25882, has filed a petition to modify the application of 30 CFR 75.1710, cabs or canopies, to its No. 19-A Mine, located in Itmann County, West Virginia.

The substance of Petitioner's statement is as follows:

1. Petitioner requests modification of the regulation regarding its underground mining equipment because the regulation is detrimental to the safety of its operators.

2. Petitioner's equipment consists of one 32 Lee-Norse miner.

3. With the addition of canopies the height of equipment is raised to 48 inches. Due to the uneven roadway of its mine, this height is not feasible and is unsafe.

4. Canopy replacement has been made several times on Petitioner's equipment, but each time the canopy has been dislodged from the miner, causing near accidents to the operator.

5. It is because of dangers to the operators that Petitioner requests this Petition. The application of this statute causes a more serious threat of injury or death to the operator than would be

necessitated without such application of the regulation.

REQUESTS FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before June 2, 1977. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

DAVID TORBETT,
Acting Director,
Office of Hearings and Appeals.

APRIL 25, 1977.

[FR Doc.77-12589 Filed 5-2-77;8:45 am]

[Docket No. M 77-152]

WINSTON MINING CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Winston Mining Company, Box 227, Vansant, Virginia 24656, has filed a petition to modify the application of 30 CFR 75.1710, cabs and canopies, to its Winston No. 9 Mine, located in Buchanan County, Virginia.

The substance of Petitioner's statement is as follows:

1. The mine is approximately 4 years old. Petitioner has owned and operated the mine for 4 years. The projected life of the mine is 4 years. There has been no recent rehabilitation of the mine. Petitioner employs 93 men and they are not represented by a labor union.

2. The mine is located in the Widow Kennedy Seam and the thickness of the coal seam is 32 inches. The average height of the coal seam is 36 inches in locations where equipment, subject to cab and canopy regulation, is being used. The lowest height of the coal seam is 36 inches and the distance of the low height is 500 feet.

3. Petitioner's equipment consists of the following:

Height	Width	Length	Type	Type	Serial No.
22 in.	8 ft 2 in.	32 ft.	15CM miner	Joy	JM 2170
28½ in.	11 ft.	35½ ft.	14CM4 miner	Joy	JM 3075
28 in.	118 in.	25 ft.	21 SC shuttle car	Joy	ET 11078
28 in.	118 in.	do.	do.	Joy	ET 11077
29 in.	10 ft 5 in.	25 ft.	18 SC shuttle car	Joy	ET 11998
29 in.	10 ft 5 in.	27 ft.	do.	Joy	ET 12009
24 in.	93 in.	27 ft.	300 roof bolter	Galis	43076-1
24 in.	93 in.	15 ft.	do.	do.	10297-6
24 in.	93 in.	15 ft.	do.	do.	12877-1

4. Petitioner's mine produces 500 tons of coal with four shifts per day. Cab and canopy installation will cut production by 50 percent per day. Petitioner uses the continuous mining method. The average room size of each working section where equipment is used is 60 by 60 centers, 18 feet wide. In these locations the top is irregular. The floor is irregular and rough in places.

5. Petitioner is operating in very low coal. As a result, when cabs or canopies are placed on its equipment, the operator is "trapped" on one side. His vision is obscured or blocked because of the cramped position.

6. Petitioner's equipment is 3 months to 1 year old. The roof fall prevention techniques used consist of roof bolting per an approved plan. Petitioner wants this modification for as long as it is operating in coal below 48 inches. Petitioner will train its employees regarding the modified system.

7. The mine operator has an on-going and comprehensive safety instructional program which includes instruction provided by MESA personnel through operator invitation.

8. Requiring cabs and canopies on equipment being operated in coal below 48 inches is unrealistic, impractical and unsafe. Section 75.1710-1(4) et seq. attempts to oversimplify what is actually a very complicated situation. Coal seams under 48 inches vary in height throughout the terrain, requiring more specialized equipment than which is used in higher coal. Such equipment must be capable of traversing the lowest sections of the mine smoothly and safely. Cabs and canopies in low coal create the danger of limiting vision, cramping (and possibly trapping) the operator during the workshift, and endangering personnel working in the vicinity of the equipment.

NOTE.—Unlike high coal, low coal cabs and canopies must generally be placed on one side of mining equipment, thus making it impossible for the operator to see anything on the other side.

In addition, the Virginia Division of Mines and Quarries has issued closure orders in coal as high as 50 inches in other mines near Petitioner's until such time as the operator therein removed its cabs and canopies, considering such equipment unsafe and thus acting in a manner which directly conflicts with Federal Regulation. Well-intentioned regulations requiring cabs and canopies in coal below 48 inches present a dangerous situation, whereas safety programs, good roof bolting plans, and competent monitoring by qualified personnel provide a safe working environment.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before June 2, 1977. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

DAVID TORBETT,
Acting Director, Office
of Hearings and Appeals.

APRIL 25, 1977.

[FR Doc.77-12590 Filed 5-2-77;8:45 am]

[Docket No. M77-153]

WINSTON MINING CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861 (c) (1970), Winston Mining Company, Box 227, Vansant, Virginia 24656, has filed a petition to modify the application of 30 CFR 75.1710, cabs and canopies, to its Winston No. 10 Mine, located in Buchanan County, Virginia.

The substance of Petitioner's statement is as follows:

1. The mine is approximately 2 years old. Petitioner has owned and operated the mine for 2 years. The projected life of the mine is 20 years. There has not been recent rehabilitation of the mine. Petitioner employs 78 men and they are not represented by a labor union.

2. The mine is located in the Jawbone Seam and the thickness of the coal seam is 42 inches. The average height of the coal seam is 42 inches in locations where equipment, subject to cab and canopy regulation, is being used. The lowest height of the coal seam is 30 inches and the distance of the low height is 1,000 feet.

3. Petitioner's equipment consists of the following: 14CM Joy miner, 18SC shuttle cars, 21SC shuttle cars, 300 Galis pinners. The height, length and width of each piece of equipment is: Joy miner-31 inches high, 35 inches long; 18SC shuttle car-36 inches high, 27 inches long; 21 SC shuttle car-38 inches high, 21 inches long; 300 Galis roof drill-28 inches high, 14 inches long.

4. Petitioner's mine produces 600 tons of coal with four shifts per day. Cab and canopy installation will cut production by 50 percent per day. Petitioner uses the continuous mining method. The average room size of each working section where equipment is used is 60 by 60 centers, 18 feet wide. In these locations the top is slate and sandstone. The floor contains fair-dips and humps.

5. Petitioner is operating in very low coal. As a result, when cabs or canopies are placed on its equipment, the operator is "trapped" on one side. His vision is obscured or blocked because of the cramped position.

6. Petitioner's equipment is 2 years old or new. The roof fall prevention techniques used consist of roof bolting per an approved plan. Petitioner wants this modification for as long as it is operating in coal below 48 inches. Petitioner will train its employees regarding the modified system.

7. The mine operator has an on-going and comprehensive safety instructional program which includes instruction provided by MESA personnel through operator invitation.

8. Requiring cabs and canopies on equipment being operated in coal below 48 inches is unrealistic, impractical and unsafe. Section 75.1710–1 (4) et seq. attempts to oversimplify what is actually a very complicated situation. Coal seams under 48 inches vary in height throughout the terrain, requiring more specialized equipment than that which is used in higher coal. Such equipment must be capable of traversing the lowest sections of the mine smoothly and safely. Cabs and canopies in low coal create the danger of limiting vision, cramping (and possibly trapping) the operator during the workshift, and endangering personnel working in the vicinity of the equipment.

NOTE.—Unlide high coal, low coal cabs and canopies must generally be placed on one side of mining equipment, thus making it impossible for the operator to see anything on the other side.

In addition, the Virginia Division of Mines and Quarries has issued closure orders in coal as high as 50 inches in other mines near Petitioner's, until such time as the operator therein removed its cabs and canopies, considering such equipment unsafe and thus acting in a manner which directly conflicts with Federal Regulation. Well-intentioned regulations requiring cabs and canopies in coal below 48 inches present a dangerous situation, whereas safety programs, good roof bolting plans, and competent monitoring by qualified personnel provide a safe working environment.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before May __, 1977. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

DAVID TORBETT,
Acting Director,
Office of Hearings and Appeals.

APRIL 25, 1977.

[FR Doc.77–12591 Filed 5–2–77;8:45 am]

[Docket No. M77–154]

WINSTON MINING CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Winston Mining Company, Box 277, Vansant, Virginia 24656, has filed a petition to modify the application of 30 CFR 75.1710, cabs and canopies, to its Winston No. 13 Mine, located in Buchanan County, Virginia.

The substance of Petitioner's statement is as follows:

1. The mine is approximately 4 years old. Petitioner has owned and operated the mine for 4 years. There has been no recent rehabilitation of the mine. Petitioner employs 94 men and they are not represented by a labor union.

2. The mine is located in the Widow Kennedy Seam and the thickness of the coal seam is 38 inches in locations where equipment, subject to cab and canopy regulation, is being used. The lowest height of the coal seam is 28 inches, and the distance of the low height is 400 feet.

3. Petitioner's equipment consists of the following: 14 CM continuous miner; 18SC shuttle car and Galis 300. The height, length and width of each piece of equipment is: shuttle car, 10 feet wide, 26 feet long, 32 inches high; miner, 11½ feet wide, 26 feet long, 29 inches high; Galis roof bolter, 8 feet wide, 15 feet long, 25 inches high.

4. Petitioner's mine produces 750 tons of coal with two shifts per day. Cab and canopy installation will cut production by 50 percent per day. Petitioner uses the continuous mining method. The average room size of each working section where equipment is used is 40 inches high, 28 feet wide. In these locations the top is sluggy and hard. The floor is hard.

5. Petitioner is operating in very low coal. As a result, when cabs or canopies are placed on its equipment the operator is "trapped" on one side. His vision is obscured or blocked because of the cramped position.

6. Petitioner's equipment is 1 to 2 years old. The roof fall prevention techniques used consist of roof bolting per an approved plan. Petitioner wants this modification for as long as it is operating in coal below 48 inches. Petitioner will train its employees regarding the modified systems.

7. The mine operator has an ongoing and comprehensive safety instructional program which includes instruction provided by MESA personnel through operator invitation.

8. Requiring cabs and canopies on equipment being operated in coal below 48 inches is unrealistic, impractical and unsafe. Section 75.1710–1(4) et seq. attempts to oversimplify what is actually a very complicated situation. Coal seams under 48 inches vary in height throughout the terrain, requiring more specialized equipment than that which is used in higher coal. Such equipment must be capable of traversing the lowest sections of the mine smoothly and safely. Cabs and canopies in low coal create the dangers of limiting vision, cramping (and possibly trapping) the operator during the workshift, and endangering personnel working in the vicinity of the equipment.

NOTE.—Unlike high coal, low coal cabs and canopies must generally be placed on one side of mining equipment, thus making it impossible for the operator to see anything on the other side.

In addition, the Virginia Division of Mines and Quarries has issued closure orders in coal as high as 50 inches in other mines near Petitioner's, until such time as the operator therein removed its cabs and canopies, considering such equipment unsafe and thus acting in a manner which directly conflicts with Federal Regulations. Well-intentioned regulations requiring cabs and canopies in coal below 48 inches present a dangerous situation, whereas safety programs, good roof bolting plans, and competent monitoring by qualified personnel provide a safe working environment.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before June 2, 1977. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

DAVID TORBETT,
Acting Director,
Office of Hearings and Appeals.

APRIL 25, 1977.

[FR Doc.77–12592 Filed 5–2–77; 8:45 am]

[Docket No. M 77–155]

YOUNG'S BRANCH COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Young's Branch Coal Co., Box 227, Vansant, Virginia 24656, has filed a petition to modify the application of 30 CFR 75.1710, cabs or canopies, to its Young's Branch No. 14 Mine, located in Buchanan County, Virginia.

The substance of Petitioner's statement is as follows:

1. The mine is approximately 1½ years old. Petitioner has owned and operated the mine for 1½ years. The projected life of the mine is 2 years. There has been no recent rehabilitation of the mine. Petitioner employ 83 men and they are not represented by a labor union.

2. The mine is located in the Widow Kennedy seam and the thickness of the coal seam is 6 feet. The average height of the coal seam is 6 feet in locations where equipment, subject to cab and canopy regulation is being used. The lowest height of the coal seam is 28 to 30 inches and the distance of the low height is 600 feet.

3. Petitioner's equipment consists of the following: 14BU Joy loaders; 16 RB cutting machines; 300 Galis roof bolters; CDB–2000A Schroeder coal drills; and 18SC Joy shuttle cars. The height, length and width of each piece of equipment listed is: 14BU loaders—24 inches, 221 inches, 9¾ inches; 16 RB cutters—24 inches, 442 inches, 107 inches; 300 Galis roof bolters—24 inches; 174¼ inches, 93 inches; Schroeder face drills —25 inches, 363 inches, 86⅛ inches;

18SC shuttle cars—24 inches, and 324 inches.

4. Petitioner's mine produces 500 tons of coal with two shifts per day. Cab and canopy installation will cut production by 50 percent per day. Petitioner uses the conventional mining method. The average room size of each working section where equipment is used is 6 feet high, 20 feet wide. In these locations the top is good. The floor is dry.

5. Petitioner is operating in very low coal. As a result, when cabs or canopies are placed on its equipment, the operator is "trapped" on one side. His vision is obscured or blocked because of the cramped position.

6. Petitioner's equipment is 4 months to 1 year old. The roof fall prevention techniques used consist of roof bolting per an approved plan. Petitioner wants this modification for as long as it is operating in coal below 48 inches. Petitioner will train its employees regarding the modified systems.

7. The mine operator has an on-going and comprehensive safety instructional program which includes instruction provided by MESA personnel through operator invitation.

8. Requiring cabs and canopies on equipment being operated in coal below 48 inches is unrealistic, impractical and unsafe. Section 75.1710–1(4) et seq. attempts to oversimplify what is actually a very complicated situation. Coal seams under 48 inches vary in height throughout the terrain, requiring more specialized equipment than that which is used in higher coal. Such equipment must be capable of traversing the lowest sections of the mine smoothly and safely. Cabs and canopies in low coal create the dangers of limiting vision, cramping (and possibly trapping) the operator during the workshift, and endangering personnel working in the vicinity of the equipment. (Note: Unlike high coal low coal cabs and canopies must generally be placed on one side of mining equipment, thus making it impossible for the operator to see anything on the other side.) In addition, the Virginia Division of Mines and Quarries has issued closure orders in coal as high as 50 inches in other mines near Petitioner's until such time as the operator therein removed its cabs and canopies, considering such equipment unsafe and thus acting in a manner which directly conflicts with Federal rgulation. Well-intentioned regulations requiring cabs and canopies in coal below 48 inches present a dangerous situation, whereas safety programs, good roof bolting plans, and competent monitoring by qualified personnel provide a safe working environment.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before June 2, 1977. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

DAVID TORRETT,
Acting Director,
Office of Hearings and Appeals.

APRIL 25, 1977.

[FR Doc.77-12593 Filed 5-2-77;8:45 am]

[Docket No. M 77-156]

YOUNG'S BRANCH COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Young's Branch Coal Co., Box 277, Vansant, Virginia 24656, has filed a petition to modify the application of 30 CFR 75.1710, cabs and canopies, to its Young's Branch No. 15 Mine, located in Buchanan County, Virginia.

The substance of Petitioner's statement is as follows:

1. The mine is approximately 1 year old. Petitioner has owned and operated the mine for 1 year. The projected life of the mine is 15 years. There has been no recent rehabilitation of the mine. Petitioner employs 30 men and they are not represented by a labor union.

2. The mine is located in the Red Ash Seam, and the thickness of the coal seam is 28 inches. The lowest height of the coal seam is 26 inches.

3. Petitioner's equipment consists of the following: 15 CM Joy miner and 18SC Joy shuttle cars.

4. Petitioner's mine produces 100 tons of coal with two shifts per day. Petitioner uses the continuous mining method. The average room size of each working section where equipment is used is 60 x 70 feet center. In these locations the top is shale. The floor is sandstone.

5. Petitioner is operating in very low coal. As a result, when cabs or canopies are placed on its equipment, the operator is "trapped" on one side. His vision is obscured or blocked because of the cramped position.

6. Petitioner's equipment is 6 months old. The roof fall prevention techniques used consist of roof bolting per an approved plan. Petitioner wants this modification for as long as it is operating in coal below 48 inches. Petitioner will train its employees regarding the modified systems.

7. The mine operator has an ongoing and comprehensive safety instructional program which includes instruction provided by MESA personnel through operator invitation.

8. Requiring cabs and canopies on equipment being operated in coal below 48 inches is unrealistic, impractical and unsafe. Section 75.1710–1(4) et seq. attempts to oversimplify what is actually a very complicated situation. Coal seams under 48 inches vary in height throughout the terrain, requiring more specialized equipment than that which is used in higher coal. Such equipment must be capable of traversing the lowest sections of the mine smoothly and safely. Cabs and canopies in low coal create the dangers of limiting vision, cramping (and possibly trapping) the operator during the working shift, and endangering personnel working in the vicinity of the equipment. (NOTE: Unlike high coal, low coal cabs and canopies must generally be placed on the side of mining equipment, thus making it impossible for the operator to see anything on the other side.) In addition, the Virginia Division of Mines and Quarries has issued closure orders in coal as high as 50 inches in other mines near Petitioner's until such time as the operator therein removed its cabs and canopies, considering such equipment unsafe and thus acting in a manner which directly conflicts with Federal Regulation. Well-intentioned regulations requiring cabs and canopies in coal below 48 inches present a dangerous situation, whereas safety programs, good roof bolting plans, and competent monitoring by qualified personnel provide a safe working environment.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before June 2, 1977. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

DAVID TORRETT,
Acting Director,
Office of Hearings and Appeals.

APRIL 25, 1977.

[FR Doc.77-12594 Filed 5-2-77;8:45 am]

Office of the Secretary

[Order No. 3003]

TRANS-ALASKA PIPELINE

Organizational and Functional Responsibilities

Sec. 1 *Purpose.* The purpose of this Order is to repeal Orders No. 2960, 2961, and 2972, and substitute therefor new supervisory and management responsibilities for Department of the Interior supervision of the Trans-Alaska Pipeline System; and reaffirmation of prior delegation of authority to the Director, Bureau of Land Management to issue pipeline rights-of-way pursuant to section 28 of the Mineral Leasing Act, as amended, 30 U.S.C. 185 (Supp. 1975), on lands administered by the Bureau of Land Management or by two or more Federal agencies.

Sec. 2 *Authority.* This Order is issued in accordance with the authority provided by Section 2 of Reorganization Plan No. 3 of 1950 (64 Stat. 1262), Executive Order 10480 of August 14, 1953, as amended (18 F.R. 4939), and Defense Mobilization Order 8400.1 of November 6, 1963 (28 F.R. 12164).

Sec. 3 *Responsibility.* Supervisory, management and support responsibilities are assigned as follows:

(a) *The Under Secretary.* The Under Secretary is the principal Departmental official responsible to the Secretary for Trans-Alaska Pipeline matters. He supervises the work of the Assistant Secretary—Land and Water Resources in the day-to-day management of Trans-Alaska Pipeline operations within the Department. He serves as Chairman of the Federal Task Force on Alaska Oil Development and resolves internal jurisdictional and other conflicts which may arise within the Department.

(b) *The Assistant Secretary—Land and Water Resources.* The Assistant Secretary—Land and Water Resources, is the principal Department official responsible for day-to-day managment of Trans-Alaska Pipeline matters, and under the direction of the Under Secretary coordinates the contact with Congressional Committees, pipeline officials and the general public. He supervises the Department's Authorized Officer.

(c) *Authorized Officer.* There is hereby established the position of Authorized Officer, referred to in the "Agreement and Grant of Right-of-Way for Trans-Alaska Pipeline", and in the Stipulations thereto. The Authorized Officer is responsible for ensuring compliance with the terms and conditions of the "Agreement and Grant of Right-of-Way for Trans-Alaska Pipeline," and other terms and conditions placed on rights-of-way, permits, and leases issued pursuant to the Trans-Alaska Pipeline Authorization Act of November 16, 1973, Pub. L. 93–153, 87 Stat. 584, which relate to the construction, operation, maintenance, or termination of the Trans-Alaska Pipeline System, and any stipulations attached to such authorizations. Additionally, the Authorized Officer is responsible for taking necessary steps to enforce the terms and conditions of the above authorizations; protecting Federal interests relating to the Trans-Alaska Pipeline; monitoring of the Permittees and their agents, contractors and subcontractors; and coordinating monitoring activities with State of Alaska government officials.

(d) *Technical Assistant to the Assistant Secretary—Land and Water Resources.* The Technical Assistant to the Assistant Secretary—Land and Water Resources provides advice and guidance on the Trans-Alaska Pipeline issues and problems which are referred to the Under Secretary and Assistant Secretary—Land and Water Resources for solutions or decisions; assesses the adequacy, quality and effectiveness of the Authorized Officer's level of effort, technical and environmental judgments and actions, and responsiveness to problems which arise in the course of pipeline construction; coordinates Trans-Alaska Pipeline intra-agency matters in Washington and responds to requests for technical assistance from the Authorized Officer. He serves as Chairman of the Technical Advisory Board of the Federal Task Force on Alaska oil Development.

(e) *Director, Bureau of Land Management.* The Director, Bureau of Land Management will make available to the Authorized Officer the personnel of the Division of Pipeline, Alaska State Office, for the duration of the construction of the Trans-Alaska Pipeline; and such other personnel and expertise as the Authorized Officer may from time to time require. Such personnel will be under the direction and supervision of the Authorized Officer.

(f) *Director, Fish and Wildlife Service and Director, Geological Survey.* The Director, Fish and Wildlife Service and the Director, Geological Survey will make available to the Authorized Officer such personnel and expertise as the Authorized Officer may from time to time require. Personnel provided will be under the direction and supervision of the authorized Officer.

(g) *Other Bureaus and Officers.* Other bureaus and offices will cooperate by providing any assistance and personnel which the Authorized Officer may from time to time require.

Sec. 4 *Secretarial Delegation of Authority.*

(a) *Authorized Officer.* The Authorized Officer is delegated:

(1) The authority of the Secretary of the Interior necessary to perform the functions specified for the Authorized Officer in the "Agreement and Grant of Right-of-Way for Trans-Alaska Pipeline", including the Stipulations thereto; and for ensuring compliance with the terms and conditions of other authorizations, including, but not limited to, rights-of-way, any permits and leases issued pursuant to the Trans-Alaska Pipeline Authorization Act of November 16, 1973, Pub. L. 93–153, 87 Stat. 584, which relate to the construction, operation, maintenance, or termination of the Trans-Alaska Oil Pipeline System, and any stipulations attached to such authorizations.

(2) The authority, subject to the limitation contained in Part 205 of the Departmental Manual, to enter into procurement contracts and amendments or modifications thereof.

(3) The authority of the Secretary of the Interior under the Defense Production Act insofar as it pertains to the Department of the Interior's serving as claimant for the materials and equipment for which priorities and allocation support is being provided, or may be provided, to the Trans-Alaska Pipeline System and facilities related to its support and supply pursuant to section 101(a) of the Act, under systems administered by the Department of Commerce and utilized to furnish such priorities and allocation support in accordance with the joint authorization of the Director, Federal Preparedness Agency, General Services Administration, and the Administrator, Federal Energy Administration, dated September 23, 1974, and December 30, 1974 (39 FR 34608 and 40 FR 26, 27) and amendments thereto.

(b) *Director, Bureau of Land Management.* All authority granted to the Secretary of the Interior by Title I and Title II of the Act of November 16, 1973, Pub. L. 93–153, 87 Stat. 576 (Amendments to the Mineral Leasing Act of 1920 and Trans-Alaska Pipeline Authorization Act) is hereby delegated to the Director, Bureau of Land Management except any authority of the Secretary or the Authorized Officer under the "Agreement and Grant of Right-of-Way for Trans-Alaska Pipeline", including the authority to amend or modify said "Agreement"; *Provided,* That all authorizations, including but not limited to rights-of-way, permits, and leases, issued under the Trans-Alaska Pipeline Authorization Act of November 16, 1973, 87 Stat. 584, which relate to the construction, operation, maintenance or termination of the trans-Alaska oil pipeline system will be issued only with the concurrence of the Authorized Officer as described in Sec. 4 (a) of this Order, and will be delivered to the applicant by the Authorized Officer.

(c) *Redelegation.* The authority granted in sections 4(a) and 4(b) of this Order may be redelegated.

Sec. 5. *Revocation.* This Order supersedes Order No. 2960 dated January 23, 1974 (39 FR 5645), Order No. 2961 dated February 6, 1974 (39 FR 6749), and Order No. 2972 dated February 24, 1975 (40 FR 8837).

Sec. 6 *Effective date.* This Order is effective immediately. Its provisions will remain in effect until termination of the Trans-Alaska Pipeline, or until it is amended, superseded, or revoked, whichever occurs first.

Dated: April 26, 1977.

CECIL D. ANDRUS,
Secretary.

[FR Doc.77-12595 Filed 5-2-77;8:45 am]

INTERNATIONAL TRADE COMMISSION

[332-82]

PROBABLE DOMESTIC IMPACT OF CHANGING FROM CURRENT "CHIEF VALUE" METHOD OF CLASSIFYING TEXTILE IMPORTS TO "CHIEF WEIGHT" METHOD

Time and Place of Upcoming Hearings in New York, Los Angeles, and Washington, D.C.

Notice is hereby given that the final 3 public hearings in this matter scheduled for New York, Los Angeles, and Washington, D.C., will be held at the following places and times.

The public hearing scheduled for New York City will be held on May 10, 1977, at 10 a.m., e.d.t., in the auditorium of the U.S. Mission to the United Nations, 799 U.N. Plaza (45th Street and First Avenue), New York City. All persons desiring to attend must enter at the 45th Street entrance, as this will be the only means of access permitted to the public.

The public hearing scheduled for Los Angeles will be held on May 24, 1977, at 10 a.m., p.d.t., in room 8544 of the Federal Building, 300 North Los Angeles Street, Los Angeles, California.

The final hearing scheduled for Washington, D.C. will be held on June 7, 1977, at 10 a.m., e.d.t., in conference room B,

Departmental Auditorium, Between 12th and 14th Streets on Constitution Avenue, NW., Washington, D.C.

Requests to appear at these hearings should be filed, in writing, with the Secretary of the Commission at his office in Washington, D.C., by no later than noon of the fifth calendar day preceding the hearing.

The notice of the institution of this investigation and the scheduling of hearings was published in the FEDERAL REGISTER of January 28, 1977 (42 FR 5432).

By order of the Commission.

Issued: April 28, 1977.

KENNETH R. MASON,
Secretary.

[FR Doc.77-12700 Filed 5-2-77;8:45 am]

DEPARTMENT OF JUSTICE

COMMITTEE ON SELECTION OF THE DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION

Meetings

APRIL 27, 1977.

Pursuant to the provisions of Pub. L. 92-463, notice is hereby given that the Committee on Selection of the Director of the Federal Bureau of Investigation will meet in Washington, D.C. on May 6, 7, 12, 13, 14, 19, 20, 21, 26, 27 and 28, 1977 for the purpose of interviewing persons who may be recommended to the President for consideration as Director of the Federal Bureau of Investigation. The meetings of May 6, 12, 19 and 26 will begin at 10:00 a.m. All other meetings will begin at 9:00 a.m.

Meeting dates were established by the Committee during the public session of its April 26, 1977 meeting. The Committee concluded that the President's decision to extend the time for its report by only 30 days necessitated the scheduling of meetings on an emergency basis without the full fifteen days notice prior to the first meeting. The location of the meetings will be announced at a later date.

The meetings will deal with the qualifications of individuals being interviewed and will be closed to the public pursuant to section 10(d) of Pub. L. 92-463 as amended (see 5 U.S.C. 552(b)(c)(6)). Minutes of the meetings will not be available to the public.

Additional information may be obtained from Ms. Mary C. Lawton, Deputy Assistant Attorney General, Office of Legal Counsel, Department of Justice, Washington, D.C. 20530.

MARY C. LAWTON,
Staff Director, Committee on Selection of the Federal Bureau of Investigation Director.

[FR Doc.77-12553 Filed 5-2-77;8:45 am]

Immigration and Naturalization Service

HISPANIC ADVISORY COMMITTEE ON IMMIGRATION AND NATURALIZATION

Meeting

AGENCY: Immigration and Naturalization Service.

ACTION: Meeting.

SUMMARY: This notice announces the Meeting of the Hispanic Advisory Committee on Immigration and Naturalization to be held in San Diego, Calif., on May 19-20, 1977.

FOR FURTHER INFORMATION CONTACT:

E. B. Duarte, Special Assistant to the Commissioner of Immigration and Naturalization for Hispanic Liaison, Room 7058, 425 Eye Street, N.W., Washington, D.C. 20536, Telephone 202-376-8211.

SUPPLEMENTARY INFORMATION AND MEETING AGENDA: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463 (5 U.S.C. App. I) notice is hereby given of a meeting of the Hispanic Advisory Committee on Immigration and Naturalization to be held from 9:00 a.m. to 5:30 p.m. on Thursday, May 19, 1977 and continuing from 8:30 a.m. to 1:00 p.m. on Friday, May 20 in the Board Room of the Executive Hotel, 1055 First Avenue, San Diego, California.

THURSDAY, MAY 19, 1977

I—Call to order by the Chairperson.
II—Welcoming remarks by the Commissioner, INS.
III—Approval of minutes of previous meetings.
IV—Briefings: (a) Overview of Western Region, INS; (b) Impact of Silva case on INS policy.
V—Presentation from audience.
VI—Briefings (continued): (c) Report on study of "Impact of Illegal Aliens on County of San Diego;" (d) Update on INS Residential Survey on Illegal Immigration; (e) Overview of State Department Visa Office Operations.
VII—Subcommittee meetings.
VIII—Recess.

FRIDAY, MAY 20, 1977

IX—Meeting reconvenes.
X—Subcommittee Reports, Committee Action, and Formal recommendations to the Commissioner.
XI—Old/new business.
XII—Subcommittee meetings.
XIII—Adjournment.

Attendance is open to the interested public, but is limited to the space available.

Because the Administration is conducting a review of the effectiveness of all federal advisory committees, the INS welcomes expressions from the general public on whether the INS Hispanic Advisory Committee should be continued beyond its December 31, 1977, termination date, or terminated, modified, etc. The general public may comment publicly during the portion of the May 19-20, 1977 meeting set aside for audience presentations, or may submit written statements to the Commissioner, in care of Mr. Duarte's above address.

Dated: April 27, 1977.

L. F. CHAPMAN, Jr.,
Commissioner of Immigration and Naturalization.

[FR Doc.77-12554 Filed 5-2-77;8:45 am]

DEPARTMENT OF LABOR

Pension and Welfare Benefit Programs

[Application No. L-562]

EMPLOYEE BENEFIT PLANS

Pendency of Proposed Class Exemption from Prohibitions Respecting Certain Transactions in Which Multiemployer and Multiple Employer Plans Are Involved Requested by the National Coordinating Committee for Multiemployer Plans

Notice is hereby given of the pendency before the Department of Labor (the Department) of a proposed class exemption from the restrictions of section 406(b)(2) of the Employee Retirement Income Security Act of 1974 (the Act) for the joint use by or leasing of office space or the provision of administrative services or sale or leasing of goods by a multiple employer plan to a participating employee organization, participating employer, or participating employer association, or to another multiple employer plan which is a party in interest with respect to such plan. The pending class exemption was requested in an application filed by the National Coordinating Committee for Multiemployer Plans (NCCMP), pursuant to section 408(a) of the Act and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If granted, the application would provide an exemption from the restrictions of section 406(b)(2) of the Act for those transactions already exempt from the restrictions of sections 406(a)(1)(A) through (D) of the Act by virtue of the exemption granted in part C of Prohibited Transaction Exemption 76-1, 41 FR 12740, March 26, 1976, as well as an exemption from the restrictions of section 406(b)(2) in situations involving the sharing of office space, services, etc. on a pro rata basis.

Summary of representations. The application contains representations with regard to the pending class exemption, which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of NCCMP.

On March 26, 1976, the Department, in conjunction with the Internal Revenue Service, granted class exemptions from the restrictions of sections 406(a) and 407(a) of the Act and from the taxes imposed by sections 4975 (a) and (b) of the Internal Revenue Code of

1954 (the Code) by reason of section 4975(c)(1) of the Code, for several classes of transactions between a multiple employer plan and a participating employee organization, employer, or employer association, or another multiple employer plan which is a party in interest or disqualified person with respect to the plan. The exemptions granted did not, however, extend to those aspects of the transactions which may be subject to the restrictions of section 406(b)(2) of the Act. Although many comment letters were received at the time that the multiemployer exemptions were first proposed, the Department noted in the March 26, 1976 exemptions that none of the comments received provided a sufficient basis for proposing an exemption from the restrictions of section 406(b)(2) with respect to the class of transactions exempted, but that it was prepared to consider applications for a class exemption from the restrictions of section 460(b)(2) of the Act with respect to such transactions upon the receipt of applications providing information sufficient to provide a basis for proposing such an exemption.

NCCMP, in its application, has represented that, pursuant to the Labor Management Relations Act, 1947 (LMRA), collectively bargained multiple employer plans under which money is transferred from employers to funds established by employee representatives are required to be administered by a board of trustees on which "employees and employers are equally represented." Trusts for health and welfare purposes must be established separately from trusts for retirement purposes.

Although separate trusts are required to be established for retirement and health and welfare funds, it has been common for one or both of the collective bargaining parties to designate the same trustees to the different boards of trustees because it has been deemed desirable to utilize fully the expertise of the trustees who are familiar with the industry and with the structure and scope of plan participation in the industry.

Further, since the 1959 amendments to the LMRA, jointly administered trusts have also been created for the purpose of providing holiday and vacation benefits and to operate apprenticeship and training programs. Because service on most of the joint boards of these trusts was a voluntary act or, at best, a minimally compensated act, the persons available to serve on these boards of trustees were limited in number.

NCCMP also represents that, but for the limitations in section 302(c)(5) of the LMRA with respect to the establishment of separate trusts and the piecemeal amendment of the LMRA to permit new types of trusts, it is likely that unitary, multi-purpose trusts would be established in each industry and the exemption granted in part C of Prohibited Transaction Exemption 76–1 (March 26, 1976) would suffice. However, to effectuate that exemption, an additional exemption, from the restrictions of section 406(b)(2) is necessary if plans are to be able to place trustees who are familiar with the industry and with the scope of plan participation on the boards of related plans.

NCCMP states that if its application for a class exemption from the restrictions of section 406(b)(2) is denied, the existing class exemptions of March 26, 1976 would be insufficient, in most situations, to permit the very transactions contemplated by those exemptions.

Further, NCCMP represents that when related plans share space, goods or facilities on a pro rata basis, even if they are not parties in interest with respect to one another, common trustees of both plans will face a similar section 406(b)(2) problem, in that the trustees, in determining the allocation of costs, will be representing parties with adverse interests. Nevertheless, NCCMP concludes that the desirability of having common trustees who are familiar with the industry and know how the plans relate to each other outweighs the potential abuses, if an exemption containing the safeguards proposed is granted.

The proposed exemption is identical to that granted in part C of Prohibited Transaction Exemption 76–1, except that it also covers sharing of office space, goods and services and is restricted to plans established in accordance with the representation requirements of section 302(c)(5) of the LMRA. As proposed, the exemption would be in two parts—the first containing conditions appropriate for a prospective class exemption effective June 12, 1975, and the second containing conditions appropriate for a class exemption retroactive to January 1, 1975, the effective date of the prohibited transaction provisions. For the purposes of the exemption, the term "multiple employer plan" is defined as an employee benefit plan which is a multiemployer plan within the meaning of section 3(37) of the Act, or a plan which meets all the requirements of at least subsections 3(37)(A)(i), (ii) and (v) of the Act.

General Information. The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act does not relieve a fiduciary or other party in interest with respect to a plan to which the exemption is applicable from certain other provisions of the Act, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act which, among other things, require a fiduciary to discharge his duties respecting the plan solely in the interest of the plan's participants and beneficiaries and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act.

(2) Before an exemption may be granted under section 408(a) of the Act, the Department must find that the exemption is administratively feasible, in the interests of the plan or plans and of their participants and beneficiaries, and protective of the rights of participants and beneficiaries of such plan or plans.

(3) The pending exemption, if granted, will be supplemental to, and not in derogation of, any other provision of the Act, including statutory exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is in fact a prohibited transaction.

(4) If granted, the pending class exemption will be applicable to a particular transaction only if the transaction satisfies the conditions specified in the class exemption.

(5) The application for exemption referred to herein is available for public inspection at the Public Document Room, Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N–4677, 200 Constitution Avenue NW., Washington, D.C., 20216.

All interested persons are invited to submit written comments on the pending class exemption set forth herein. In order to receive consideration, such comments should be received by the Department of Labor on or before June 6, 1977. In addition, any interested person may submit a written request that a hearing be held relating to the pending class exemption. Such written request must be received by the Department on or before June 6, 1977, and should state the reasons for such person's request for a hearing and the nature of such person's interest in the pending class exemption.

All written comments and all requests for a hearing (preferably six copies) should be addressed to Pension and Welfare Benefit Programs, Room C–4526, U.S. Department of Labor, Washington, D.C. 20216, Attention: Application No. L–562. All such comments will be made part of the record, and will be available for public inspection at the Public Document Room, Pension and Welfare Benefit Programs, U.S. Deparment of Labor, Room N–4677, 200 Constitution Avenue NW., Washington, D.C. 20210.

Pending exemption. Based on the application referred to above, the Department has under consideration the granting of the following class exemption under the authority of section 408(a) of the Act and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975):

Section I—Prospective. Effective June 12, 1975, the restrictions of section 406(b)(2) of the Act shall not apply to the sharing of office space and administrative services and goods, leasing of office space or the provision of administrative services or sale or leasing of goods by a multiple employer plan established in accordance with the requirements for representation on the board of trustees imposed by section 302(c)(5) of the Labor Management Relations Act, 1947 (LMRA) to a participating employee organization, participating employer, or participating employer association, or to another such multiple employer plan which is a party in interest with respect

to such plan or plans, provided that the following conditions are met:

(a) With respect to the sharing of office space, administrative services and goods, the costs of securing such space, services and goods are assessed and paid on a pro rata basis with respect to each party's use of such space, services and goods.

(b) With respect to the leasing of such office space or the provision of such administrative services or other sale or leasing of goods,

(1) The plan receives reasonable compensation for such leasing, or the provision of such services or the sale or leasing of such goods. Solely for purposes of this exemption, "reasonable compensation" need not include a profit which would ordinarily have been received in an arm's-length transaction, but must be sufficient to reimburse the plan for its costs.

(2) With regard to the leasing of office space by a plan to a participating employer, such transaction will be exempt from the restrictions of section 406(b)(2) only to the extent that such office space constitutes "qualifying employer real property" as that term is defined in section 470(d)(4) of the Act. The 10 percent limitation provisions of sections 406(a)(1)(E), 406(a)(2) and 407(a) of the Act will apply to such transactions as if the employer real property involved in the transaction were "qualifying employer real property."

(c) With respect to the sharing of office space, administrative services or goods or the leasing of office space or the provision of administrative services or the sale or leasing of goods, the arrangement allows any plan which is a party to the transaction to terminate the transaction on reasonably short notice under the circumstances.

(d) Any plan which shares office space, administrative services or goods or is the lessor of such office space or which provides such administrative services or goods, maintains or causes to be maintained during the period of such sharing arrangement or lease or of such provision of services or sale or leasing of goods and for a period of six years from the date of termination of such sharing arrangement or lease or such provision of services or sale or lease of goods, such records as are necessary to enable the persons described in paragraph (e) of this section to determine whether the conditions of this exemption have been met, except that (1) a prohibited transaction will not be deemed to have occurred if, due to circumstances beyond the control of the plan fiduciaries, such records are lost or destroyed prior to the end of such six-year period, and (2) such participating employee organization, participating employer, participating employer association, or other plan shall not be subject to the civil penalty which may be assessed under section 502(i) of the Act if such records are not maintained, or are not available for examination as required by paragraph (e) below.

(e) Notwithstanding anything to the contrary in subsections (a)(2) and (b) of section 504 of the Act, the records referred to in paragraph (d) are unconditionally available at their customary location for examination during normal business hours by duly authorized employees or representatives of (1) the Department of Labor, (2) plan participants and beneficiaries, (3) any employer of plan participants and beneficiaries, and (4) any employee organization any of whose members are covered by the plan.

Sec. II. *Retroactive.* Effective January 1, 1975, the restrictions of sections 406(b)(2) of the Act shall not apply to the sharing of office space, administrative services or goods or the leasing of office space or the provision of administrative services or the sale or leasing of goods by a multiple employer plan established in accordance with the requirements for representation on the board of trustees imposed by section 302(c)(5) of the LMRA to a participating employee organization, participating employer, or participating employer association, or to another such multiple employer plan is a party in interest with respect to such plan, which occurred before June 12, 1975, or which occurred before October 1, 1975 pursuant to a binding arrangement entered into before June 2, 1975, provided that such transaction was:

(a) Of a type that was ordinarily and customarily engaged in by multiple employer plans before January 1, 1975; and

(b) At the time it was entered into, not a prohibited transaction within the meaning of section 503(b) of the Internal Revenue Code or the corresponding provisions of prior law, except that solely for purposes of this exemption the terms of such arrangement need not provide for a profit which would ordinarily have been received by the plan in an arm's-length transaction, provided that the compensation received by the plan is otherwise reasonable.

Sec. III. *Definitions.* For purposes of sections I and II above, the term "multiple employer plan" shall mean an employee benefit plan which is a multiemployer plan within the meaning of section 3(37) of the Act, or a plan which meets the requirements of at least subsections 3(37)(A)(i), (ii) and (v) of the Act.

Signed at Washington, D.C. this 28th day of April 1977.

J. VERNON BALLARD,
Acting Administrator of Pension and Welfare Benefit Programs, Department of Labor.

[FR Doc.77-11821 Filed 5-2-77;8:45 am]

Office of the Secretary

[TA-W-1514]

ALABAMA BY-PRODUCTS 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-1514: 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 15, 1976 in response to a worker petition received on December 15, 1976 which was filed by the United Steelworkers of America on behalf of workers and former workers producing coke at Alabama By-Products Corporation, Tarrant, Alabama.

The Notice of Investigation was published in the FEDERAL REGISTER on January 18, 1977 (42 FR 3365). 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, officials of Alabama By-Products, its customers, the U.S. International Trade Commission, U.S. Department of Commerce publications, 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 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any of the other criteria have been met, criterion (3) has not been met.

Evidence developed in the Department's investigation reveals that imports of metallurgical coke have decreased absolutely and relative to domestic production from 1974 through 1976.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that imports of metallurgical coke like or directly competitive with coke produced at Alabama By-Products Corporation, Tarrant, Alabama have not increased as required in Section 222 of the Trade Act of 1974. The petition is, therefore, denied.

Signed at Washington, D.C. this 22nd day of April 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc.77-12661 Filed 5-2-77;8:45 am]

[TA-W-1617]

ALLAN SHOE MANUFACTURING COMPANY, 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-1617: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on January 31, 1977 in response to a worker petition received on January 24, 1977 which was filed on behalf of workers and former workers engaged in employment related to the production of men's, youths' and boys' dress and casual footwear and work footwear at the Allan Shoe Manufacturing Company, Inc., Norwich, Connecticut.

The notice of investigation was published in the FEDERAL REGISTER on February 15, 1977 (42 FR 9236). No public hearing was requested, and none was held.

The information upon which the determination was made was obtained principally from officials of the Allan Shoe Manufacturing Company, 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 set:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation revealed that all of the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Average employment of production workers at the Allan Shoe Manufacturing Company, Inc. decreased 33 percent from 1974 to 1975 and 27 percent from 1975 to 1976.

Average weekly hours worker by production workers at the Allan Shoe Manufacturing Company, Inc. increased 3 percent from 1974 to 1975 and 7 percent from 1975 to 1976.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales at the Allan Shoe Manufacturing Company, Inc. decreased 45 percent in value from 1974 to 1975, and 20 percent from 1975 to 1976.

Production at the Allan Shoe Manufacturing Company, Inc. decreased 48 percent in quantity from 1974 to 1975, and 23 percent from 1975 to 1976.

INCREASED IMPORTS

Imports of men's, youths and boys' dress and casual footwear increased absolutely from 1971 to 1972 and from 1972 to 1973, then decreased from 1973 to 1974. Imports increased 13 percent from 1974 to 1975, and 36 percent in the first 9 months of 1976 compared to the first 9 months of 1975. The ratio of imports to domestic production increased from 49.5 percent in the first 9 months of 1975 to 59.8 percent in the first 9 months of 1976.

Imports of men's, youths, and boys' work footwear increased absolutely from 1971 to 1972, from 1972 to 1973, and from 1973 to 1974. Imports decreased 21 percent from 1974 to 1975, then increased 124 percent in the first 9 months of 1976 compared to the first 9 months of 1975. The ratio of imports to domestic production increased from 9.3 percent in the first 9 months of 1975 to 19.6 percent in the first 9 months of 1976.

CONTRIBUTED IMPORTANTLY

Customers surveyed indicated that they had switched their purchases from shoes purchased at the Allan Shoe Manufacturing Company, Inc. to imported shoes.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with men's, youths' and boys' dress and casual footwear and work footwear produced at the Allan Shoe Manufacturing Company, Inc., Norwich, Connecticut contributed importantly to the total or partial separation of the workers at that plant. In accordance with the provisions of the Act, I make the following certification:

All workers at the Allan Shoe Manufacturing Company, Inc., Norwich, Connecticut who became totally or partially separated from employment on or after January 21, 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 21st day of April 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc.77-12662 Filed 5-2-77;8:45 am]

[TA-W-1586]

AMERICAN FELT SLIPPER 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-1586: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on January 24, 1977 in response to a worker petition received on that date which was filed by three workers on behalf of workers and former workers producing women's and children's slippers at the Brewer, Maine plant of American Felt Slipper Company.

The Notice of Investigation was published in the FEDERAL REGISTER on February 1, 1977 (42 FR 6016). 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 Felt Slipper Company, its customers, Amfesco Industries, 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 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 American Felt Slipper Company, Brewer, Maine, is one of four facilities owned by Amfesco Industries. American Felt Slipper manufactures women's and children's house slippers.

The Department's investigation revealed that sales of house slippers by the American Felt Slipper Company increased 14.1 percent in value in 1976 compared to 1975, while production in-

creased 23.3 percent in quantity in 1976 compared to 1975.

Customers of the American Felt Slipper Company, Brewer, Maine indicated that in 1976 compared to 1975 they had increased their purchases of women's and children's slippers from American Felt Slipper, while also increasing purchases of imported women's and children's slippers.

CONCLUSION

After careful review of the facts obtained in the investigation I conclude that sales and production of women's and children's slippers have not decreased absolutely, and that imports of articles like or directly competitive with women's and children's house slippers 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 22nd day of April 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc.77-12663 Filed 5-2-77;8:45 am]

[TA-W-1568]

CAPITOL FOOTWEAR CORP.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1568: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on January 10, 1977 in response to a worker petition received on that date which was filed on behalf of workers and former workers engaged in employment related to the production of men's slippers, casual shoes, boots, and sandals at the Capitol Footwear Corporation, Worcester, Massachusetts.

The Notice of Investigation was published in the FEDERAL REGISTER on January 28, 1977 (42 FR 5449). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Capitol Footwear Corporation, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, the American Footwear Industries Association, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation revealed that all of the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of production workers employed by Capitol Footwear at the Worcester plant increased six percent from 1975 to 1976. Employment and average weekly hours decreased steadily from the third quarter of 1975 through the first quarter of 1976 and then increased from the second through the fourth quarters of 1976.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Unit production of men's slippers, casual shoes, boots, and sandals at the Worchester plant decreased by 12 percent from 1974 to 1975 and by three percent from 1975 to 1976. Production declined steadily from the second quarter of 1975 through the first quarter of 1976 and rose from the second through the fourth quarters of 1976.

INCREASED IMPORTS

Imports of slippers for men, women, and children rose absolutely and relatively in each year from 1971 through 1975. Imports increased from 25.2 million pairs in 1974 to 29.0 million pairs in 1975 and rose from 22.2 million pairs in January–September 1975 to 34.5 million pairs in the like period of 1976. The ratio of imported slippers to domestic slipper production increased from 29.5 percent in 1974 to 41.1 percent in 1975 and rose to 63.4 percent in January–September 1976.

Imports of men's dress and casual footwear with leather and non-leather uppers increased from 1971 through 1973, declined in 1974, and rose in 1975. Imports increased from 44.3 million pairs in 1974 to 47.5 million pairs in 1975 and rose from 35.3 million pairs in January–September 1975 to 44.7 million pairs in the corresponding period of 1976. The ratio of imports to domestic production declined from 53.5 percent in 1974 to 44.9 percent in 1975 and then increased to 52.1 percent in January–September 1976.

CONTRIBUTED IMPORTANTLY

The Department's investigation revealed that increased price competition with imports of men's slippers and casual shoes has forced Capitol Footwear in recent years to shift its production out of lower priced, non-leather footwear and into higher priced, leather footwear.

Manistee, Incorporated, a subsidiary of Capitol Footwear, markets footwear produced by Capitol as well as footwear purchased from other domestic and foreign sources. Dollar sales of imports by Manistee increased annually from 1974 through 1976. Sales of imported footwear relative to total Manistee sales increased yearly from 1974 through 1976. Other customers indicated that they had reduced purchases of men's footwear from Capitol and had switched to low cost imports of men's slippers and casual shoes.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with the men's slippers, casual shoes, boots, and sandals produced at the Worcester plant contributed importantly to the total or partial separation of workers at such plant. In accordance with the provisions of the Act, I make the following certification:

All workers at the Capitol Footwear Corporation, Worcester, Massachusetts, who became totally or partially separated from employment on or after December 10, 1975 and on or before April 17, 1976, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 22nd day of April 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc.77-12664 Filed 5-2-77;8:45 am]

[TA-W-1556]

DUCHESS GARTER 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-1556: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on January 1, 1977, in response to a worker petition received on January 1, 1977, which was filed by the Corset and Brassiere Workers' Union, Local 32 on behalf of workers and former workers producing garter and shoulder straps at the New York, New York, plant of Duchess Garter Corporation.

The investigation revealed that shoulder straps for brassieres were only produced for a six month period, approximately two to three years ago, and that currently only quarter straps are produced by the company.

The Notice of Investigation was published in the FEDERAL REGISTER on January 28, 1977 (42 FR 5450). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Duchess

Garter Company, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the 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.

Without regard to whether any other criteria have been met, criterion (3) has not been met.

Evidence developed in the Department's investigation reveals that there are no known imports of garter straps. Imports of corsets, girdles and garter belts containing straps of the same origin are not considered like or directly competitive with garter straps produced by Duchess Garter Company.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that imports of garter straps like or directly competitive with those produced at Duchess Garter Company have not increased as required in Section 222 of the Trade Act of 1974. The petition is, therefore, denied.

Signed at Washington, D.C., this 22d day of April 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-12665 Filed 5-2-77;8:45 am]

[TA-W-1322]

FLODAR 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-1322: 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 producing hydraulic fittings at the Celeveland, Ohio plant of Flodar Corporation, a subsidiary of Alco Standard Corporation, Valley Forge, Pennsylvania.

The Notice of Investigation was published in the FEDERAL REGISTER on December 21, 1976 (41 FR 55604). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Flodar Corporation, its customers, Alco Standard Corporation, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that although the first three criteria have been met, the fourth criterion has not been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of production workers at the Cleveland plant of Flodar Corporation declined 21 percent in the first eleven months of 1976 compared to the like period in 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales of hydraulic fittings produced at the Cleveland, Ohio plant of Flodar Corporation declined 23 percent in value in the first eleven months of 1976 compared to the first eleven months of 1975. All sales values were deflated before percentage changes were computed.

Production of hydraulic fittings at the Cleveland, Ohio plant of Flodar Corporation declined 19 percent in value in the first eleven months of 1976 compared to the first eleven months of 1975.

INCREASED IMPORTS

Flodar produces threaded high pressure hydraulic fittings. These fittings are machined in one piece from bar stock. One piece, high pressure, threaded hydraulic fittings are not separately identified in the import statistics. They are included in the various categories of steel pipe fittings. All hydraulic fittings under the various categories of steel pipe fittings are somewhat like or directly competitive with each other. However, hydraulic fittings contained in the category of "forged steel threaded and socket weld fittings and unions" are most like those produced by Flodar. Therefore, import data are presented for both the best available statistics on articles considered competitive with hydraulic fittings and the best available statistics on articles most like those produced at the Flodar plant.

U.S. imports of steel pipe fittings increased from 75.0 million pounds in 1971 to 79.9 million pounds in 1972 and decreased to 64.8 million pounds in 1973. In 1974 imports increased to 114.1 million pounds and in 1975 to 185.9 million pounds. In the first nine months of 1976 imports declined to 88.9 million pounds compared to 147.4 million pounds in the same period one year earlier.

The ratio of imports to domestic production of steel pipe fittings increased from 21.4 percent in 1971 to 24.0 percent in 1972 and decreased to 20.3 percent in 1973. In 1974, the ratio of imports to domestic production increased to 29.2 percent and, in 1975, further increased to 45.3 percent. In the first nine months of 1976, the ratio of imports to domestic production increased to 48.3 percent compared to 45.2 percent in the same period one year earlier.

Imports of forged steel threaded and socket weld fittings and unions increased in each year compared to the preceding year from 4.9 million pounds in 1971 to 19.3 million pounds in 1975. Imports declined from 13.5 million pounds in the first nine months of 1975 to 11.0 million pounds in the first nine months of 1976.

The ratio of imports to domestic production of forged steel threaded and socket weld fittings and unions increased in each year compared to the preceding year from 14.7 percent in 1971 to 32.3 percent in 1975. The ratio of imports to domestic production increased from 28.1 percent in the first nine months of 1975 to 42.0 percent in the first nine months of 1976.

CONTRIBUTED IMPORTANTLY

Customers of Flodar indicated that they do not purchase any imported high pressure hydraulic fittings. Customers of Flodar stated that reduced orders for construction machinery and machine tools used in automobile production lessened the demand for hydraulic fittings. In addition some customers indicated that they had shifted their business from Flodar to other domestic manufacturers. Some customers reported that imports are inhibited by the fact that U.S. machinery uses SAE threads while most foreign manufacturers produce only metric threaded hydraulic fittings.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increased imports of articles like or directly competitive with the hydraulic fittings produced at the Cleveland, Ohio plant of Flodar Corporation did not contribute importantly to the total or partial separation of workers at that plant as required in Section 222 of the Trade Act of 1974.

Signed at Washington, D.C., this 22d day of April 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-12666 Filed 5-2-77;8:45 am]

[TA-W-1377]

FLORSHEIM 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-1377: 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 7, 1976, in response to a worker petition received on December 7, 1976, which was filed by the United Shoe Workers of America on behalf of workers and former workers producing bottom outsoles, heels, and insoles at the N. Main St., Cape Girardeau, Missouri plant of the Florsheim Shoe Company.

The investigation identified the products correctly as leather outsoles, insoles, heels, bottoms and tops, for use in production of Florsheim's men's shoes.

The notice of investigation was published in the FEDERAL REGISTER on January 4, 1977 (42 FR 880). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Florsheim Shoe Company, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any of the other criteria have been met, criterion number (2) has not been met.

The Cape Girardeau, Missouri plant located at N. Main St. performs part of an integrated operation for the production of men's shoes by Florsheim. The Cape Girardeau plant produces leather bottoms, tops, heels, insoles, and outsoles exclusively for Florsheim.

Total sales of men's shoes by the Florsheim Shoe Company increased 3.1 percent in the fourth quarter of 1975 compared to the same quarter of 1974, and increased 2 percent in quantity from 1975 to 1976. Total production increased 9.8 percent in the fourth quarter of 1975 compared to the same quarter of 1974, and increased 14 percent from 1975 to 1976.

The 8 percent production decline at the Cape Girardeau plant from 1975 to 1976 was due to the Company's shift in production emphasis from shoes made with leather components towards shoes made with non-leather components, such as crepe soles and plastic heel bases. The Cape Girardeau plant is solely engaged in the production of leather components, while other Florsheim facilities produce non-leather parts. All Florsheim plants are located within the United States.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that sales and production of men's shoes have not declined and that increased imports of articles like or directly competitive with leather heels, bottoms, tops, outsoles, and insoles produced at the North Main Street, Cape Girardeau, Missouri plant of the Florsheim Shoe Company did not contribute importantly to the total or partial separations of the workers at that plant, as required for certification under Section 222 of the Trade Act of 1974.

Signed at Washington, D.C. this 22d day of April 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-12667 Filed 5-2-77;8:45 am]

[TA-W- 1240 and 1241]

H. A. SEINSHEIMER CO.

Revised Certification of Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 222 of the Trade Act of 1974, and in accordance with Section 223(a) of such Act, on January 31, 1977, the Department of Labor issued a certification of eligibility to apply for adjustment assistance applicable to workers and former workers at the Cincinnati, Ohio and New Albany, Indiana plants of H. A. Seinsheimer Company (TA-W- 1240 and 1241).

The Notice of Certification was published in the FEDERAL REGISTER (42 FR 8019) February 8, 1977.

Subsequent to the publication of the original determination, the Office of Trade Adjustment Assistance received an inquiry on behalf of workers at the New York, New York office of H. A. Seinsheimer Company. Further investigation revealed that two workers were engaged in employment related to the production of men's tailored and leisure suits, sportcoats, and trousers and should have been included in the original certification as eligible to apply for adjustment assistance.

The subject workers were not identified in the initial investigation or the original certification because the company maintained separate records and ledgers for field staff in other locations.

CONCLUSION

Based on additional evidence, a review of the entire record and in accordance with the provisions of the Act, I have determined that the following certification is hereby made as follows:

All workers at the Cincinnati, Ohio and New Albany, Indiana plant of H. A. Seinsheimer Company who became totally or partially separated from employment on or after July 1, 1976, including employees at the New York office, are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Trade Act of 1974.

Signed at Washington, D.C., this 21st day of April 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-12673 Filed 5-2-77;8:45 am]

[TA-W-1423]

HANNA FURNACE 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-1423: 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 15, 1976, in response to a worker petition received on that date which was filed by the United Steelworkers of America on behalf of workers and former workers producing pig iron at the Buffalo, New York plant of the Hanna Furnace Corporation, a subsidiary of the National Steel Corporation.

The notice of investigation was published in the FEDERAL REGISTER on January 4, 1977 (42 FR 881). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Hanna Furnace Corporation, the U.S. Department of Commerce, the United Steelworkers of America, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any other criteria have been met, criterion (3) has not been met.

Evidence developed by the Department's investigation reveals that imports of pig iron have not exceeded 0.7 percent of domestic production from 1971 through October 1976, the latest date of published aggregate import statistics. Imports declined in absolute terms and relative to domestic production in the January to October period of 1976, as compared to the same period of 1975.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that imports of pig iron like or directly competitive with pig iron produced at the Buffalo, New York plant of the Hanna Furnace Corporation have not increased as required in Section 222 of the Trade Act of 1974.

Signed at Washington, D.C., this 22d day of April 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-12668 Filed 5-2-77;8:45 am]

[TA-W-1609]

JO-GAL SHOE, 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-1609: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on January 27, 1977, in response to a worker petition received on January 27, 1977, which was filed by three workers on behalf of workers and former workers producing children's, infants' and misses' shoes at Jo-Gal Shoe, Incorporated, Lawrence, Massachusetts.

The Notice of Investigation was published in the FEDERAL REGISTER on February 15, 1977 (42 FR 9241). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Jo-Gal Shoe, Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

On September 2, 1976, the Department issued a notice of negative determination for all workers of Jo-Gal Shoe, Inc. in Lawrence, Massachusetts in response to a worker petition received on June 29, 1976 (TA-W-956).

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all of the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Employment of production workers declined 9.1 percent from 1973 to 1974, increased 32.9 percent from 1974 to 1975, and increased 5.7 percent from 1975 to 1976. Employment declined 7.7 percent in the last six months of 1976 compared to the same period of 1975.

SALES OF PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales and production quantities are the same at Jo-Gal, since the company does not produce for inventory. Sales declined 10.4 percent in quantity from 1973 to 1974, increased 50.1 percent in quantity from 1974 to 1975, and declined 3.4 percent in quantity from 1975 to 1976. The quantity of sales declined 24.8 percent in the last six months of 1976 compared to the same period of 1975.

INCREASED IMPORTS

Jo-Gal produces children's, misses' and infants' nonrubber footwear.

Imports of children's nonrubber footwear, except athletic, increased absolutely from 1971 to 1972 and declined each year from 1973 through 1975. Imports increased relative to domestic production from 1973 to 1974 and from 1974 to 1975. Imports increased absolutely and relative to domestic production in the first nine months of 1976 compared to the same period of 1975. The ratio of imports to domestic production increased from 62.7 percent in the first nine months of 1975 to 70.6 percent in the same period of 1976.

Imports of infants' and babies' nonrubber footwear increased absolutely from 1971 to 1972, declined in each year from 1972 to 1974, and then increased from 1974 to 1975. Imports increased absolutely and relative to domestic production in the first nine months of 1976 compared to the same period of 1975. The ratio of imports to domestic production increased from 29.7 percent in the first nine months of 1975 to 38.5 percent in the first nine months of 1976.

Imports of misses' nonrubber footwear, except athletic, increased absolutely from 1971 to 1972, increased relative to domestic production from 1972 to 1973, declined absolutely and relatively from 1973 to 1974, and then increased relatively from 1974 to 1975. Imports increased absolutely and relative to domestic production in the first nine months of 1976 compared to the same period 1975. The ratio of imports to domestic production increased from 45.6 percent in the first nine months of 1975 to 78.9 percent in the first nine months of 1976.

CONTRIBUTED IMPORTANTLY

All Jo-Gal's retail customers who were surveyed switched purchases from Jo-Gal shoes to imports, primarily in the second half of 1976 compared to the same period of 1975.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with children's, infants' and misses' nonrubber footwear produced by Jo-Gal Shoe, Inc., Lawrence, Massachusetts contributed importantly to the total or partial separation of the workers of that firm. In accordance with the provisions of the Act, I make the following certification.

All workers at the Lawrence, Massachusetts plant of Jo-Gal Shoe, Incorporated 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 22d day of April 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-12669 Filed 5-2-77;8:45 am]

[TA-W-1681]

MAIDENFORM 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-1681: 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 11, 1976, which was filed by the International Ladies Garment Workers Union on behalf of workers and former workers producing brassieres, girdles and swimsuits

at the Perth Amboy, New Jersey plant of Maidenform Inc., Bayonne, New Jersey.

The Notice of Investigation was published in the FEDERAL REGISTER on March 8, 1977 (42 FR 13090). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from the International Ladies Garment Workers Union Officials of Maidenform 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 such workers' firm, or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the 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.

Without regard to whether any other criteria have been met, criterion (1) has not been met.

Evidence developed in the Department's investigation reveals that no involuntary separations occurred from February 7, 1976, one year prior to the signature date of the petition, to the present.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that a significant number or proportion of the workers at the Perth Amboy, New Jersey plant of Maidenform Inc. have not become totally or partially separated as required in Section 222 of the Trade Act of 1974.

Signed at Washington, D.C., this 22d day of April 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-12670 Filed 5-2-77;8:45 am]

[TA-W-1509]

MARATHON STEEL 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-1509: investigation regarding eligibility to apply for adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on December 22, 1976, in response to a worker petition received on that date which was filed by the United Steelworkers of America on behalf of workers and former workers producing concrete reinforcing bars at the Tempe, Arizona plant of the Marathon Steel Company, Phoenix, Arizona, a subsidiary of Marathon Manufacturing Company, Houston, Texas.

The Notice of Investigation was published in the FEDERAL REGISTER on January 11, 1977 (42 FR 2374). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Marathon Steel Company, the U.S. International Trade Commission, U.S. Department of Commerce, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such 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.

Without regard to whether any of the other criteria have been met, criterion (2) has not been met.

The Rolling Mill Division, Tempe, Arizona, of the Marathon Steel Company produces concrete reinforcing bars from steel produced at the plant. Marathon Steel, a subsidiary of Marathon Manufacturing Company, also has a manufacturing division in Phoenix, Arizona.

The Department's investigation revealed that production of concrete reinforcing bars at the Tempe plant increased in quantity 12.5 percent in the fourth quarter of 1975 compared to the same quarter in 1974, and 6.0 percent in 1976 compared to 1975.

Sales of concrete reinforcing bars by the Tempe plant increased in quantity 40.3 percent in the fourth quarter of 1975 compared to the fourth quarter of 1974, and increased 0.8 percent in 1976 compared to 1975.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that sales or production of concrete reinforcing bars at the Tempe, Arizona plant of the Marathon Steel Company have not decreased as required in Section 222 of the Trade Act of 1974.

Signed at Washington, D.C., this 22d day of April 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-12671 Filed 5-2-77;8:45 am]

[TA-W-1599]

MISS SARAH, 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-1599: investigation regarding certification of eligibility to apply for adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on January 26, 1977, in response to a worker petition received on that date which was filed by workers on behalf of workers and former workers producing shrimp at Miss Sarah, Inc., Brownsville, Texas.

The notice of investigation was published in the FEDERAL REGISTER on February 8, 1977 (42 FR 8022). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from Miss Sarah, Inc., its customers, the U.S. International Trade Commission, U.S. Department of Commerce, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all four criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The number of workers aboard shrimp trawlers remain constant as insurance regulations require a minimum crew of three persons to meet safety standards. Employment records in the shrimp fishing industry are not maintained according to number of hours worked. Therefore, employment data are based on number of fishing trips per boat and gross crew earnings.

The number of trips declined 42.9 percent in 1975 compared to 1974 and increased 66.7 percent in 1976 compared to 1975. Although the number of trips in 1976 increased compared to 1975, the average gross earnings per trip declined. Gross crew earnings declined 20.0 percent in 1975 compared to 1974 and declined 3.6 percent in 1976 compared to 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales of shrimp in terms of quantity declined 39.6 percent in 1975 compared to 1974 and declined 28.4 percent in 1976 compared to 1975.

INCREASED IMPORTS

Imports of shrimp in terms of quantity decreased 9.3 percent in 1973 compared to 1972 and increased 15.9 percent in 1974 compared to 1973. Imports declined 13.6 percent in 1975 compared to 1974 and increased 17.2 percent in 1976 compared to 1975. The ratio of imports to domestic production increased from 111.4 percent in 1975 to 116.8 percent in 1976.

CONTRIBUTED IMPORTANTLY

The only customer of Miss Sarah, Inc., indicated increased purchases of imported shrimp in the last two years. The reasons cited for increased import purchases were due either to inadequate domestic supplies or the required shrimp sizes for their processing needs were not available domestically.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with shrimp produced by Miss Sarah, Incorporated, contributed importantly to the total or partial separations of the workers at that firm. In accordance with the provisions of the Act, I make the following certification:

All workers at Miss Sarah, Inc., located in Brownsville, Texas, who became totally or partially separated from employment on or after October 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 21st day of April 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planing.

[FR Doc.77-12672 Filed 5-2-77;8:45 am]

[TA-W-1425]

SOULE STEEL 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-1425: 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 15, 1976, in response to a worker petition received on December 15, 1976, which was filed by the United Steelworkers of America on behalf of workers and former workers producing reinforcing bars and fence post sections at the Soule Steel Company, Carson, California.

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 Soule Steel Company, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification if 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 without regard to whether any of the other criteria have been met, criterion (2) has not been met in regard to the production of fence posts, and criterion (4) has not been met in regard to the production of reinforcing bars.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Average quarterly employment of production workers at Soule Steel increased in each quarter of 1976 from the second quarter through the fourth quarter, compared to the previous quarter. Average employment in those quarters increased 2.3 percent, 7.6 percent, and 7.0 percent, respectively. Average employment increased 7.4 percent in July through December 1976 compared to the same period in 1975. Average hours worked increased 2.6 percent from 1975 to 1976.

A decline in average employment was experienced in the first quarter of 1976, when average employment declined 5.8 percent compared to the previous quarter. Labor turnover data indicate that total accessions exceeded total separations in 1976.

SALES OF PRODUCTION, OR BOTH HAVE DECREASED ABSOLUTELY

Sales of reinforcing bars declined 3.0 percent from 1975 to 1976 while production declined 5.8 percent from 1975 to 1976.

Sales and production of fence post sections increased 83.0 percent from 1975 to 1976.

Total company sales at Soule Steel increased 6 percent from 1975 to 1976.

INCREASED IMPORTS

Imports of concrete reinforcing bars declined in absolute terms by 70.3 percent from 1974 to 1975. Imports increased 18.2 percent in the first nine months of 1976 compared to the same period in 1975. The ratio of imports to domestic shipments and consumption increased from 4.4 percent and 4.3 percent, respectively, in the first nine months of 1975 to 4.8 percent and 4.6 percent, respectively, in the first nine months of 1976.

Imports of fence gates, posts, and fittings declined in absolute terms by 83.0 percent from 1974 to 1975. Imports increased 250.0 percent in the first nine months of 1976 compared to the same period in 1975—an absolute increase from .6 thousand short tons to 2.1 thousand short tons. The estimated ratio of imports to domestic production increased from .3 percent in the first nine months of 1975 to 1.1 percent in the first nine months of 1976.

CONTRIBUTED IMPORTANTLY

Consumption and demand for reinforcing bars are closely related to business in the construction industry. Total construction, in constant dollars, from 1974 to 1975 declined 13.0 percent, while nonresidential construction, the primary consumer of reinforcing bars, in the same period, declined 17.1 percent.

The Carson, California plant of Soule Steel experienced a temporary shutdown in the first quarter of 1976. Sales and production declines, as well as employment declines, can be traced to that quarter. Factors influencing these declines include the temporary shutdown because of an excessive rate of inventory buildup and routine plant maintenance and repairs. No workers at Soule are on layoff status at the present time.

Customers who contracted with Soule as a supplier of rebars are construction companies, who subcontract construction jobs, or contractors, who actually perform construction work, both on a competitive bid basis. These customers indicated that all rebars used on their respective construction jobs were purchased domestically and, to the best of their knowledge, all rebars used were produced domestically. Any business declines at Soule can be attributed to general declines in the construction industry. Customers stated that they have not experienced any import influence in the market for reinforcing bars.

After careful review of the facts obtained in the investigation, I conclude that increased imports did not contribute importantly to the total or partial separations, or to the decline in sales or production at Soule Steel Company, Carson, California as required in Section 222 of

the Trade Act of 1974. The petition is, therefore, denied.

Signed in Washington, D.C., this 22d day of April 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-12674 Filed 5-2-77;8:45 am]

[TA-W-1593]

STRUCTURAL FABRICATING PLANT, KAISER STEEL 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-1593: 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 that date which was filed by the United Steelworkers of America on behalf of workers and former workers producing Fabricated Structural Shapes at the Fontana, California Structural Fabricating plant of Kaiser Steel Corporation.

The Notice of Investigation was published in the FEDERAL REGISTER on February 8, 1977 (42 FR 8022). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Kaiser Steel Corporation, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The Department's investigation revealed that criteria two (2) and four (4) have not been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATION

Average production employment at the plant increased 26 percent in 1974 from 1973 and 23 percent in 1975 from 1974. Average employment declined 8 percent in 1976 from 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

All production is to customer order so production equals sales.

Sales at the plant declined 18 percent in value in 1974 from 1973 and increased 82 percent in 1975 from 1974. Sales in the first 11 months of 1976 were 62 percent higher than the same period of 1975.

Sales in net tons, decreased 53 percent in 1974 from 1973, increased 6 percent in 1975 from 1974 and increased 164 percent in the first 11 months of 1976 compared to the same period in 1975.

INCREASED IMPORTS

Imports of fabricated structural shapes into the U.S. decreased absolutely and relative to domestic shipments in 1972, 1973, and 1974 from the previous year. Imports increased 3.6 percent absolutely in 1975 from 1974 and 3.2 percent in the first 9 months of 1976 compared to the same period of 1975. Relative to domestic shipments, imports increased from 1.6 percent in 1974 to 2.0 percent in 1975 and 2.6 percent in the first 9 months of 1976 compared to 2.2 percent in the first 9 months of 1975.

Since 1971, imports of Fabricated Structural Shapes have never been more than 3 percent of domestic shipments.

CONTRIBUTED IMPORTANTLY

Customers of the Structural Fabricating Plant of Kaiser have not shifted purchases from Kaiser to off-shore producers.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with fabricated structural shapes produced at the Fontana, California, Structural Fabricating Plant of Kaiser Steel Corporation did not contribute importantly to the total or partial separation of the workers at that plant. Therefore, workers at the plant are not eligible to apply for adjustment assistance.

Signed at Washington, D.C., this 26th day of April 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-12675 Filed 5-2-77;8:45 am]

[TA-W- 1156, 1157, 1158, and 1271]

SWEETREE MILLS, INC.

Revised Certification of Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 222 of the Trade Act of 1974, and in accordance with Section 223(a) of such Act, on December 30, 1976, the Department of Labor issued a certification of eligibility to apply for adjustment assistance applicable to workers and former workers at the Cherryville and King's Mountain plants of Sweetree Mills, Inc. (TA-W-1156, 1157, 1158, and 1271).

The Notice of Certification was published in the FEDERAL REGISTER on January 11, 1977 (42 FR 2383).

Subsequent to the publication of the original determination, the Office of Trade Adjustment Assistance received an inquiry on behalf of workers at the New York, New York office of Sweetree Mills, Inc. Further investigation revealed that eight employees were engaged in employment related to the production of ladies knit sweaters and knit sportswear and should have been included in the original certification as eligible to apply for adjustment assistance.

The subject workers were not identified in the initial investigation or the original certification because the company maintained separate records and ledgers for field staff in other locations.

CONCLUSION

Based on additional evidence, a review of the entire record and in accordance with the provisions of the Act, I have determined that the following certification is hereby made as follows:

All workers at the Cherryville, and King's Mountain, North Carolina plants of Sweetree Mills Inc., who became totally or partially separated from employment on or after September 30, 1975, including employees at the New York, New York office, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 22d day of April 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-12676 Filed 5-2-77;8:45 am]

[TA-W-1570]

WEYENBERG SHOE MANUFACTURING CO. MILWAUKEE SOLE PLANT

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-1570: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on January 10, 1977, in response to a worker petition received on that date which was filed by the Boot and Shoe Worker's Union on behalf of workers and former workers producing men's insoles and outsoles at the Milwaukee Sole plant of the Weyenberg Shoe Manufacturing Company, Milwaukee, Wisconsin.

The notice of investigation was published in the FEDERAL REGISTER on Janu-

ary 28, 1977 (42 FR 5457). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Weyenberg Shoe Manufacturing Company, 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 Department's investigation reveals that criterion (2) and criterion (4) have not been met.

Significant Total or Partial Separations

The average number of production workers at the Milwaukee Sole Plant of the Weyenberg Shoe Manufacturing Company declined 9 percent in 1975 compared to 1974 and increased 2 percent in 1976 compared to 1975.

Sales or Production, or Both Have Decreased Absolutely

Production at the Milwaukee Sole Plant is a function of sales of domestically produced shoes by Weyenberg. Sales of domestically produced shoes by Weyenberg increased 1 percent in 1975 compared to 1974 and increased 3 percent in 1976 compared to 1975.

Production of insoles and outsoles at the Milwaukee Sole plant increased 15 percent in quantity in 1975 compared to 1974 and increased 19 percent in 1976 compared to 1975.

Increased Imports

Imports of men's dress and casual footwear increased from 47.5 million pairs in 1971 to 56.4 million pairs in 1973. Imports declined to 47.5 million pairs in 1975. Imports increased from 35.3 million pairs in the first three quarters of 1975 to 44.7 million pairs in the first three quarters of 1975.

Imports as a percentage of production declined from 53.5 percent in 1974 to 44.9 percent in 1975 and increased from 46.1 percent in the first three quarters of 1975 to 52.1 percent in the first three quarters of 1976.

Contributed Importantly

Separations of workers from the Milwaukee Sole Plant in late 1976 were due to the elimination of heel production and certain finishing operations at the plant. Heel production and finishing operations previously performed at the plant are now contracted to domestic firms.

Conclusion

After careful review of the facts obtained in the investigation I conclude that neither sales nor production decreased absolutely nor did increases of imports of articles like or directly competitive with men's insoles and outsoles produced at the Milwaukee Sole Plant of the Weyenberg Shoe Manufacturing Company did not contribute importantly to the separations of the workers at that plant.

Signed at Washington, D.C., this 21st day of April, 1977.

James F. Taylor,
Director, Office of Management, Administration and Planning.

[FR Doc.77-12678 Filed 5-2-77;8:45 am]

[TA-W-1536]

WILTON CORP., TOOL DIVISION

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, the Department of Labor herein presents the results of TA-W-1536: 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 United Steelworkers of America on behalf of workers and former workers producing home and workshop vises, at the Tool Division of the Winchester, Tennessee plant of the Wilton Corporation.

The Notice of Investigation was published in the Federal Register on January 18, 1977 (42 FR 3381). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Wilton Corporation, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The investigation has revealed that all four of the above criteria have been met.

Significant Total or Partial Separations

The average number of hourly production workers employed by the Tool Division of the Winchester, Tennessee plant of the Wilton Corporation declined 5.4 percent in 1975 compared to 1974 and 30.0 percent in 1976 compared to 1975.

Sales or Production, or Both, Have Decreased Absolutely

Sales of home and workshop vises declined 3.7 percent in 1975 compared to 1974 and then increased 27.7 percent in 1976 compared to 1975.

Sales declined 0.4 percent in the fourth quarter of 1976 compared to the fourth quarter of 1975.

Increased Imports

Imports of utility, workshop, and homeshop bench vises increased absolutely and relatively to domestic production in 1973 compared to 1972 and then declined absolutely and relatively in 1974 compared to 1973. Imports declined absolutely, but increased relatively in 1975 compared to 1974. Imports increased 101.3 percent in quantity in 1976 compared to 1975. The ratios of imports to domestic production and consumption increased from 241 percent and 71 percent, respectively, in 1975 to 435 percent and 81 percent, respectively, in 1976.

Contributed Importantly

The Tool Division of the Winchester, Tennessee plant of the Wilton Corporation continued production and maintained employment throughout most of 1976 in anticipation of an expansion of the home and workshop vise market. Consequently, the company experienced a build-up in its inventory of home and workshop vises. At the end of the second quarter of 1976, the Tool Division's inventory of home and workshop vises had increased 376.9 percent compared to the second quarter of 1975. The company was finally forced to reduce production in an attempt to reduce inventory; consequently, employment declines were experienced in the fourth quarter of 1976.

The Department's investigation revealed that customers of the Wilton Corporation have indicated that they have reduced purchases from the Wilton Corporation and increased purchases of imported home and workshop vises. The price differential between domestic and imported home and workshop vises was the factor cited most frequently as the reason that customers switched from domestic to foreign suppliers.

Conclusion

After careful review of the facts obtained in the investigation, I conclude

that increases of imports like or directly competitive with home and workshop vises produced by the Tool Division at the Winchester, Tennessee plant of the Wilton Corporation 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 of the Tool Division at the Winchester, Tennessee plant of the Wilton Corporation who became totally or partially separated from employment on or after October 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 21st day of April 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-12677 Filed 5-2-77;8:45 am]

NATIONAL SCIENCE FOUNDATION

SUBPANEL ON THE ETHICS AND VALUES IN SCIENCE AND TECHNOLOGY PROGRAM (EVIST)

Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Subpanel on the Ethics and Values in Science and Technology Program of the Advisory Panel on Science Education Projects.
Date and time: May 19 and 20, 1977; 9 a.m. to 5:30 p.m.
Place: Room 651, 5225 Wisconsin Ave., Washington D.C. 20550.
Type of meeting: closed.
Contact person: Dr. William A. Blanpied, Program Director, EVIST, room W-666, National Science Foundation, Washington, D.C. 20550; telephone: 202-282-7770.
Purpose of panel: To provide advice and recommendations concerning support for research in the EVIST program.
Agenda: To review and evaluate research proposals as part of the selection process of awards.
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 Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Acting Director, NSF, on February 18, 1977.

M. REBECCA WINKLER,
Acting Committee Management Officer.

APRIL 28, 1977.

[FR Doc.77-12698 Filed 5-2-77;8:45 am]

WOMEN IN SCIENCE PROGRAM, PROJECT DIRECTORS

Meeting

A project directors' meeting will be held from 5 p.m. to 10 p.m. on Thursday, May 19, 1977, and from 9 a.m. to 5 p.m. on Friday, May 20, 1977, at the Sheraton Park Hotel, 2660 Woodley Rd. NW., Washington, D.C.

The purpose of this meeting is to give project directors of the Science Career Facilitation Projects component of the Women in Science Program an opportunity to exchange information regarding the conduct of Science Career Facilitation Projects and to allow the program staff to set into motion mechanisms for monitoring of projects.

While these project directors' meetings are not considered to be a meeting of an "advisory committee" as that term is defined in Section 3 of the Federal Advisory Committee Act (Pub. L. 91-463) the conferences are believed to be of sufficient importance and interest to the general public to be announced in the FEDERAL REGISTER as meetings open for public attendance and participation.

The meeting will be chaired by Ms. M. Joan Callanan. Because of space limitation, members of the public who wish to attend should call 202-282-7150 regarding attendance at this meeting.

M. REBECCA WINKLER,
Acting Committee Management Officer.

APRIL 28, 1977.

[FR Doc.77-12697 Filed 5-2-77;8:45 am]

AD HOC ADVISORY PANEL FOR THE VERY LARGE ARRAY

Open Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Ad Hoc Advisory Panel for the Very Large Array.
Date: May 19, 1977.
Time: 9:30 a.m.
Place: Room 421, National Science Foundation, 1800 G Street NW., Washington, D.C. 20550.
Type of meeting: Open.
Contact person: Mr. Claud M. Kellett, Executive Secretary, Ad Hoc Advisory Panel for the Very Large Array, room 618, National Science Foundation, Washington, D.C. 20550, telephone 202-632-7340. Anyone who plans to attend should notify Mr. Kellett prior to the meeting.
Summary minutes: May be obtained from the Committee Management Coordination Staff, Management Analysis Office, room 248, National Science Foundation, Washington, D.C. 20550.
Purpose of advisory panel: To advise the Director of the National Science Foundation concerning the management and future planning of the Very Large Array (VLA) Project of the National Radio Astronomy Observatory.

SUMMARY AGENDA

9:30 a.m.—Welcome and Introductory Remarks—Assistant Director for Astronomical, Atmospheric, Earth, and Ocean Sciences.
9:40 a.m.—Discussion of General Mode of Operation and Selection of Chairman.
10:30 a.m.—Break
10:45 a.m.—NSF and Contractor Staff Presentations.
Noon—Recess.
1:30 p.m.—Discussion with Staff Members of Presentation Details.
3 p.m.—Break.
3:15 p.m.—Assignment of Study Tasks, Chairman.
4:15 p.m.—Schedule and Arrangements for Future Meetings, Executive Secretary.
4:30 p.m —Adjourn.

M. REBECCA WINKLER,
Acting Committee Management Officer.

APRIL 28, 1977.

[FR Doc.77-12699 Filed 5-2-77;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on April 26, 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 (202-395-45291), or from the reviewer listed.

NEW FORMS

NATIONAL COMMITTEE ON THE OBSERVANCE OF INTERNATIONAL WOMEN'S YEAR

Registration Form (N.C.), on occasion, participants at State conference, Caywood, D. P., 395-3443.
Nomination Form (Iowa), on occasion, delegates to National conference Caywood, D. P., 395-3443.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education, Assessment of Status of Marketing of Educational Materials for the Handicapped, single time, developers of special education materials, Kathy Wallman, 396-6140.

DEPARTMENT OF THE TREASURY

Bureau of Customs, Importer's Premises Visit—Significant Importation Report 213, on occasion, importers, Tracey Cole, 395-5870.

EXTENSIONS

RAILROAD RETIREMENT BOARD

Applicants Statement of Employment and Wages, UI-9, on occasion, applicants for unemployment benefits, Marsha Traynham, 395-4529.

Request for Information Re and Statement of Marital Status, Legal Termination of (Previous Marriage), G-237, G-237A, on occasion, railroad applicant—Employees, Marsha Traynham, 395-4529.

Employees Eligibility for Hospital Insurance Benefits, AA-101, AA-103, on occasion, railroad employees and their wives, Marsha Traynham, 395-4529.

Application for Recomputation of Employee Annuity Under RRA, AA-1B, on occasion, retirement annuitants, Marsha Traynham, 395-4529.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.77-12741 Filed 5-2-77;8:45 am]

DEPARTMENT OF STATE

[Public Notice 541]

JOINT AIRPORT TO SERVE PINECREEK, MINNESOTA, AND PINEY, MANITOBA, CANADA

Proposed Agreement

The State of Minnesota and the Local Governmental District of Piney, Manitoba, Canada, seek to enter into an agreement establishing a joint airport to serve Pinecreek, Minnesota and Piney, Manitoba. Article One, Section 10 of the U.S. Constitution provides that a State may enter into an agreement with a foreign government only with the consent of Congress. In section 608 of the International Security Assistance and Arms Export Control Act of 1976, Pub. L. 94-329, Congress granted its consent to the joint airport agreement, and provided that the effectiveness of the agreement would be conditioned upon its approval by the Department of State. Pursuant to that mandate, the Department of State invites public comment bearing upon its decision whether to approve the agreement. Comments should be sent to the Assistant Legal Adviser for Economic and Business Affairs, Department of State, Washington, D.C. 20520.

The agreement contemplates the extension of the runway at the existing Pinecreek Airport across the U.S.-Canadian border and the construction of an apron to contain a joint customs facility. The purpose of these modifications is twofold: to bring the existing airport into compliance with Federal Aviation Administration standards, and to facilitate the passage across the U.S.-Canadian border of persons travelling by air. The modifications do not involve the construction of any permanent structures within the 20-foot swath maintained by the International Boundary Commission under the 1925 Treaty in Regard to the Boundary between the United States and Canada, 44 Stat. 2102. It is contemplated that the airport will be used exclusively by propellor-driven aircraft of a maximum gross weight not to exceed 12,500 pounds.

The agreement provides for the creation of a joint airport authority to be governed by a joint board composed of six members, three from each country. Under specified rules of procedure, the joint board is empowered to make necessary rules and regulations concerning the operation of the airport and the maintenance of property under the control of the joint airport authority, subject to the approval of both the Assistant Commissioner of the Minnesota Department of Transportation, Division of Aeronautics and the Local Governmental District of Piney. Such approval is also required: (1) to authorize the joint board to acquire or dispose of any real property, air navigation facility, or air protection privilege; and (2) to finalize the budget of the joint airport authority. Provisions are included to govern renewal, amendment, and termination of the agreement, as well as arbitration of any disputes which may arise between the contracting parties.

Should the Department of State decide to approve the agreement, certain budgetary constraints upon the Division of Aeronautics of the Minnesota Department of Transportation would require that funds to be used for the joint airport project be encumbered by June 30, 1977. For this reason all comments should be received by the Department of State by May 20, 1977.

Copies of the proposed agreement are available for inspection in the Office of the Assistant Legal Adviser for Economic and Business Affairs, and upon request will be mailed to interested parties.

Dated: April 28, 1977.

PHILLIP R. TRIMBLE,
Assistant Legal Adviser for Economic and Business Affairs.

[FR Doc.77-12621 Filed 5-2-77;8:45 am]

[Public Notice CM-7/62]

SHIPPING COORDINATING COMMITTEE, UNITED STATES NATIONAL COMMITTEE FOR THE PREVENTION OF MARINE POLLUTION

Meeting

The working group on segregated ballast in existing tankers of the United States National Committee for the Prevention of Marine Pollution, a subcommittee of the Shipping Coordinating Committee, will hold an open meeting at 9:30 a.m. on Thursday, May 26, 1977, in Room 8236 of the Department of Transportation, 400 Seventh Street, S.W., Washington, D.C.

In accordance with the President's initiative on oil spill control, the meeting is called for the purpose of discussing arguments in favor of imposing certain construction requirements for all oil tankers entering U.S. ports, specifically segregated ballast on all tankers and double bottoms on all new tankers.

Requests for further information on the meeting should be directed to Capt. J. R. Kirkland, United States Coast Guard. He may be reached by telephone on (area code 202) 426-2010.

The Chairman will entertain comments from the public as time permits.

RICHARD K. BANK,
Chairman, Shipping Coordinating Committee.

APRIL 27, 1977.

[FR Doc.77-12596 Filed 5-2-77;8:45 am]

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

INTERGOVERNMENTAL SCIENCE, ENGINEERING, AND TECHNOLOGY ADVISORY PANEL

Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the Office of Science and Technology Policy announces the following meeting:

NAME: Intergovernmental Science, Engineering, and Technology Advisory Panel, Human Resources Task Force.

DATE: May 27, 1977.

TIME: 9 a.m. to 3 p.m.

PLACE: Room 3104, New Executive Office Building, 726 Jackson Place, N.W., Washington, D.C.

TYPE OF MEETING: Open.

CONTACT PERSON:

Mr. Louis Blair, Executive Secretary, Intergovernmental Science, Engineering, and Technology Advisory Panel, Office of Science and Technology Policy (202/395-4596). Anyone who plans to attend should contact Mr. Blair by May 23.

PURPOSE OF THE PANEL: The Intergovernmental Science, Engineering, and Technology Advisory Panel was established on November 4, 1976. The Panel is to identify State, regional and local government problems which research and technology may assist in resolving or ameliorating and to help develop policies to transfer research and development findings. The Human Resources Task Force was formed on March 25, 1977. It is responsible for identifying steps that the Federal Government might take to increase the involvement of State and local governments in setting research priorities in the human resources area and to increase the applications of human resources related research and science and technology products and processes in State and local governments.

MINUTES OF THE MEETING: Summary minutes of the meeting will be available from Mr. Blair.

TENTATIVE AGENDA

To discuss structure, objectives and coordinative measures and to develop a charter for the Human Resources Task Force.

WILLIAM J. MONTGOMERY,
Executive Officer, Office of Science and Technology Policy.

APRIL 26, 1977.

[FR Doc.77-12571 Filed 5-2-77;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-13469; File No. SR-NYSE-77-14]

NEW YORK 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 April 18, 1977, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED CONSTITUTIONAL AND RULE CHANGES

The text of the proposed amendments is attached as Exhibit I.

PURPOSE OF THE PROPOSED CONSTITUTIONAL AND RULE CHANGES

The proposed changes would accomplish the following:

The primary purpose of the proposed changes is to eliminate unnecessary language from the Exchange Constitution and to organize the various constitutional and rule provisions relating to member organization formation, approval and changes into a cohesive set of requirements. A simplified Constitution would reduce the need for repetitive membership ballots in order to accommodate language changes which are largely housekeeping in nature or are mandated by the law.

While most of the proposed amendments are housekeeping in nature, there are several substantive changes included in this proposal:

(a) Article IX, section 3 is proposed for an amendment to reflect expanded summary proceedings available under the Securities Reform Act of 1975. The Act permits summary suspension in cases of expulsion or suspension by another self-regulatory organization or for financial or operating difficulty (not limited to insolvency) which impairs safety to investors, creditors, other members or the Exchange. The proposed constitutional amendment would grant the Board authority to reinstate a member summarily suspended pursuant to the requirements of the Act which will be included in Exchange rules.

(b) Article IX, section 7(c) is proposed for deletion since the conditions for member corporation approval are contained in proposed Rule 311, due process provisions are contained in Article XIV and definitions are contained in Article I, section 3.

(c) Rule 311(a) is proposed for an amendment to include that portion of Article IX, section 7(a) which applies to member organization approval by the Exchange Board of Directors. The portion of section 7(a) which deals with approval of persons as allied members or approved persons is proposed for inclusion in proposed Rule 304(a). Reference may be made to File No. SR-NYSE-77-13 for discussion of proposed Rule 304.

(d) Proposed Rule 311(f) represents a repositioning of Article IX, section 7(j), and is proposed for an amendment to exclude Canada as a qualifying domicile for member organizations. The purpose of this deletion is to eliminate discrimination among foreign organizations. The U.S. domicile requirement is retained for the purpose of maintaining regulatory control, including the ability to obtain legal service of any member organization. In this connection, in a letter to Chairman Hills dated January 24, 1977, SIPC expressed concern over potential problems which may arise when foreign broker-dealers become NYSE members and thereby become members of SIPC by operation of section 3(a)(2)(B) of the Securities Investors Protection Act of 1970. SIPC believes it would probably be impossible to carry out the purposes of SIPA with respect to customers of foreign broker-dealers should that ever become necessary if these foreign members have no place of business in the United States and do not maintain substantial assets in this country.

Under the proposed rules a member organization could be owned and controlled by foreign interests, but access to the Exchange would be available to them through U.S. subsidiaries. Thus, the protective features of SIPA would be more surely available if foreign members were organized as domestic corporations subject to a federal district court's adjudication that the customers are in need of SIPC protection.

All other changes represent repositioning of various constitutional and rule provisions for the purpose of centralizing member organization formation and approval conditions into Rule 311, changes within member organizations into Rule 312 and allied member and approved person requirements into proposed Rule 304 (see File No. SR-NYSE-77-13). In this repositioning process, Article IX, sections 7 through 13, and Rules 316 and 320 would be deleted.

BASIS UNDER THE ACT

(i) The repositioning of various constitutional and rule provisions into one cohesive set of requirements enhances the Exchange's capacity to carry out the purposes of the Act and to enforce compliance by its members and persons associated with its members with the Act and the rules and regulations thereunder. The expanded summary proceedings available under the Act are reflected in the amendment to Article IX, section 3, in granting Board authority to reinstate members so suspended. Additionally, the U.S. domicile requirement assures enhanced ability for the Exchange to enforce compliance through available legal service.

(ii) The repositioning of various constitutional and rule provisions relating to members and member organizations into one cohesive set of requirements enhances the ability of any registered broker or dealer to be a member or member organization of the Exchange. This repositioning eliminates unnecessary and redundant language from the Constitution and places all membership requirements in one cohesive set of rules.

(iii) Not applicable.

(iv) Not applicable.

(v) The amendment relating to a U.S. domicile requirement protects investors and the public interest by establishing an equal legal basis under which the purposes of the Securities Investors Protection Act may be carried out. The Board's reinstatement authority for members summarily suspended promotes just and equitable principles of trade and removes impediments to the mechanism of a free and open market by conforming this authority to the Act's expanded availability of summary proceedings.

(vi) Not applicable.

(vii) The amendment granting Board authority to reinstate members summarily suspended carries out the purposes of section 6(d) of the Act by conforming this authority with the expanded summary proceeding available in that section.

(viii) Not applicable.

COMMENTS RECEIVED FROM MEMBERS, PARTICIPANTS OR OTHERS ON PROPOSED RULE CHANGES

Comments were not solicited on this proposal.

BURDEN ON COMPETITION

This proposal will not impose any burden on competition.

On or before June 7, 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 24, 1977.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

APRIL 25, 1977.

EXHIBIT I—PROPOSED CONSTITUTIONAL AMENDMENTS

New language *in italics;* Deleted language in [brackets]

ARTICLE IX—MEMBERSHIP, ALLIED MEMBERSHIP, MEMBER FIRMS, MEMBER CORPORATIONS

* * * * *

ELECTION, REINSTATEMENT, READMITTANCE TO MEMBERSHIP

SEC. 3. The Board of Directors may approve as a member any person eligible for membership or reinstate a member *summarily* suspended [for insolvency] *under the rules of the Exchange* or readmit a person who has been expelled from the Exchange.

* * * * *

APPROVAL OF PARTNERSHIPS, CORPORATIONS, ALLIED MEMBERS AND APPROVED PERSONS

[SEC. 7. (a) No partnership or corporation shall become or remain a member firm or member corporation and no person shall become or remain an allied member or approved person unless approved by the Board of Directors.] [1]

CONDITIONS OF APPROVAL OF MEMBER CORPORATION

[(b) The Board of Directors shall not approve a corporation as a member corporation unless:

* * * * *

(4) The board of directors of such corporation shall designate its "principal executive officers" who shall be members or allied members and shall exercise supervision and control over the business of such corporation in such areas as the Board of Directors of the Exchange may from time to time determine; [2]

(5) The primary purpose of such corporation is the transaction of business as a broker or dealer in securities; and [3]

(6) Such corporation complies with such additional requirements as the Board of Directors of the Exchange may from time to time prescribe.] [4]

WITHDRAWAL OF APPROVAL OF MEMBER CORPORATION

[(c) Approval of a member corporation shall be withdrawn if:

(1) In the opinion of the Board of Directors of the Exchange any of the conditions for approval contained in subsection (b) hereof cease to be maintained; or

(2) Such corporation violates any of its, or any member, allied member, or approved person in such corporation violates any of his, agreements with the Exchange; or

(3) Such corporation fails to comply with all the provisions of the Constitution of the Exchange and the rules and requirements of the Board of Directors of the Exchange and practices of the Exchange as the same may be amended from time to time.]

* * * * *

APPROVAL REVOCABLE

[(e) The approval of a corporation as a member corporation constitutes only a revocable privilege and confers on the corporation no right or interest of any nature whatsoever to continue as a member corporation.] [5]

* * * * *

CONDITIONS FOR REDEMPTION OR CONVERSION

[(g) Whenever a party who is required to be approved by the Board as a member, allied member or approved person fails or ceases to be so approved, each member corporation shall promptly redeem or convert to a fixed income security such of its outstanding voting stock as may be necessary to reduce such party's ownership of voting stock in the member corporation below that level which enables such party to cexrcise controlling influence over the management or policies of such member corporation.] [6]

NON-VOTING COMMON STOCK—PROHIBITION

[(h) Without the prior approval of the Board of Directors no member corporation shall issue any publicly held security in the form of non-voting common stock.] [7]

* * * * *

[(j) Every member firm shall be a partnership and every member corporation shall be a corporation created or organized under the laws of, and shall maintain its principal place of business in, the United States or Canada or any State or Province thereof.] [8]

* * * * *

USE OF FACILITIES OF EXCHANGE

SEC. [12] 7. The Exchange shall not be liable for any damages sustained by a member or an allied member or a member firm or a member corporation growing out of the use or enjoyment of such member, allied member, member firm or member corporation of the facilities afforded by the Exchange to members, allied members, member firms and member corporations for the conduct of their business.

DEATH OF SOLE EXCHANGE MEMBER

GENERAL PARTNER

[SEC. 13. (a) The Board of Directors may, on the application of the surviving partners in a member firm whose only general partner who was a member of the Exchange has died, permit, notwithstanding the death of such member, a continuing partnership which otherwise meets Exchange requirements, to have the status of a member firm for such period as the Board of Directors may determine, under such conditions as it may fix. The Board in its discretion may, at any time during such period, withdraw such permission and upon such withdrawal such status shall terminate.] [9]

* * * * *

PROPOSED RULE AMENDMENTS

New language *in italics;* deleted language [bracketed]

RULE 311—FORMATION AND APPROVAL OF MEMBER ORGANIZATIONS

Rule 311. (a) Any [party] *person* who proposes to form a member organization or who proposes to become a member or allied member in an organization for which application is made for approval as a member organization and any member organization which proposes to admit therein any:

(1) Member; (2) Allied member; (3) Approved person,

shall notify the Exchange in writing before any such formation or admission, and shall submit such information as may be required by the Exchange. *No such member or member organization shall become or remain a member organization unless all persons required to be approved are so approved and execute such agreements with the Exchange as the Board of Directors may from time to time prescribe.* [1]

(b) The Board of Directors shall not approve a partnership or corporation as a member organization unless: [2]

* * * * *

(5) the board of directors of such corporation designates its "principal executive officers" who shall be members or allied members and shall exercise supervision and control over the business of such corporation in such areas as the Board of Directors of the Exchange may from time to time determine; and [3]

(6) The primary purpose of such partnership or corporation is the transaction of business as a broker or dealer in securities; and [4]

(7) such partnership or corporation complies with such additional requirements as the Board of Directors of the Exchange may from time to time prescribe. [5]

(c) In the case of existing corporations making application to become member corporations, there shall be submitted to the Exchange:

(1) A certified list of all holders of record of each class of stock, giving the name and address of the holder and the number of shares of each class of such stock held;

(2) A certified list of all persons who are to become members, allied members, directors or approved persons.

(3) A certified list of all persons designated as principal executive officers of the corporation.

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[1] Proposed Rules 311(a) and 304(a) (SR-NYSE-77-13).
[2] Proposed Rule 311(b)(5).
[3] Proposed Rule 311(b)(6).
[4] Proposed Rule 311(b)(7).
[5] Proposed Rule 311(d).
[6] Proposed Rule 312(d).
[7] Proposed Rule 311(e).
[8] Proposed Rule 311(f) as amended.
[9] Proposed Rule 312(b)(1).
[1] Article IX, Sec. 7(a)
[2] Article IX, Sec. 7(b) (SR-NYSE-77-13).
[3] Article IX, Sec. 7(b)(4) as amended.
[4] Article IX, Sec. 7(b)(5) as amended.
[5] Article IX, Sec. 7(b)(6) as amended.

In the case of corporations proposed to be organized, similar information shall be submitted to the Exchange.[4]

(d) The approval of a corporation as a member corporation constitutes only a revocable privilege and confers on the corporation no right or interest of any nature whatsoever to continue as a member corporation.[5]

(e) Without the prior approval of the Board of Directors no member corporation shall issue any publicly held security in the form of non-voting common stock.[6]

(f) Every member firm shall be a partnership and every member corporation shall be a corporation created or organized under the laws of, and shall maintain its principal place of business in, the United States or any State thereof.

* * * * *

(h) Except as may be otherwise permitted by the Exchange, no member or allied member shall conduct business under a firm name unless he has at least one partner nor shall any member firm doing business with the public have less than two general partners who are active in the firm's business; provided however, that if by death or otherwise a member or allied member becomes the sole general partner in a firm, he may continue business under the firm name for such period as may be allowed by the Exchange. (See Rule 404 [¶ 2404] re carrying of accounts by individual members.)[7]

* * * Supplementary Material:

* * * * *

.11 Application—The papers required to be submitted prior to approval of the formation or admission of a member organization are as follows:

(1) Letter giving name and address of proposed or existing organization, date of proposed formation or admission, and names of all proposed or present officers and other parties required to be approved by the Exchange under Rules 304 and 311; and

(2) individually executed applications by all parties whose approval by the Exchange is required.

The papers required to be submitted prior to approval of the admission to an existing member organization of any party, other than a member, requiring the approval of the Exchange under Rule 304 and 311, are as follows:

(1) Letter stating name of such proposed party and proposed date of admission to member organization; and

(2) an individually executed application by such proposed party.[8]

* * * * *

.12 Authorization and Statement of Understanding—Each member organization, or proposed member organization, must submit the following authorization and statement of understanding executed by each party requiring the approval of the Exchange under Rule 304.

"In connection with my current application, I authorize the New York Stock Exchange, Inc. and any agent acting on it behalf, to conduct an investigation of my character, general reputation, personal characteristics, mode of living and credit worthiness.

"I authorize and request any and all of my former employers, and any other person to furnish to the New York Stock Exchange, Inc., and any agent acting on its behalf, any information that they may have concerning my character, general reputation, personal characteristics, mode of living and credit worthiness. Moreover, I hereby release each such employer and each such other person from any and all liability of whatsoever nature by reason of furnishing such information to the New York Stock Exchange, Inc. and any agent acting on its behalf.

"Further, I recognize that I will be the subject of an investigative report ordered by the New York Stock Exchange, Inc. and acknowledge that I have been informed of my right to request information from the New York Stock Exchange, Inc., concerning the nature and scope of the investigation requested."[9]

.13 Agreement with the Exchange—Each member corporation and each member, allied member and approved person of the corporation must agree with the Exchange that if any person required to be approved by the Exchange as a member, allied member or approved person fails or ceases to be so approved, the corporation may be deprived by the Exchange of all the privileges of a member corporation unless the corporation redeems or converts the stock held by such person as required under Rule 312.[10]

.14 Partnership agreements—For information regarding the submission of copies of proposed partnership articles, see ¶ 2313.10.[11]

.15 Corporate documents—For information regarding the submission of copies of proposed or existing corporate documents and other agreements, see ¶ 2313.20.[12]

.16 No person shall be appointed an officer of a member corporation without the prior written approval of the Exchange.

Principal executive officers of a member corporation must be members or allied members and must be persons who have been designated by the directors as having senior principal executive responsibility for various areas of the member corporation's business, including: Operations, compliance with rules and regulations of regulatory bodies, finances and credit, sales, underwriting, research and administration. A single individual may have more than one, or all, of such responsibilities.[13]

RULE 312—CHANGES WITHIN MEMBER ORGANIZATION

New language *in italics;* deleted language [bracketed]

Rule 312. (a) Each member organization shall promptly give to the Exchange notice in writing on such form as may be required by the Exchange (1) on Form AD–12, of the death, retirement, or other termination of any party required to be approved by the Exchange [under Rule 311], (2) of the dissolution of the member organization, or (3) of the fact that the primary purpose of such member organization has ceased to be the transaction of business as a broker or dealer in securities.

(b) In addition, in the case of a member corporation, such member corporation shall give written notice (1) of any material change in the stockholdings of any member, allied member or approved person of such member corporation, (2) of any proposed change in the directors or officers, or (3) of any proposed change in the charter, certificate of incorporation, by-laws or other documents on file with the Exchange, or (4) of the *failure to comply with all the conditions of approval specified in Rule 311* [happening of any of the events specified in subdivisions (1), (2) and (3) of sub-paragraph (c) of Section 7 of Article IX of the Constitution [¶1407]].

(c) Each member, allied member and approved person of a member corporation shall promptly notify his member corporation of any material acquisition or disposition of shares of stock such corporation.

(d) Whenever a person who is required to be approved by the Board as a member, allied member or approved person fails or ceases to be so approved, each member corporation shall promptly redeem or convert to a fixed income security such of its outstanding voting stock as may be necessary to reduce such party's ownership of voting stock in the member corporation below that level which enables such party to exercise controlling influence over the management or policies of such member corporation.[1]

* * * * *

(f) (1) The Board of Directors may, on the application of the surviving partners in a member firm whose only general partner who was a member of the Exchange has died, permit, notwithstanding the death of such member, a continuing partnership which otherwise meets Exchange requirements, to have the status of a member firm for such period as the Board of Directors may determine, under such conditions as it may fix. The Board in its discretion may, at any time during such period, withdraw such permission and upon such withdrawal such status shall terminate.[2]

* * * * *

(g) After the completion of a distribution of its securities no member cor-

[4] Rule 313.24 as amended.
[5] Article IX, Sec. 7(e).
[6] Article IX, Sec. 7(h).
[7] Rule 316.
[8] Rule 312.16.
[9] Rule 312.17.
[10] Rule 313.25.
[11] Rule 312.24.
[12] Rule 312.26.
[13] Rule 320(b).
[1] Article IX, Sec. 7(g) as amended.
[2] Article IX, Sec. 13(a).

poration which has any publicly held security outstanding shall effect any transaction (except on an unsolicited basis) for the account of any customer in, or make any recommendation with respect to, any such security issued by such member corporation or make any recommendation of any such security issued by any corporation controlling, controlled by or under common control with such member corporation.

No member corporation which has any publicly held security outstanding shall, without the prior written approval of the Exchange, dispose of any such security for its own account and no member corporation shall acquire any such security for its own account or for the account of any corporation controlling, controlled by or under common control with such member corporation except with the prior written approval of the Exchange or pursuant to the terms and provisions of such security or of any agreement between the member corporation and the holder of such security, which agreement has previously been filed with and approved by the Exchange.[5]

(h) A member corporation shall not without the prior written approval of the Exchange:

(1) Reduce its capital or purchase or redeem any shares of any class of its stock or in any way amend its charter, certificate of incorporation or bylaws, and the Exchange may at any time in its discretion require the corporation to restore or increase capital or surplus, or both.

(2) Issue any bonds, notes or other instruments evidencing funded indebtedness of the corporation except pursuant to the terms and provisions of such security or of any agreement between the member corporation and the holder of such security, which agreement has been previously filed with and approved by the Exchange.

(3) Amend, modify or cancel any agreement made by it or any of its stockholders relating to the management of the corporation or the issue or transfer of securities of the corporation (other than agreements relating to ordinary securities and commodities transaction).[6]

(i) No member corporation subject to Rule 325 shall, without the prior written consent of the Exchange, redeem or repurchase any shares of its stock on less than six months notice given to the Exchange no sooner than six months after the original issuance of such shares (or any predecessor shares). Each member corporation shall promptly notify the Exchange if any redemption or repurchase of any of its stock is postponed because prohibited under the provisions of Securities and Exchange Commission Rule 15c3–1 (see 15c3–1(e)).[7]

(j) The Exchange may require any member organization to file with the Exchange a written report showing the use made by the member organization of the proceeds of any offering of any security issued by such member organization.[8]

(k) No stock shall be issued by a member corporation except for cash or such other consideration as may be approved by the Exchange.[9]

* * * Supplementary Material:

[.10 Constitutional provisions.—Reference should be made to Article IX regarding the method of becoming an allied member and the rights and privileges of allied memberships as well as Rules 311 to 320 inclusive, relating to partnerships or corporations.]

[.16 Application.—The papers required to be submitted prior to approval of the formation or admission of a member organization are as follows:

(1) Letter giving name and address of proposed or existing organization, date of proposed formation or admission, and names of all proposed or present officers and other parties required to be approved by the Exchange under Rule 311; and

(2) Individually executed applications by all parties whose approval by the Exchange is required.

The papers required to be submitted prior to approval of the admission to an existing member organization of any party, other than a member, requiring the approval of the Exchange under Rule 311 are as follows:

(1) Letter stating name of such proposed party and proposed date of admission to member organization:

(2) An individually executed application by such proposed party.] [10]

* * * * *

[.17 Authorization and Statement of Understanding.—

Each member organization, or proposed member organization, must submit the following authorization and statement of understanding executed by each party requiring the approval of the Exchange under Rule 311:

"In connection with my current application I authorize the New York Stock Exchange, Inc. and any agent acting on its behalf, to conduct an investigation of my character, general reputation, personal characteristics, mode of living and credit worthiness."

"I authorize and request any and all of my former employers, and any other person to furnish to the New York Stock Exchange, Inc., and any agent acting on its behalf, any information that they may have concerning my character, general reputation, personal characteristics, mode of living and credit worthiness. Moreover, I hereby release each such employer and each such other person from any and all liability of whatsoever nature by reason of furnishing such information to the New York Stock Exchange, Inc., and any agent acting on its behalf."

"Further, I recognize that I will be the subject of an investigative report ordered by the New York Stock Exchange, Inc., and acknowledge that I have been informed of my right to request information from the New York Stock Exchange, Inc., concerning the nature and scope of the investigation requested."] [11]

* * * * *

[.24 Partnership agreements.—For information regarding the submission of copies of proposed partnership articles, see ¶ 2313.10.] [12]

[.26 Corporate documents.—For information regarding the submission of copies of proposed or existing corporate documents and other agreements, see ¶ 2313.20] [13]

RULE 313—SUBMISSION OF PARTNERSHIP ARTICLES—SUBMISSION OF CORPORATE DOCUMENTS

* * * * *

* * * Supplementary Material:

* * * * *

.18 Sole board member provision.—For information concerning sole board member provisions, see [Sections 13(a) and 13(b) of Article IX of the Constitution [¶ 1413]. See also] ¶ *2312 and* 2314.6.

* * * * *

.21 Provisions concerning disposition of stock.—The certificate of incorporation of a member corporation may contain provisions that the corporation or its stockholders, or both, may have a prior right to purchase the stock of any stockholder upon such terms and conditions as may be specified therein.

The Exchange will expect a member corporation, either through its certificate of incorporation or separate agreements, to be in a position at all times to comply with the provisions of *Rule 312(d)*. [Subsection (g) of Article IX, Section 7 of the Constitution.]

Each stock certificate of a member corporation shall carry on its face a statement of any such provisions or a full summary thereof.

* * * * *

[.24 List of Stockholders.—In the case of existing corporations making application to become member corporations, there shall be submitted to Regulation & Surveillance:

(1) A certified list of all holders of record of each class giving the name and address of the holder and the number of shares of each class of such stock held;

(2) A certified list of all persons who own beneficially 1 percent or more of the corporation's outstanding voting stock showing the percentage of such ownership;

(3) A certified list of all persons who are to become members, allied members, directors or approved persons, giving the name, address and number of shares of each class of stock held indicating the type of holding whether of record or beneficially or both by such persons;

(4) A certified list of all persons designated as principal executive officers of the corporation.

[5] Rule 320(d).
[6] Rule 320(e).
[7] Rule 320(f).
[8] Rule 320(g).
[9] Rule 320(i).
[10] Proposed Rule 311.11.
[11] Proposed Rule 311.12.
[12] Proposed Rule 311.14.
[13] Proposed Rule 311.15.

In the case of corporations proposed to be organized, similar information shall be submitted to Regulation & Surveillance.][1]

[.25 Agreement with the Exchange.—Each member corporation and each member, allied member and approved person of the corporation must agree with the Exchange that if any person required to be approved by the Exchange as a member, allied member or approved person fails or ceases to be so approved, the corporation may be deprived by the Exchange of all the privileges of a member corporation unless the corporation redeems or converts the stock held by such person as required under Sebsection (g) of Article IX, section 7 of the Constitution.][2]

RULE 316—MINIMUM OF ACTIVE PARTNERS IN FIRMS—USE OF A FIRM NAME

[Rule 316. Except as may be otherwise permitted by the Exchange, no member or allied member shall conduct business under a firm name unless he has at least one partner nor shall any member firm doing business with the public have less than two general partners who are active in the firm's business: *Provided, however,* that if by death or otherwise a member or allied member becomes the sole general partner in a firm, he may continue business under the firm name for such period as may be allowed by the Exchange. (See Rule 404 [¶ 2404] re carrying of accounts by individual members.)] [3]

RULE 320—MISCELLANEOUS RESTRICTIONS ON CORPORATE MEMBERS

Directors

[Rule 320. (a) No person shall serve as a director of a member corporation without the prior written approval of the Exchange. All directors of a member corporation must be elected at each annual meeting and may, subject to the certificate of incorporation and by-laws of the member corporation, serve any number of terms as director.

At least a majority of the directors of a member corporation must be members or allied members; and each director who is not a member or allied member must be an approved person.] [3]

Officers

[(b) No person shall be appointed an officer of a member corporation without the prior written approval of the Exchange.

Principal executive officers of a member corporation must be members or allied members and must be persons who have been designated by the directors as having senior principal executive responsibility for various areas of the member corporations' business, including: Operations, compliance with rules and regulations of regulatory bodies, finances and credit, sales, underwriting, research and administration. A single individual may have more than one, or all, of such responsibilities.] [4]

REDUCTION OF VOTING STOCK

[(c) Whenever a party fails or ceases to be approved by the Exchange as a member, allied member or approved person of a member corporation, such corporation shall redeem or convert to a fixed income security such of its voting stock owned by such party as may be necessary to reduce such party's ownership of voting stock of such corporation below that level which enables such party to exercise controlling influence over the management of policies of such member corporation.] [5]

TRANSACTIONS IN CORPORATION'S SECURITIES

[(d) After the completion of a distribution of its securities no member corporation which has any publicly held security outstanding shall effect any transaction (except on an unsolicited basis) for the account of any customer in, or make any recommendation with respect to, any such security issued by such member corporation or make any recommendation of any such security issued by any corporation controlling, controlled by or under common control with such member corporation.

No member corporation which has any publicly held security outstanding shall, without the prior written approval of the Exchange, dispose of any such security for its own account and no member corporation shall acquire any such security for its own account or for the account of any corporation controlling, controlled by or under common control with such member corporation except with the prior written approval of the Exchange or pursuant to the terms and provisions of such security or of any agreement between the member corporation and the holder of such security, which agreement has previously been filed with and approved by the Exchange.] [6]

CORPORATE CHANGES TO BE APPROVED BY EXCHANGE

[(e) A member corporation shall not without the prior written approval of the Exchange:

(1) Reduce its capital or purchase or redeem any shares of any class of its stock or in any way amend its charter, certificate of incorporation or by-laws, and the Exchange may at any time in its discretion require the corporation to restore or increase capital or surplus, or both.

(2) Issue any bonds, notes or other instruments evidencing funded indebtedness of the corporation except pursuant to the terms and provisions of such security or of any agreement between the member corporation and the holder of such security, which agreement has been previously filed with and approved by the Exchange.

(3) Amend, modify or cancel any agreement made by it or any of its stockholders relating to the management of the corporation or the issue or transfer of securities of the corporation (other than agreements relating to ordinary securities and commodities transactions).] [7]

REDEMPTION OR REPURCHASE OF STOCK

[(f) No member corporation subject to Rule 325 shall, without the prior written consent of the Exchange, redeem or repurchase any shares of its stock on less than six months notice given to the Exchange no sooner than six months after the original issuance of such shares (or any predecessor shares). Each member corporaiton shall promptly notify the Exchange if any redemption or repurchase of any of its stock is postponed because prohibited under the provisions of Securities and Exchange Commission Rule 15c3–1 (see 15c3–1(e)).] [8]

USE OF THE PROCEEDS OF OFFERING OF STOCK

[(g) The Exchange may require any member organization to file with the Exchange a written report showing the use made by the member organization of the proceeds of any offering of any security issued by such member organization.] [9]

FORMATION OF CORPORATE AFFILIATE OR SUBSIDIARY OR ASSOCIATED PARTNERSHIP

[(h) No member organization may form a corporate affiliate, corporate subsidiary or associated partnership except as provided by the Rules of the Board of Directors.]

CONSIDERATION FOR THE ISSUANCE OF STOCK

[(i) No stock shall be issued by a member corporation except for cash or such other consideration as may be approved by the Exchange.] [10]

RULE 404—INDIVIDUAL MEMBERS NOT TO CARRY ACCOUNTS

Rule 404. No member organization shall carry accounts for customers without the approval of the Exchange. No member, doing business as an individual, shall carry accounts for customers, except as provided in Rule *311(h)* [*2311*] [*316*[*2316*]].

[FR Doc.77–12639 Filed 5–2–77;8:45 am]

[Release No. 34–13468; File No. SR–NYSE–77–13]

NEW YORK 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 April 18, 1977, the above mentioned self-regulatory organization filed with the Securities and

[1] Proposed Rule 311(c).
[2] Proposed Rule 311.13.
[3] Proposed Rule 311(h).
[4] Redundant with proposed Rule 311 (a) and (b).
[5] Proposed Rule 311.16.
[6] Redundant with proposed Rule 312(d).
[7] Proposed Rule 312(g).
[8] Proposed Rule 312(h).
[9] Proposed Rule 312(i).
[10] Proposed Rule 312(j).
[11] Proposed Rule 312(k).

Exchange Commission proposed rule changes as follows:

TEXT OF PROPOSED RULE CHANGES—ATTACHED AS EXHIBIT I

PURPOSE OF PROPOSED CONSTITUTIONAL AND RULE CHANGES

The 1975 amendments to the Securities Exchange Act require the Exchange to enforce compliance by its members and persons associated with its members with the Act, the rules thereunder and applicable rules of the Exchange. This general expansion of Exchange regulatory responsibilities was defined in SEC Release No. 34–12994 adopting SEC Rule 19g2–1. Therefore, to discharge its statutory responsibilities, the Exchange has approved the amendments herein.

Specifically, the amendments accomplish the following.

A. Exchange rules currently enable the Exchange to comply and to enforce compliance by its members and certain categories of persons associated with its members with the rules of the Exchange and the provisions of the Act. Associated persons currently regulated are partners, officers, directors, branch office managers and employees.

The proposed amendments would extend Exchange regulatory authority over those persons who, directly or indirectly, control, are controlled by, or are under common control with a member or member organization. To accomplish this, the Exchange had adopted the definitions of "control" set forth in SEC Rule 19g2–1, and "person" as contained in the Act.

The "allied member" definition would be amended to include an employee who is not a member, who controls a member partnership, or a member corporation. Therefore, the requirement that an employee of a member corporation who owns 5 percent of the voting stock must be an allied member would be rescinded. Since a director or a principal executive officer is presumed to control a member organization by virtue of his status, the stock ownership requirement for directors and principal executive officers who are employees would be removed, even though such persons would continue to be allied members. This amendment parallels recently approved amendments (SEC Release 12697) deleting the voting stock ownership requirement for "outside" directors.

The definition of "approved person" would be amended to include those "associated persons" who are not employees of a member or member organization who are in a control relationship. All persons who control a member organization (parents) would be required to be approved by the Exchange as approved persons. The definition of "parent" in Rule 2 would be deleted since the standard of "control" would govern. In addition, persons who are controlled by (subsidiaries) or under common control with (affiliates) a member organization would be required to become approved persons if they are "engaged in a securities or kindred business" (acting as an investment advisor or transacting business generally as a broker or dealer in securities, including, but not limited to, servicing customer accounts or introducing them to another person).

Persons not engaged in a "securities or kindred business" who are controlled by or under common control with a member or member organization would be reported to the Exchange under proposed amendments to Rule 346 (see SR–NYSE–77–11).

B. In adopting SEC Rule 19g2–1, the SEC noted that:

> In carrying out the enforcement obligation which they retain under section 19(g)(1) of the Act, as modified by Rule 19g2–1, exchanges and associations may believe it useful to secure the cooperation of certain associated persons of members by having them enter into appropriate agreements subjecting themselves to (among other things) regulatory oversight inspections and disciplinary proceedings (SEC Release No. 34–12994, footnote 38).

Proposed Rule 304(h) herein requires approved persons to sign an agreement which the Exchange submits is consistent with section 6(c)(3)(C) of the Act.

Approved persons would be required to agree to supply the Exchange with information with respect to such persons relationships and dealings with its associated member or member organization as the Exchange may reasonably require, and to permit examination by the Exchange of its books and records to verify the accuracy of information required to be supplied. These provisions are consistent with section 6(c)(3)(C) in that such information is limited by a standard of reasonableness and restricted to the approved persons dealing with its associated members. It is essential that the Exchange have such a regulatory tool over parents and affiliates and subsidiaries in a securities or kindred business to ensure that it is capable of enforcing its rules as to members and persons associated therewith and its responsibilities under the Act. Approved persons would further agree to report statutory disqualifications as required under the Act; and to abide by such provisions of the Constitution and Rules of the Exchange relating to approved persons as may be adopted.

The provisions in the agreement are intended to establish the jurisdictional basis for the Exchange to perform its obligations, as set forth in section 6(b)(1) of the Act, to enforce compliance with its rules by persons associated with a member. The Exchange intends to adopt in the near future rules which will be applicable to approved persons or categories thereof. Any such rules would be submitted to the scrutiny of the SEC and subject to their approval. Further, such rules will be proposed only after due consideration to the potential burdens imposed as balanced against regulatory need, as well as the standards set forth in SEC Rule 19g2–1 wherein the SEC makes it clear that an exchange or association need not employ routine techniques such as reporting requirements or routine inspections with respect to associated persons who are in a securities related business.

The Exchange submits that it is consistent with the Act's mandate to establish different regulatory requirements for different classes of persons associated with a member or member organization, provided such regulation is developed and administered in a non-discretionary manner. As stated in SEC Release No. 34–12994:

> Exchanges and associations may develop their own rules (subject to Commission review) to apply to particular classes of associated persons; accordingly, it is not necessary for section 19(g)(2) to authorize the Commission to take action with respect to the obligation of exchanges and associations to enforce their own rules. (Footnote 12).

C. It should be noted that while the above definition of approved person is, in certain respects, broader in scope and more limited in depth, than the parameters of "securities persons" set forth in SEC Rule 19g2–1, it merely establishes Exchange jurisdiction to enforce compliance with its rules over those persons associated with a member or member organization. As such, it is an essential initial step and does not purport to extend all Exchange Rules to those persons associated with a member who are defined as approved persons.

The Exchange's initiative in defining those "certain associated persons" who must sign an agreement with the Exchange was undertaken after careful consideration of the potential burden upon these approved persons and of the need for uniform regulation of such associated persons.

Persons controlling a member—The deletion of the requirement that owners of 5 percent of the voting stock be approved persons and the introduction of the standard of "control" is consistent with section 3(a)(121) of the Act and SEC Rule 19g2–1. The Exchange submits that such parents should be regulated to the extent set forth in the proposed agreement for approved persons regardless of their activities or whether they are "securities persons". This non-routine regulatory oversight is essential to ensure the financial and compliance integrity of the member or member organization, and to enable the Exchange to perform its regulatory responsibilities as to this category of associated persons.

Persons controlled by or under common control with a member who are engaged in a securities or kindred business—The Exchange definition of "engaged in a securities or kindred business" goes beyond the "securities person" concept of a registered broker or dealer effecting transactions in securities through the member through use of facilities maintained or supervised by such exchange or association. The Exchange feels that all associated persons engaged in a securities related business should be subject to regulatory oversight because of potential impact on the financial and operation viability of the member with which they are associated

and for the protection of the member's customers. In addition, non-registered securities entities should be subject to the same regulation extended to registered securities entities because they are generally subject to less regulatory scrutiny than registered broker/dealers creating a greater potential for adverse impact on the member.

The proposed amendments are more limited in regulatory scope in that they exclude from the definition of approved persons whose persons who are general partners, officers, and employees of a securities person (who are also deemed securities persons under SEC Rule 19g-2-1). The processing of applications and administration of qualifying examinations for officers and employees of "securities persons", who are registered brokers or dealers, would in the opinion of the Exchange, place an unnecessary and costly burden upon the person and their affiliated broker/dealers. It would also result in a duplication of effort by self-regulatory organizations as all registered brokers or dealers are subject to registration and examination requirements of a national securities exchange, the NASD or the Commission (SECO). The Exchange believes that obtaining jurisdiction over the entity as an approved person will enable the Exchange to comply with it regulatary responsibilities. Nevertheless, the entity would be required to report all statutory disqualifications of its associated persons. Furthermore, the approved person is, and would continue to be, required to supply information set forth in Rule 304(h) concerning its partners, officers, directors, etc.

D. The voting stock ownership requirement for members associated with a member organization has also been removed. This will further facilitate registered broker/dealers to qualify members of the Exchange. (It is intended that further liberalization in the area of qualification of members and member organizations will be submitted to the SEC.)

E. Certain Constitutional provisions dealing with definitions of and requirements for members and persons associated with members have been removed from the Constitution and placed in new Rule 304. Except as previously discussed these amendments do not alter Exchange requirements, but are intended to consolidate like provisions and eliminate unnecessary language from the Exchange Constitution. Present Rule 304 will be renumbered Rule 304A but has not been amended.

BASIS UNDER THE ACT FOR THE ADOPTION OF THE PROPOSED AMENDMENTS

The proposed constitutional and rule amendments were promulgated by the adoption of Rule 19g2-1 of the Securities Exchange Act of 1934.

(i) The proposed amendments provide a regulatory framework to allow the Exchange to enforce compliance by members and certain persons associated with its members with the provisions of the Act, and certain Rules of the Exchange.

(ii) The proposed amendments provide a mechanism by which persons may become a member or associated with a member or member organization.

(iii) Inapplicable.

(iv) Inapplicable.

(v) The proposed amendments would serve to prevent fraudulent and manipulative acts by members and persons associated with a member in that such persons would be subject to the provisions of the Act and certain rules of the Exchange. In this respect, the amendments would serve to protect investors and the public interest.

(vi) The proposed amendments provide a jurisdictional basis for appropriately disciplining members and certain persons associated with a member for violations of the Act and the Rules of the Exchange by subjecting such persons to Exchange disciplinary rules.

(vii) Inapplicable.

(viii) Inapplicable.

COMMENTS RECEIVED FROM MEMBERS, PARTICIPANTS OR OTHERS ON PROPOSED AMENDMENTS

One letter of comment was received from a member organization endorsing the removal of the voting stock ownership requirement for allied members, and seeking removal of a similar requirement for members (see Exhibit III). Rescission of the requirement for members was included in the proposals subsequent to membership comment.

BURDEN ON COMPETITION

The proposed changes do not impose any burden on competition.

On or before June 7, 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 all written submissions will be available for inspection in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection 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 submiitted on or before May 24, 1977.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

APRIL 25, 1977.

EXHIBIT I

ARTICLE I—TITLES, OBJECTS, DEFINITIONS

New Language *in italics;* deleted language in [brackets]

* * * * *

DEFINITIONS

SEC. 3. Unless the context requires otherwise, the terms defined in this Section shall, for all purposes of the Constitution, have the meanings herein specified:

* * * * *

MEMBER FIRM

(c) The term "member firm" means a firm, transacting business as a broker or a dealer in securities, at least one of whose general partners is a member of the Exchange or which has the status of a member firm by virtue of permission given to it by the Board of Directors pursuant to the [provisions of Section 13(a) of Article IX] *rules of the Exchange.*

ALLIED MEMBER

(d) The term "allied member" means:

(i) A general partner in a member firm, *or an employee who controls such member firm,* who is not a member of the Exchange and who has become an allied member as provided in [Article IX,] *the rules of the Exchange,* or

(ii) An employee of a member corporation [who is actively engaged in its business and devotes the major portion of his time thereto,] who is not a member of the Exchange, who has become an allied member as provided in the *rules of the Exchange* [Article IX,], and who is either:

[(a) A director and holder of record and beneficial owner of voting stock of such corporation, or]

(*a*) [(b)] A principal executive officer [and a holder of record and beneficial owner of voting stock] of such corporation, or

(*b*) [(c) A *person* [holder of record and beneficial owner of 5 percent or more of the outstanding voting stock] *who controls* [of] such corporation.

* * * * *

MEMBER CORPORATION

(f) The term "member corporation" means a corporation, transacting business as a broker or dealer in securities, approved by the Board of Directors as a member corporation, having at least one member of the Exchange who is an officer thereof [and a holder of voting stock therein], and having all its other Exchange members officers thereof [and holders of voting stock therein]. A corporation shall cease to be a member corporation if the approval of the Board of Directors is withdrawn or if it shall cease

to transact business as a broker or dealer in securities or to have all its Exchange members officers thereof [and holders of voting stock therein,] unless the corporation has the status of a member corporation by virtue of permission given to it by the Board of Directors pursuant to the [provisions of section 13(b) of Article IX] *rules of the Exchange.*

APPROVED PERSON

(g) The term "approved person" means a [party] *person* who is not [an employee,] a member or an allied member *or an employee* of a member *firm or member* corporation, who has become an approved person as provided in [Article IX] *the rules of the Exchange* and who is [a director of a member corporation, or] *either:*

(i) a person who controls a member, member firm or member corporation, or

(ii) a person engaged in a securities or kindred business who is controlled by or under common control with a member, member firm or member corporation. [who beneficially owns 5 percent or more of the outstanding voting stock of a member corporation.]

The terms "control", "person" and "engaged in securities or kindred business" as used herein shall be defined in the rules of the Exchange.

* * * * *

ARTICLE IX—MEMBERSHIP, ALLIED MEMBERSHIP, MEMBER FIRMS, MEMBER CORPORATIONS

* * * * *

INITIATION FEE

SEC. 4. Each person (hereinafter referred to as a "new member") elected to membership shall pay to the Exchange an initiation fee which shall be determined as follows:

(a) In the event that the new member shall have purchased such membership through a membership auction facility furnished by the Exchange, the initiation fee shall be the lesser of seventy-five hundred dollars or such amount as shall be equal to ten percent of the purchase price paid for the membership;

(b) In the event that:

(i) A member (hereinafter referred to as "outgoing member") whose membership shall have had a contractual obligation to transfer the membership to such person as may be designated by a member organization of which the outgoing member then shall be either a partner or an officer [and holder of voting stock] therein, and

* * * * *

APPROVAL OF PARTNERSHIPS, CORPORATIONS ALLIED MEMBERS AND APPROVED PERSONS

SEC. 7. * * *

* * * * *

CONDITION OF APPROVAL OF MEMBER CORPORATION

(b) The Board of Directors shall not approve a corporation as a member corporation unless:

[(1) At least a majority of the directors of such corporation are members or allied members; and each director of such corporation who is not a member or allied member is an approved person; and] [1]

* * * * *

[(3) Every party who owns beneficially 5% or more of the outstanding voting stock of such corporation is a member, allied member or approval person; and] [2]

* * * * *

[MEMBERS AS LIMITED PARTNERS OR NON-OFFICERS]

[(1) A member who is a limited partner in a firm does not thereby confer any of the privileges of the Exchange on such firm, and a member who is not an officer of a member corporation and a holder of voting stock therein does not confer any of the privileges of the Exchange on such corporation.] [3]

[GENERAL PARTNERS MUST BE MEMBERS OR ALLIED MEMBERS; HOLDERS OF VOTING STOCK MUST BE APPROVED]

[SEC. 8. Unless permitted by the Board of Directors, no member or allied member of the Exchange shall have as a general partner in a member firm any person who is not a member or allied member of the Exchange nor shall any member or allied member be the holder of voting stock in a member corporation, unless all the holders of such stock required to be approved by the Board of Directors are so approved.] [4]

[ALLIED MEMBERSHIP]

[SEC. 9. Any person, not a member of the Exchange, shall become an allied member of the Exchange by pledging himself to abide by the Constitution as the same has been or shall be from time to time amended, and by all rules adopted pursuant to the Constitution and by either:]

[(a) Becoming a general partner in a member firm, or]

[(b) Becoming a holder of record and beneficial owner of 5 percent or more of the outstanding voting stock of a member corporation, or]

[(c) Becoming a director and a holder of record and beneficial owner of voting stock of a member corporation, or]

[(d) Becoming a principal executive officer and a holder of record and beneficial owner of voting stock of a member corporation.]

[Such pledge to abide by the Constitution and Rules shall be made by written instrument filed with the Exchange in which the signer pledges himself as aforesaid.] [5]

[RIGHTS AND PRIVILEGES]

[SEC. 10. Any person becoming an allied member shall have all the rights and privileges and shall be under all the duties and obligations of an allied member of the Exchange in accordance with the Constitution. Allied members shall have no right to go upon the Floor of the Exchange except as provided in Article II and in Section 14 of this Article.] [6]

[APPROVED PERSON]

[SEC. 11. Any person who is a director of a member corporation but not a member or allied member, and any party who owns beneficially 5 percent or more of the outstanding voting stock of a member corporation but is not a member or allied member shall become an approved person by filing such applications and executing such agreements with the Exchange as the Board of Directors may from time to time prescribe.] [7]

[DEATH OF SOLE EXCHANGE MEMBER]

SEC. 13. * * *

* * * * *

[DIRECTOR]

[(b) The Board of Directors may, on the application of the directors in a member corporation whose only officer and holder of voting stock who was member of the Exchange has died, permit, notwithstanding the death of such member, such corporation, if it otherwise meets Exchange requirements, to have the status of a member corporation for such period as the Board of Directors may determine, under such conditions as it may fit. The Board in its discretion may, at any time during such period, withdraw such permission and upon such withdrawal such status shall terminate.] [8]

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ALTERNATES ON FLOOR FOR DIRECTORS OR OFFICERS

SEC. [14] *8.* The Board of Directors may, by the affirmative vote of two-thirds of the Directors present at a meeting of the Board, extend to a member who is a Director or who is an officer of one of the affiliated companies of the Exchange, the privilege of designating an alternate who shall have the power to transact in the place and stead of such member the usual business of such member on the Floor of the Exchange, under such conditions and to such extent as the Board may prescribe, but only at such times as such Director or officer is prevented from transacting his usual business on the Floor by the duties imposed upon him by virtue of his acting as such Director or officer. If such member is a general partner in a member

[1] Integrated into Rule 311(b) as amended.
[2] Integrated into Rule 311(b)(3) as amended.
[3] Repositioned to Rule 311(g) and amended.
[4] Integrated into Rules 311(b)(3) and 312(e) as amended.
[5] Integrated into Rule 304(b) as amended.
[6] Repositioned to Rule 304(c) and amended.
[7] Integrated into Rule 304(h) as amended.
[8] Repositioned to Rule 312(f)(2) and amended.

firm, he may designate as such alternate one of his general partners, or if no general partner is ready and able to act, he and his partners may designate as such alternate a person approved by the Board. If such member is a limited partner in a member firm or if he has no partner, he may designate as such alternate a person approved by the Board. If such member is [a holder of voting stock] *an officer* in a member corporation, he may designate as such alternate any [allied member] *other officer* in such corporation, or if no such [allied member] *officer* is ready and able to act, he and the directors of such member corporation may designate as such alternate a person approved by the Board. [If such member holds only non-voting stock in a member corporation he may designate as such alternate a person approved by the Board.] Every contract made on the Floor by any alternate shall have the same force and effect as if it had been made by the member for whom he is acting; and a member for whom an alternate is acting shall be liable to the same discipline and penalties for any act or omission of such alternate as for his own personal act or omission.

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ALTERNATES ON FLOOR DURING NATIONAL EMERGENCIES

SEC. [15] *9.* The Board of Directors may, on the request of a member who, in time of national emergency for this country,

(a) Is on active duty in the armed forces of the United States, or

(b) Is on active duty in the armed forces of any nation or State which is then allied or associated with the United States, or

(c) Is engaged in any public service incident to the national defense, authorize a general partner of such member or [a holder of voting stock] *an other officer* in the member corporation in which such member is [a holder of voting stock] *an officer, or if no such person is ready and able to act, another person approved by the Board,* to transact in the place and stead of such member the usual business of such member on the Floor of the Exchange, under such terms and conditions and to such extent as the Board may prescribe. Every contract made on the Floor by an alternate shall have the same force, and effect as if it had been made by the member for whom he is acting; and a member for whom an alternate is acting shall be liable to the same discipline and penalties for any act or omission of such alternate as for his own personal act or omission.

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ARTICLE XI—TRANSFER OF MEMBERSHIP—TERMINATION OF ALLIED MEMBERSHIP

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CONTRACTS ON THE EXCHANGE BY TRANSFERORS

SEC. 2. A member proposing to transfer his membership shall not after the posting of notice thereof make any contract on the Exchange for settlement on or after the date on which such proposed transfer will be considered by the Board, unless such member is a general partner in a member firm which will continue to be a member firm or is [a holder of voting stock] *an officer* in a member corporation which will continue to be a member corporation, notwithstanding the completion of such transfer, in which case such member may make contracts on behalf of any member, member firm or member corporation whose status as such will continue subsequent to the date of the completion of such transfer. If a contract with such member is made after the posting of notice of the proposed transfer for settlement on or after the date on which such proposed transfer will be considered by the Board, it shall not, if such transfer is approved, be the basis of a claim against the proceeds of such transfer under sub-division THIRD of Section 3 of this Article. However, if such member is a general partner in a member firm which will continue to be a member firm or is [a holder of voting stock] *an officer* in a member corporation which will continue to be a member corporation, notwithstanding the completion of such transfer, such a contract may be the basis of a claim under said sub-division THIRD of Section 3 against the proceeds of the subsequent transfer of the membership of any general partner in such firm or of any [holder of voting stock] *officer* in such corporation, including the transferee of such membership provided he is or becomes at the time of such transfer a general partner in such member firm or [holder of voting stock] *an officer* in such member corporation.

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PRIORITIES IN DISPOSITION OF PROCEEDS OF TRANSFER OF MEMBERSHIP

SEC. 3. Upon any transfer of a membership, whether made by a member or his legal representatives or by the Board of Directors pursuant to the provisions of the Constitution, the proceeds thereof shall be applied by the Exchange to the following purposes and in the following order of priority, viz.:

DUE TO EXCHANGE

FIRST. The payment of such sums as the Board of Directors shall determine are or may become due to the Exchange from the member whose membership is transferred, fom a member firm in which such member is a general partner or from a member corporation [any voting stock of which is held by such member] *in which such member is an officer.*

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SURPLUS OF PROCEEDS

Fifth. The surplus, if any, of the proceeds of the transfer of a membership, after provision for the payment of sums payable under subsections First, Second, Third, and Fourth hereof, shall be paid directly to the person whose membership is transferred, or to his legal representatives, upon the execution and delivery to the Exchange by him or them of a release or releases satisfactory to the Board of Directors, unless the Board, in its discretion, determines either: (a) That the protection of the creditors of the member firm or member corporation or former member firm or former member corporation in which such member is or was last a general partner or [a holder of voting stock] *an officer* requires the use of said surplus or any part thereof, or (b) that such surplus should be paid to such firm or corporation, in view of the fact that such member had expressly agreed, in the case of a partnership, in the partnership articles of such firm or, in the case of a corporation, in a writing filed with the Exchange, that such surplus shall be paid either by him or directly by the Exchange to such member firm or member corporation. In the event the Board makes either of such determinations, such surplus shall be paid to such firm or corporation, upon the execution and delivery to the Exchange by such member or such firm, or both, or by such member or such corporation or both, of a release or releases satisfactory to the Board of Directors.

PROMPT STEPS TO PROTECT RIGHTS REQUIRED

No payment of such surplus under the provisions of this subsection Fifth shall be made to a member firm or to a member corporation or former member firm or former member corporation in which such member is or had previously been a general partner or [a holder or voting stock] *an officer,* if such firm or corporation, in the opinion of the Board of Directors, did not take promptly all proper steps to protect and enforce its rights, or if the Board of Directors, in its sole discretion, shall determine that an unreasonable time has elapsed between the date when he ceased to be such a partner in such firm or [the holder of voting stock] *an officer* in such corporation and the date of the transfer.

AGREEMENTS

Except as otherwise specifically provided for by the Constitution, no recognition or effect shall be given by the Exchange to any agreement or to any instrument entered into or executed by a member or his legal representatives which purports to transfer or assign such member's interest in his membership, or in the proceeds or any part thereof, or which purports to create any lien or other right with respect thereto, or which purports in any manner to provide for the disposition of such proceeds to a creditor of such member; nor shall payment of such proceeds be made by the Exchange to any agent or attorney-in-fact of a member except as may be permitted by the Rules of the Board of Directors in those cases in which (a) such agent or attorney-in-fact is acting solely for and on behalf of such member and is neither directly nor indirectly acting in his own behalf or in behalf of any third person or (b) is a general partner of such member or [a holder of voting stock] *an officer* in a member corporation in which such member is [the holder of voting stock.] *an officer.*

DEATH OF SOLE EXCHANGE MEMBER

Section 5.

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DIRECTOR

(b) If, upon the death of a member who, at the time of his death, was an officer [and holder of voting stock] of a member corporation in which no other officer [and holder of voting stock] is a member of the Exchange, the following conditions exist:

(1) The member corporation continues in business, and

(2) The deceased member shall have agreed in a writing filed with the Exchange that such member corporation, if permitted by the Board of Directors to have the status of a member corporation, shall be entitled to have the use of his membership from the date of his death until the termination of such status of such corporation or until a member of the Exchange becomes an officer of [and a holder of voting stock in] such corporation; and that, insofar as may be necessary for the protection of creditors of the corporation, and subject to the Constitution and Rules of the Exchange, the proceeds of his membership shall be an asset of the corporation during such period, and

(3) Such corporation shall be permitted by the Board of Directors to have the status of a member corporation, then upon the transfer of the membership of such deceased member the proceeds thereof shall be applied to the same purposes and in the same order of priority as if such member had continued to be a member of the Exchange and an officer of [and a holder of voting stock in] such corporation until the date of the termination of such status, or until a member of the Exchange becomes an officer of [and a holder of voting stock in] in such corporation, whichever event occurs first.

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[ALLIED MEMBERSHIP NON-TRANSFERABLE]

[SEC. 9. An allied membership shall not be transferable.] [9]

[DEATH OR EXPULSION OF ALLIED MEMBER]

[SEC. 10. When an allied member dies or is expelled, his allied membership shall terminate.] [10]

[ELECTION OF ALLIED MEMBER AS CHAIRMAN OF THE BOARD]

[SEC. 11. When an allied member is elected Chairman of the Board of Directors or is elected to membership in the Exchange, his allied membership shall terminate.] [11]

[CESSATION OF STATUS AS GENERAL PARTNER OR HOLDER OF VOTING STOCK]

[SEC. 12. When an allied member (a) ceases to be a general partner in a member firm and does not forthwith become a general partner in another member firm or a holder of voting stock in a member corporation continuing the business of the first firm, or (b) ceases to be a holder of voting stock in a member corporation and does not forthwith become a holder of such stock in another member corporation or a general partner in a member firm continuing the business of the first corporation, his allied membership shall terminate.] [12]

NON-PAYMENT OF FINES BY ALLIED MEMBER

SEC. 9. [13]. When the Treasurer shall report to the Chairman of the Board that an allied member has neglected to pay a fine for forty-five days after the same became payable, the allied membership of such allied member shall terminate, unless the Board of Directors shall have granted an extension of time to pay such fine.

ARTICLE XIII—INSOLVENT MEMBERS, SUSPENSION, REINSTATEMENT—NOTICE FROM MEMBER, SUSPENSION

SEC. 1. A member who fails to perform his contracts, or is insolvent, shall immediately inform the Secretary of the Exchange in writing that he is unable to meet his engagements and prompt notice thereof shall be given to the Exchange. Such member shall thereby become suspended from membership until he has been reinstated as provided in section 5 of this Article [¶1605].

SUSPENSION FOR INSOLVENCY ON DECLARATION

A member or allied member who is a general partner in a member firm or a [holder of voting stock] *member or allied member* in a member corporation which firm or corporation fails to perform its contracts, or is insolvent, or is in such financial or operating condition that it cannot be permitted to continue in business with safety to its creditors or the Exchange, shall immediately inform the Secretary of the Exchange in writing of such fact and prompt notice thereof shall be given to the Exchange. Such member firm or member corporation shall thereby become suspended as a member firm or as a member corporation and every member or allied member who is a general partner [or holder of voting stock therein] *in such member firm and every member or allied member in such member corporation* shall thereby become suspended from membership or allied membership, until reinstated as provided in section 5 of this Article.

NOTICE FROM EXCHANGE—SUSPENSION

SEC. 2. Whenever it shall appear to the Chairman of the Board that a member has failed to meet his engagements, or is insolvent, or the Chairman of the Board has been advised by the Board of Directors of the Exchange or by the Board of Directors of Stock Clearing Corporation that such member is in such financial or operating condition that he cannot be permitted to continue in business with safety to his creditors or the Exchange, prompt notice thereof shall be given to the Exchange. Such member shall thereby become suspended from membership until he has been reinstated as provided in section 5 of this Article [¶ 1605].

SUSPENSION BY EXCHANGE FOR INSOLVENCY

Whenever it shall appear to the Chairman of the Board that a member firm or member corporation has failed to meet its engagements, or is insolvent, or the Chairman of the Board has been advised by the Board of Directors of the Exchange or by the Board of Directors of Stock Clearing Corporation that such member firm or member corporation is in such financial or operating condition that it cannot be permitted to continue in business with safety to its creditors or the Exchange, prompt notice thereof shall be given to the Exchange. Such member firm or member corporation shall thereby become suspended as a member firm or as a member corporation and every member or allied member who is a general partner [or holder of voting stock therein] *in such member firm and every member or allied member in such member corporation* shall thereby become suspended from membership or allied membership, until reinstated as provided in section 5 of this Article.

INVESTIGATION OF INSOLVENCY

SEC. 3. Every member and allied member suspended under the provisions of this Article shall at the request of the Board of Directors or any committee authorized thereby submit to the Board or any such committee his books and papers or the books and papers of his firm or of any employee thereof or the books and papers of the member corporation in which he is [a holder of voting stock] *an officer* or of any employee thereof and furnish information to and appear and testify before or cause any such employee to appear and testify before the Board or any such committee.

TIME LIMIT FOR REINSTATEMENT

SEC. 4. If the Board of Directors determines, after not less than 10 days notice to a member suspended under the provisions of this Article, that the protection of the persons, firms, and corporations entitled to make claim against the proceeds of the transfer of the membership under section 3 of Article XI or of the creditors of the member firm or member corporation in which such member is or was last a general partner or [holder of voting stock] *an officer*, requires the transfer of the membership of such member, such membership may be disposed of by the Board of Directors.

In any case, if a member suspended under the provisions of this Article is not reinstated as provided in Section 5 of this Article within one year from the time of his suspension, or within such further time as the Board of Directors may grant his membership shall be disposed of by the Board of Directors.

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[9] Repositioned to Rule 304(d).
[10] Repositioned to Rule 304(e).
[11] Repositioned to Rule 304(f).
[12] Repositioned to Rule 304(g) and amended.

ARTICLE XIV—EXPULSION AND SUSPENSION FROM MEMBERSHIP OR FROM ALLIED MEMBERSHIP—DISCIPLINARY PROCEEDINGS

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FAILURE TO TESTIFY OR PRODUCE RECORDS

SEC. 9. Whenever it is adjudged in a proceeding under this Article that a member, allied member or approved person has been required by the Board or any committee, officer or employee of the Exchange authorized thereby to submit his books and papers or the books and papers of his firm or of any employee thereof or the books and papers of the member corporation in which he is a *member, allied member or approved person,* [stockholder,] or of any employee thereof to the Board or any such committee, officer or employee or to furnish information to or to appear and testify before or to cause any such employee to appear and testify before the Board or any such committee, officer or employee and has refused or failed to comply with such requirement, such member or allied member may be suspended or expelled and such approved person may have his approval withdrawn.

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FAILURE TO TESTIFY OR PRODUCE RECORDS BEFORE OTHER EXCHANGES

SEC. 11. If it is adjudged in a proceeding under this Article that the interest and welfare of the Exchange or of the public will be served by facilitating the examination by the authorities of another exchange of any transaction in which a member or allied member of the Exchange has been concerned and that the testimony of such member or allied member, the employees of the firm in which he is a general partner or the employees of the member corporation in which he is a [stockholder] *member or allied member* or his books and papers or the books and papers of his firm or corporation or of any employee thereof are material to such examination and shall direct such member or allied member to appear and testify or to cause any of such persons to appear and testify or to produce such books and papers before the authorities of such other exchange, and such member or allied member shall refuse or fail to comply with such direction, he may be suspended for a period not exceeding five years.

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SUSPENSION OR EXPULSION OF MEMBERS OF SUSPENDED OR EXPELLED ORGANIZATION

SEC. 22. When a member firm or member corporation is suspended or expelled under the provisions of this Article, each member and allied member who is a general partner in such firm [or a holder of voting stock] *and each member and allied member* in such corporation shall thereupon be suspended or expelled, as the case may be, any such suspension to continue during the suspension of such firm or corporation.

FAILURE OF ORGANIZATION TO PAY FINE

Whenever the Treasurer shall report to the Chairman of the Board that a member firm or member corporation has neglected to pay a fine for forty-five days after the same became payable, the allied membership of each allied member who is a general partner in such member firm [or a holder of voting stock] *and each allied member* in such member corporation shall terminate, unless the Board of Directors shall have granted an extension of time to pay such fine, and any member who is a general partner in such member firm or [a holder of voting stock] *and officer* in such member corporation may be suspended by the Board of Directors until payment of such fine is made. Should payment not be made within one year after payment is due, the membership of any such member may be disposed of by the Board, on at least ten days written notice mailed to such member at his address registered with the Exchange.

RULE 2—"MEMBER," "MEMBERSHIP," "MEMBER FIRM," ETC.

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[The "parent" of another party means any party who has the power to exercise controlling influence over the management or policies of such other party unless such power is solely the result of an official position with such other party.]

[Any party who owns beneficially, either directly or indirectly, more than 25 percent of the voting securities of a first corporation or more than 25 percent of the outstanding voting securities of any other corporation which directly or indirectly through one or more subsidiaries owns beneficially more than 25 percent of the outstanding voting securities of the first corporation, shall be presumed to be the first corporation's parent. Any party who does not so own more than 25 percent of the voting securities of a corporation shall be presumed not be such corporation's parent. Any such presumption may be rebutted by evidence but shall continue until a determination to the contrary has been made by the Board of Directors.]

The term "control" means the power to direct or cause the direction of the management or policies of a person whether through ownership of securities, by contract or otherwise. A person shall be presumed to control another person if such person, directly or indirectly,

(i) *Has the right to vote 25 percent or more of the voting securities,*

(ii) *Is entitled to receive 25 percent or more of the net profits, or*

(iii) *Is a director, general partner or principal executive officer (or person occupying a similar status or performing similar functions) of such person. Any person who does not so own voting securities, participate in profits or function as a director, general partner or principal executive officer of another person shall be presumed not to control such other person. Any such presumption may be rebutted by evidence, but shall continue until a determination to the contrary has been made by the Exchange.*

The term "person" shall mean a natural person, corporation, partnership, association, joint stock company, trust, fund or any organized group of persons whether incorporated or not.

The term "engaged in a securities or kindred business" shall mean acting as an investment advisor or transacting business generally as a broker or dealer in securities, including but not limited to, servicing customer accounts or introducing them to another person.

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RULE 104A—SPECIALISTS—GENERAL

* * * Supplementary Material:

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.50 Form 81 Reports.— * * *

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Signature on reports.—Each report submitted by a member should bear his signature or that of a person authorized to submit the report for him. Reports submitted by a member organization should be signed by a general partner, or by an officer [who is a holder of voting stock] or other person authorized to sign.

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RULE 123A—MISCELLANEOUS REQUIREMENTS

* * * Supplementary Material:

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.24 Report forms.—Report forms used on the Bond Floor should be imprinted or rubber stamped with a name of the member, the member organization of which he is a general partner or *an officer* [a holder of voting stock], or both the name of the member and such organization. The use of plain paper for the purpose is not permitted.

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RULE 301—PROPOSED TRANSFER OF MEMBERSHIP

An offer or agreement by a member for the transfer of his membership may be made only in writing in such form as may from time to time be prescribed by the Exchange and shall be executed personally by such member or by his legal representatives, except that an attorney-in-fact of such member may execute such documents in his behalf only if the following conditions are complied with, viz.:

* * * * *

(3) The Exchange is satisfied that the holder of such power of attorney is acting thereunder solely as agent for the member and is neither directly nor indirectly acting in his own behalf or in behalf of any third person and that he is not a creditor of such member and does not directly or indirectly represent any person who is such a creditor, unless:

(A) The holder of such power of attorney is the Secretary of the Exchange acting pursuant to a power executed by the member and approved by the Exchange in connection with an agreement made with respect to the financing of the purchase of the membership; or

(B) The holder of such power of attorney is a general partner or a principal executive officer in a member organization in which such member is a general partner or *an officer* [a holder

of voting stock] and has no financial interest in the transfer other than such as may arise by virtue of such attorney's interest in such member organization.

* * * Supplementary Material:

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.34 IV. A–B–C agreement.—Definition.—An a-b-c agreement is a form of arrangement entered into when it is intended that a portion of the risk of fluctuations in the value of a membership owned by a member of the Exchange, who is a general partner in a member firm or [a holder of voting stock] *an* officer of a member corporation, shall rest with the partners of the firm or with the corporation rather than have the entire risk rest with the member individually. It should be noted a membership, even if it is the subject of an a-b-c agreement, remains a personal franchise vested solely in the member.

Terms of agreement.— * * *

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The member must have the unqualified right, at all times, subject only to his making the agreed payment to his member organization, to retain his membership (i.e., to elect option (a)). The choice as to which of the other two options shall be exercised may rest with the member organization in case the member does not choose to keep his membership. Similarly, the member organization may be empowered to make the election of option (b) or option (c), if the member does not declare his election of option (a) within a specified reasonable time. The agreement must provide that the member will have at least 30 days to declare his election of option (a) computed from the date on which notice is specifically given, pursuant to the partnership articles, separate agreement, or otherwise, that the member organization will be dissolved or cease to be a member organization, or the member's status as a partner or [stockholder] *officer* will be terminated on a specified date. In the event of the death or incompetency of the member the period (at least 30 days) shall be deemed to expire ten days after the appointment of the legal representative or committee of the member. Any sums payable under option (a) or (b) must be payable to the member organization so as to be wholly available to its creditors.

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RULE 302—SURPLUS OF PROCEEDS OF MEMBERSHIP TRANSFERRED

Payment of the surplus, if any, of the proceeds of the transfer of a membership shall be made only to the person or persons specified in subsection Fifth of Section 3 of Article XI of the Constitution (¶ 1503), except that payment of such proceeds may be made to an attorney-in-fact of the person whose membership has been transferred only if the following conditions are complied with, viz.:

* * * * *

(3) The Exchange is satisfied that the holder of such power of attorney is acting thereunder solely as agent for the person whose membership has been transferred and is not, directly or indirectly, acting in his own behalf or in behalf of any third person and that he is not a creditor of the person whose membership has been transferred and does not directly or indirectly represent any person who is such a creditor, unless the holder of such power of attorney is, or immediately preceding the transfer was, a general partner or a principal executive officer in a member organization in which such member was a general partner or [a holder of voting stock] *an Officer* and has no financial interest in such proceeds other than such as may arise by virtue of the fact that he is or was such a partner or such [a holder of voting stock] *an officer* in such member organization.

RULE 303—LIMITATION OF ACCESS TO FLOOR

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* * * Supplementary Material:

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.20 Designation of alternates.—A member of the Exchange who, in time of national emergency for this country, is on active duty in the armed forces of the United States or of any nation or State which is then allied or associated with the United States, or who is engaged in any public service incident to the national defense, may make application to the Board of Directors for approval of an employee who is or shall become an allied member in the member organization in which such member is [a holder of voting stock] *an officer* or a general partner to act as his alternate on the Floor of the Exchange *or, if no such person is ready and able to act, another person approved by Board.* [(Art. IX, Sec. 15 [¶1415].)] *(Art. IX, Sec. 9.)* The procedure in submitting an application for approval of an alternate is, in general, the same as that followed by an applicant for membership.

PROPOSED NEW RULE 304—ALLIED MEMBERS AND APPROVED PERSONS

(a) No person shall become or remain an allied member or an approved person unless approved by the Board of Directors.[14]

(b) Any person, not a member of the Exchange, shall become an allied member of the Exchange by pledging himself to abide by the Constitution as the same has been or shall be from time to time amended, and by all rules adopted pursuant to the Constitution and by being either

(i) A general partner in a member firm or an employee who controls such member firm; or

(ii) An employee of a member corporation who is:

(a) A person who controls such corporation, or

(b) A principal executive officer of such corporation.

Such pledge to abide by the Constitution and Rules shall be made by written instrument filed with the Exchange in which the signer pledges himself as aforesaid.[14]

(c) Any person becoming an allied member shall have all the rights and privileges and shall be under all duties and obligations of an allied member of the Exchange in accordance with the Constitution. Allied members shall have no right to go upon the Floor of the Exchange except as provided in Articles II and IX.[15]

(d) An allied membership shall not be transferable.[16]

(e) When an allied member dies or is expelled, his allied membership shall terminate.[17]

(f) When an allied member is elected Chairman of the Board of Directors or is elected to membership in the Exchange, his allied membership shall terminate.[18]

(g) When an allied member ceases or fails to be an allied member associated with a particular member organization, and does not forthwith qualify as an allied member associated with another member organization continuing the business of the first member organization, his allied membership shall terminate.[19]

(h) Any person who controls a member of member organization, or who engages in a securities or kindred business and is controlled by or under common control with a member or member organization but is not a member or allied member or an employee of a member organization shall apply for approval by the Exchange as an approved person by furnishing the Exchange with such information with respect to such applicant, its history and business, its equityholders, officers, partners and directors, any person controlling such applicant, and such other information as the Exchange may from time to time require.[20] *Each such applicant shall agree in writing with the Exchange:*

(1) To supply the Exchange with information with respect to such applicant's relationship and dealings with the member or member organization with which it is or is to become associated as the Exchange may reasonably require; and

(2) To supply the Exchange with information relating to the existence of any statutory disqualification to which the applicant or any person associated with the applicant may be subject, as defined in the Securities Exchange Act of 1934; and

(3) To abide by such provisions of the Constitution and rules of the Exchange relating to approved persons as shall from time to time be in effect; and

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[13] Repositioned from Article IX, Section 7(a).

[14] Repositioned from Article IX, Section 9 and Rule 312.18.

[15] Repositioned from Article IX, Section 10 and amended.

[16] Repositioned from Article XI, Section 9.

[17] Repositioned from Article XI, Section 10.

[18] Repositioned from Article XI, Section 11.

[19] Repositioned from Article XI, Section 12 and amended.

[20] Repositioned from Article IX, Section 11 and Rule 311(b) and amended.

(4) To permit examination by the Exchange, or any person designated by it, at any time or from time to time, of its books and records to verify the accuracy of the information required to be supplied herein and by the rules of the Exchange.

* * * Supplementary Material:

.10 Allied member sponsorship.—An applicant for approval as an allied member of the Exchange shall be sponsored by two members or allied members of the Exchange of at least one year's standing, or be proposed for allied membership by two other responsible individuals who have known the applicant sufficiently well and over a long period of time that they can unqualifiedly endorse the character and integrity of the applicant from their personal knowledge of him and of his business connections. A casual social or business acquaintanceship is not sufficient basis to qualify a member, an allied member or other individual to sponsor or propose the applicant. They should, if possible, not be associated with the organization which the applicant proposes to join. They are required to read and sign the proposed allied member's application.

An applicant for allied membership who has been either a member or an allied member of the Exchange within one year of the date of the new application is not required to be sponsored or proposed.[23]

.11 Posting.—An application for approval of admission of any party (other than an application for a member of the Exchange) or for the approval of the formation and admission of a member organization, is ordinarily not acted upon by the Exchange until after the application has been posted on the bulletin board of the Exchange and published in the Weekly Bulletin of the Exchange for a period of not less than two weeks. Such notice is posted upon submission in proper form of all required papers in connection with the application.[24]

Rule 304A—MEMBER AND ALLIED MEMBER EXAMINATION REQUIREMENTS (FORMERLY RULE 304)

(a) Every applicant for membership or allied membership shall pass a basic examination required by the Exchange unless such examination is waived by the Exchange.

(b) Every applicant for membership or allied membership shall agree with the Exchange that, unless the appropriate qualifying examination required by the Exchange is waived, the applicant will, within three months following six months after becoming a member or allied member without having passed such examination, or upon failure to pass such examination after not more than three attempts, whichever occurs first, cease to be a member or allied member, retire as a general partner, principal executive officer, or director and if necessary promptly dispose of sufficient voting stock as may be necessary to reduce ownership below [5% of outstanding voting stock of the member organization.] *that level which enables such applicant to exercise controlling influence over the management or policies of the member organization.*

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RULE 311—FORMATION OF OR ADMISSION TO MEMBER ORGANIZATIONS

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[(b) Any person who is a director of a member corporation but not a member or allied member, or who controls a member organization but is not an employee or a member or allied member or a person subject to Rule 389 shall apply for approval by the Board of Directors as an approved person of such organization by furnishing the Exchange with such information with respect to such applicant, its history and business, its equityholders, officers, partners and directors, any parent of such applicant, and such other information as the Exchange may from time to time require. Each such applicant shall agree in writing with the Exchange.] [25]

(b) The Board of Directors shall not approve a partnership or corporation as a member organization unless:

(1) At least a majority of the directors of such corporation are members or allied members; and each director of such corporation who is not a member or allied member is an approved person; and [26]

(2) Every person who controls such corporation is a member, allied member or approved person; and [27]

(3) Every person who is a general partner in such partnership is a member or allied member and every person not a general partner who controls such partnership is a member, allied member or approved person; and [28]

(4) Every person who engages in a securities or kindred business and is controlled by or under common control with such partnership or corporation is an approved person; and

* * * * *

(g) A member who is a limited partner in a firm does not thereby confer any of the privileges of the Exchange on such firm, and a member who is not an officer of a member corporation does not confer any of the privileges of the Exchange on such corporation.[29]

* * * * *

* * * Supplementary Material:

* * * * *

.11 Application.— * * *

(Third) *The papers required to be submitted prior to approval of the admission of an Exchange member to an existing member organization are as follows:*

(1) Letter signed either by an Exchange member who is a general partner or an officer in the organization, or by an allied member of the organization and by the Exchange member proposed to be admitted to the member organization giving the proposed date of admission to the member organization and stating whether the member will be a general or limited partner, or an officer;

(2) Application executed by the proposed Exchange member proposed to be admitted to the member organization.[30]

* * * * *

RULE 312—NOTICE OF CHANGES WITHIN MEMBER ORGANIZATION

* * * * *

(e) Unless permitted by the Board of Directors, no person shall be a member or allied member in a member organization unless all persons required to be approved by the Board of Directors are so approved.[31]

(f)(2) The Board of Directors may, on the application of the director in a member corporation whose only officer who was a member of the Exchange has died, permit, notwithstanding the death of such member, such corporation, if it otherwise meets Exchange requirements, to have the status of a member corporation for such period as the Board of Directors may determine, under such conditions as it may fix. The Board in its discretion may, at any time during such period, withdraw such permission and upon such withdrawal such status shall terminate.[32]

* * * * *

* * * Supplementary Material:

* * * * *

.16 Application.— * * *

* * * * *

(Third) [The papers required to be submitted prior to approval of the admission of an Exchange member to an existing member organization are as follows:]

[(1) Letter signed either by an Exchange member who is a general partner or a holder of voting stock in the organization, or by an allied member of the organization and by the Exchange member proposed to be admitted to the member organization giving the proposed date of admission to the member organization and stating whether the member will be a general or limited partner, or a holder or voting or non-voting stock;]

[(2) Application executed by the proposed Exchange member proposed to be admitted to the member organization.] [33]

* * * * *

[.18 Allied member pledge.—A proposed allied member must sign a statement in which he pledges himself to

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[23] Repositioned from Rule 312.20.
[24] Repositioned from Rule 312.22.
[25] Integrated into Rule 304(h) as amended.
[26] Repositioned from Article IX, Section 7(b)(1) and amended.
[27] Repositioned from Article IX, Section 7(b)(3) and amended.
[28] Repositioned from Article IX, Section 8.
[29] Repositioned from Article IX, Section 7(b)(1).
[30] Repositioned from Rule 312.16.
[31] Repositioned from Article IX, Section 8 and amended.
[32] Repositioned from Article IX, Section 13(b) and amended.
[33] Integrated into Rule 311.11

abide by the Constitution as from time to time amended and the Rules adopted pursuant thereto. (Art. IX, Sec. 10 (¶ 1410.) This pledge is included in the application to be executed by each proposed allied member.] [22]

[.20 Allied Member sponsorship.—An applicant for approval as an allied member of the Exchange shall be sponsored by two members or allied members of the Exchange of at least one year's standing, or be proposed for allied membership by two other responsible individuals who have known the applicant sufficiently well and over a long period of time that they can unqualifiedly endorse the character and integrity of the applicant from their personal knowledge of him and of his business connections. A casual social or business acquaintanceship is not sufficient basis to qaulify a member. an allied member or other individual to sponsor or propose the applicant. They should, if possible, not be associated with the organization which the applicant proposes to join. They are required to read and sign the proposed allied member's application.]

[An applicant for allied membership who has been either a member or an allied member of the Exchange within one year of the date of the new application is not required to be sponsored or proposed.] [23]

[.22 Posting.—An application for approval of admission of any party (other than an application for a member of the Exchange) or for the approval of the formation and admission of a member organization, is ordinarily not acted upon by the Exchange until after the application has been posted on the bulleting board of the Exchange and published in the Weekly Bulletin of the Exchange for a period of not less than two weeks. Such notice is posted upon submission in proper form of all required papers in connection with the application.] [24]

* * * * *

RULE 314—INTEREST IN BUSINESS

Every member and allied member in a member [organization] *firm* must have a fixed interest in each segment or division of its business, but the interest in each segment or division need not be the same.[25]

* * * Supplementary Material:

* * * * *

INFORMATION COMMON TO PARTNERSHIPS AND CORPORATIONS

.12 Required agreement by member.—Each member who is a general partner or [a holder of voting stock] *an officer* in a member organization shall specifically agree in the firm's partnership articles or in the case of a member corporation, in a document filed with the Exchange, that he contributes the use of his membership to the organization and that, insofar as may be necessary for the protection of creditors of the organization, and subject to the Constitution and Rules of the Exchange, the proceeds of the transfer of his membership shall be an asset of the member organization.

* * * * *

.14 Floor commissions.—All Floor commissions of an Exchange member who is a general partner or [a holder of voting stock] *an officer* in a member organization must be for the account of the [firm] *organization*. Floor commissions earned by a limited partner or a holder of [non-voting] stock who is a member of the Exchange must be retained by him unless such a holder of [non-voting] stock is also [a holder of voting stock] *an Officer* in which event commissions must be for the account of the member corporation.

* * * * *

.15 Specialist trading.—when an Exchange member *who is a* general partner or *an officer* [holder of voting stock] in a member organization is a specialist, his ordinary trading business as a specialist must be for the organization's account, or for the joint account in which his organization is permitted to participate under the provisions of Rule 94(b) [¶2094].

.16 Death of sole Exchange member partner or officer [and holder of voting stock].—For suggested provisions for inclusion in partnership articles or in the agreement with the Exchange to enable a member organization to apply, in accordance with *the rules of the Exchange* [Sections 13(a) and 13(b) of Article IX of the Constitution (¶1413)], for permission to continue as a member organization following the death of its sole Exchange member partner or officer [and holder of voting stock], organizations should consult with Regulation and Surveillance.

In each case involving the death of a sole Exchange member partner or officer [and holder of voting stock] who, at the time of his death, (1) was in the active military or naval service of the United States, or (2) in time of war in which the United States is a belligerent, was in the active military or naval service of any nation or State which is a belligerent against one or more enemies of the United States, or (3) was occupied in any public service incident to the national defense, the Exchange will, after considering all the circumstances surrounding the particular case, prescribe a definite period during which the organization may have the status of a member organization.

In those cases involving the death of a sole Exchange member partner or officer [and holder of voting stock] who, at the time of his death, was not engaged in war service as defined in (1), (2), and (3) above, the maximum period the Exchange will prescribe during which the organization may have the status of a member organization will not exceed sixty days from the date of the death of the sole Exchange member partner or officer [and holder of voting stock].

RULE 440G—TRANSACTIONS IN STOCKS AND WARRANTS FOR THE ACCOUNTS OF MEMBERS, ALLIED MEMBERS AND MEMBER ORGANIZATIONS

* * * Supplementary Material:

REPORTS ON FORM 121

.10 Requirements for filing.—* * *

* * * * *

(10) Transactions are to be classified into one of the following three categories:

(a) As Specialist. (Box 1) This includes transactions made, while running the book, for the account of regular or relief specialists in the stocks or warrants in which they are registered, as specialists, by them or by a [partner/stockholder of their firm] *partner or an officer of their organization* or by a member with whom they have a joint account.

* * * * *

RULE 440I—NET COMMISSIONS RECEIVED AND RETAINED ON FLOOR TRANSACTIONS

* * * Supplementary Material:

REPORTS ON FORM 600

.10 When and by whom reports are to be submitted.—(1) Each member organization and each individual member who is not a general partner of a member firm or [a holder of voting stock] *an officer* in a member corporation is required to submit to the Controller's Department a report of commissions on business done on the Exchange during the preceding month.

* * * * *

(6) A member who retires as a general partner in a member firm or ceases to be [a holder of voting stock] *an officer* in a member corporation and does not immediately become a general partner in another member firm or [a holder of voting stock] *an officer* in another member corporation is required to file a report for the period commencing the next business day following such event. (The first report and subsequent reports are to be filed in accordance with instruction 3 above.)

(7) An individual member (including special and limited partners in member firms and holders of [non-voting] stock *who are not officers* in member corporations) who would not as a rule have anything to report on Form 600 may obtain permission to submit only an annual report (to be filed on or before December 15 of each year for the period ending November 30) by making a written request to the Controller of the Exchange for such permission, setting forth the reasons therefor.

.20 Contents of Report.—Item (1) on Form 600—Report the total of all commissions received or receivable on business for members, member organizations, non-members, and allied members (including special offerings and odd-lot transactions).

All "brokerage" earned on the Floor of the Exchange by a member who is a general partner of a member firm or [a holder of voting stock] *an officer* in a

[22] Integrated into Rule 304(b).
[23] Integrated into the new Rule 304.10.
[24] Integrated into new Rule 304.11.
[25] Text of body of Rule 314 currently pending SEC approval (SR-NYSE-76-26).

member corporation shall be included in the report rendered by that member firm or member corporation.

* * * * *

.30 Miscellaneous instructions regarding Form 600.—* * *

* * * * *

(3) A report submitted by a member organization should bear the individual signature of a general partner in that firm, or an officer (who is a holder of voting stock) in that corporation, and a reprt submitted by an individual member should bear his signature.

* * * * *

RULE 440J—ODD LOT TRANSACTIONS BY ODD LOT DEALERS

* * * Supplementary Material:

REPORTS ON FORM 600–A

.10 When and by whom reports are to be submited.—(1) Each member organization and each individual member who is not a general partner of a member firm or (a holder of voting stock) *an officer* in a member corporation who makes transactions on the Floor of the Exchange as an odd lot dealer is required to submit to the Controller's Department a report showing the aggregate share volume of his or its odd lot purchases and sales effected on the Exchange during the preceding month.

* * * * *

.30 Miscellaneous instructions regarding Form 600–A.—* * *

* * * * *

(3) A report submitted by a member organization should bear the individual signature of a general partner in that firm, or an officer [who is a holder of voting stock] in that corporation, and a report submitted by an individual member should bear his signature.

* * * * *

RULE 440L—COLLECTION OF ASSESSMENTS, ETC.

* * * Supplementary Material:

* * * * *

REPORTS ON FORM 601

.10 When and by whom reports are to be submitted.—(1) Each member organization and each individual member who is not a general partner of a member firm or [a holder of voting stock] *an officer* in a member corporation is required to submit a report on Form 601 to the Controller's Department.

* * * * *

(4) A member who retires as a general partner in a member firm or ceases to be [a holder of voting stock] *an officer* in another member corporation is required to file a report for the period commencing the next business day following such event. (The first report and subsequent reports are to be filed in accordance with instruction 2 above.)

(5) An individual member (including special and limited partners in member firms and holders of [non-voting] stock *who are not officers* in member corporations) who would not as a rule have anything to report on Form 600 may obtain permission to submit only an annual report on Forms 600 and 601 (to be filed on or before December 15 of each year for the period ending November 30) by making a written request to the Controller of the Exchange for such permission, setting forth the reasons therefor.

.20 Contents of report.—* * *

* * * * *

Line 5(B) (To be [filed] *filled* in by individual members who are not general partners of member firms or [holders of voting stock] *officers* in member corporations.) Enter the minimum charge of $125 per month.

* * * * *

Line 5(C) (to be [filed] *filled* in by member organizations.) Enter the minimum charge of $125 per month for each Exchange member who was a general partner or [holder of voting stock] *an officer* on the last day of the month covered by the report.

* * * * *

.30 Miscellaneous information regarding Form 601.—* * *

* * * * *

(3) A roport submitted by a member organization should bear the individual signature of a general partner in that firm, or an officer [who is a holder of voting stock] in that corporation, and a report submitted by an individual member should bear his signature.

* * * * *

RULE 440N—COLLECTION OF ASSESSMENTS, ETC.

* * * Supplementary Material:

* * * * *

REPORTS ON FORM 601A

.10 When and by whom reports are to be submitted.— (1) Each member organization and each individual member who is not a general partner of a member firm or [a holder of voting stock] *an officer* in a member corporation who makes transactions on the floor of the Exchange as an odd lot dealer is required to submit a report on Form 601A to the Controller's Department.

* * * * *

.20 Contents of report.—* * *

* * * * *

Line 5(B) (To be filled in by individual members who are not general partners of member firms or [holders of voting stock] *officers* in member corporations.) Enter the minimum charge of $125 per month.

* * * * *

Line 5(C) (To be filled in by member organizations.) Enter the minimum charge of $125 per month for each Exchange member who was a general partner or [holder of voting stock] *an officer* on the last day of the month covered by the report.

* * * * *

.30 Miscellaneous information regarding Form 601A.— * * *

* * * * *

(2) A report submitted by a member organization should bear the individual signature of a general partner in that firm, or an officer [who is a holder of voting stock] in that corporation, and a report submitted by an individual member should bear his signature.

* * * * *

RULE 460—SPECIALISTS PARTICIPATING IN CONTESTS

(a) No member who is a specialist, no partner of a member firm in which such member is a partner, no stockholder, *director or officer* in a member corporation in which such mamber is [a stockholder] *an officer*, no such firm or corporation, nor any employee of any of them, shall participate in a proxy contest of a company if such member specializes in the stock of that company.

SPECIALIST DIRECTORS

(b) No member who is a specialist, no partner of a member firm in which such member is a partner, no stockholder, *director or officer* in a member corporation in which such member is [a stockholder] *an officer*, nor any employee of any of them, shall be a director of a company if such member specializes in the stock of that company.

[FR Doc.77-12640 Filed 5-2-77;8:45 am]

[Administrative Proceeding File No. 3-5178; File No. 81-254]

AMERICAN BRANDS OVERSEAS, N.V.

Application and Opportunity for Hearing

APRIL 21, 1977.

Notice is hereby given that American Brands Overseas, N.V. ("Applicant") has filed an application pursuant to section 12(h) of the Securities Exchange Act of 1934 (the "1934 Act"), that Applicant be granted exemption from the provisions of Section 13 of that Act.

Section 13 of the 1934 Act provides that every issuer of a security registered pursuant to section 12 of the 1934 Act, shall file with the Commission, in accordance with such rules and regulations as the Commission may prescribe as necessary or appropriate for the proper protection of investors and to insure fair dealing in the security, such information and documents as the Commission shall require to keep reasonably current the information included in the registration statement, and such annual and quarterly reports as the Commission may prescribe.

Section 12(h) of the 1934 Act empowers the Commission to exempt, in whole or in part, any issuer or class of issuers from the provisions of Section 13, if the Commission finds that such exemption is not inconsistent with the public interest or the protection of investors.

The Applicant states, in part: (1) Applicant is a Netherlands Antilles corporation and a wholly owned subsidiary of American Brands, Inc.

(2) In 1969, Applicant issued $25,000,000 principal amount of its debentures for offering outside the United States.

(3) The debentures are unconditionally guaranteed by American Brands, Inc.

(4) The debentures are listed on the New York Stock Exchange and registered pursuant to Section 12(b) of the 1934 Act. The securities of American Brands, Inc. are also listed on the New York Stock Exchange.

In the absence of an exemption, Applicant is required to file annual and periodic reports with the Commission pursuant to Section 13 of the 1934 Act.

Applicant contends that the exemptive order requested is appropriate in view of the facts that since the debentures are fully guaranteed by American Brands, Inc., it is the reports of that Company in which investors will be primarily interested; that the expense of reporting is not justified by any United States public interest; and that there has been virtually no trading in the debentures.

For a more detailed statement of the information presented, all persons are referred to the application which is on file in the offices of the Commission at 500 North Capitol Street, NW., Washington, D.C. 20549.

Notice is further given that any interested person not later than May 16, 1977, may submit to the Commission in writing his views or any substantial facts bearing on the application or the desirability of a hearing thereon. Any such communication or request should be addressed to: Secretary, Securities and Exchange Commission, 500 North Capitol Street NW., Washington, D.C. 20549, and should state briefly the nature of the interest of the person submitting such information or requesting the hearing, the reason for such request, and the issues of fact and law raised by the application which he desires to controvert. At any time after that date, an order granting the application in whole or in part may be issued upon request or upon the Commission's own motion.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-12631 Filed 5-2-77;8:45 am]

[Administrative Proceeding File No. 3-5179; File 81-255]

AMERICAN TOBACCO INTERNATIONAL CORP.

Application and Opportunity for Hearing

APRIL 21, 1977.

Notice is hereby given that American Tobacco International Corporation ("Applicant") has filed an application pursuant to Section 12(h) of the Securities Exchange Act of 1934 (the "1934 Act"), that Applicant be granted exemption from the provisions of Section 13 of that Act.

Section 13 of the 1934 Act provides that every issuer of a security registered pursuant to Section 12 of the 1934 Act, shall file with the Commission, in accordance with such rules and regulations as the Commission may prescribe as necessary or appropriate for the proper protection of investors and to insure fair dealing in the security, such information and documents as the Commission shall require to keep reasonably current the information included in the registration statement, and such annual and quarterly reports as the Commission may prescribe.

Section 12(h) of the 1934 Act empowers the Commission to exempt, in whole or in part, any issuer or class of issuers from the provisions of Section 13, if the Commission finds that such exemption is not inconsistent with the public interest or the protection of investors.

The Applicant states, in part: (1) Applicant is a Delaware corporation and a wholly-owned subsidiary of American Brands, Inc.

(2) In 1968, Applicant issued $50,000,000 principal amount of debentures for offering outside the United States.

(3) The debentures are unconditionally guaranteed by American Brands, Inc.

(4) The debentures are listed on the New York Stock Exchange and registered pursuant to Section 12(b) of the 1934 Act. The securities of American Brands, Inc. are also listed on the New York Stock Exchange.

In the absence of an exemption, Applicant is required to file annual and periodic reports with the Commission pursuant to Section 13 of the 1934 Act.

Applicant contends that the exemptive order requested is appropriate in view of the facts that since the debentures are fully guaranteed by American Brands, Inc., it is the reports of that Company in which investors will be primarily interested; that the expense of reporting is not justified by any United States public interest; and that there has been no trading in the debentures.

The Applicant contends that there would be no useful purpose secured by the filing of continued reports in view of these facts.

For a more detailed statement of the information presented, all persons are referred to the application which is on file in the offices of the Commission at 500 North Capitol Street NW., Washington, D.C. 20549.

Notice is further given that any interested person not later than May 16, 1977, may submit to the Commission in writing his views or any substantial facts bearing on the application or the desirability of a hearing thereon. Any such communication or request should be addressed to: Secretary, Securities and Exchange Commission, 500 North Capitol Street NW., Washington, D.C. 20549, and should state briefly the nature of the interest of the person submitting such information or requesting the hearing, the reason for such request, and the issues of fact and law raised by the application which he desires to controvert. At any time after that date, an order granting the application in whole or in part may be issued upon request or upon the Commission's own motion.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-12632 Filed 5-2-77;8:45 am]

[Rel. No. 9736; 812-3805]

METROPOLITAN LIFE INSURANCE CO. AND METROPOLITAN VARIABLE ACCOUNT B OF METROPOLITAN LIFE INSURANCE COMPANY

Order Granting Exemption

APRIL 26, 1977.

Metropolitan Life Insurance Company ("Metropolitan"), One Madison Avenue, New York, NY, 10010, a New York mutual life insurance company, and Metropolitan Variable Account B of Metropolitan Life Insurance Company ("Account B"), a separate account of Metropolitan registered under the Investment Company Act of 1940 ("Act") as an open-end management investment company (hereinafter collectively referred to as "Applicants"), filed an application on May 9, 1975 and amendments thereto on December 8, 1975, February 22, 1977 and March 30, 1977, pursuant to Section 6(c) of the Act for an order exempting Applicants from the provisions of Sections 22(e), 27(c)(1) and 27(d) of the Act to the extent necessary to permit compliance by Applicants with certain provisions of the Education Code of the State of Texas.

On March 31, 1977, the Commission issued a notice (Investment Company Act Release No. 9702) of the filing of an application. The notice gave interested persons an opportunity to request a hearing and stated that an order disposing of the application would be issued as of course unless a hearing should be ordered. No request for a hearing has been filed and the Commission has not ordered a hearing.

The matter has been considered and it has been found that the granting of the application 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. Accordingly,

It is ordered, pursuant to section 6(c) of the Act, that the application for exemption from the provisions of Sections 22(e), 27(c)(1) and 27(d) of the Act to the extent necessary to permit compliance with certain provisions of the Education Code of the State of Texas as it would apply to variable annuity contracts issued subsequent to the date of this order, be, and hereby is, granted, effective forthwith.

For the commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-12633 Filed 5-2-77;8:45 am]

[Release No. 34-13452; File No. SR-MSE-77-8]

MIDWEST STOCK EXCHANGE, INC.

Proposed Rule Changed by Self-Regulatory Organizations

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on April 11, 1977, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

(*Additions italicized*—[Deletions bracketed])

ARTICLE XXVI—ADVERTISING AND PROMOTION

Filing of Advertisements

Rule 3. Every member organization shall file each advertisement with the Exchange promptly after initial use, except such routine advertisements as:

Business Cards

(a) business cards or so-called tombstone advertisements;

Specific Securities Bought, Sold, or Quoted

(b) Announcements that specific securities are bought, sold or quoted;

Offers To Furnish Literature

(c) Offers to furnish literature concerning a specific security or securities;

Personnel Changes

(d) Announcements of personnel changes;

Inquiry Invitations

(e) Advertisements inviting inquiries about a particular security or securities;

Summaries of Services Offered

(f) Advertisements briefly summarizing services offered;

1933, 1934 Securities Exchange Acts

(g) Advertisements complying with any rule or regulation of the Securities and Exchange Commission under the Securities Act of 1933, or Securities Act of 1934;

Prior Clearance

(h) Any advertisement which has already received clearance from the National Association of Securities Dealers or another stock exchange designated by the Board of Governors as having substantially the same standards as set forth [in this Article.]

Market Letters and Sales Literature

Rule [4] 3. All *advertisements*, market letters and sales literature prepared and issued by a member [firm or corporation] *organization* shall be approved by a partner of the member firm or an officer of the member corporation. Market letters and sales literature which refer to the market or to specific companies, insurance policies, or securities, listed or unlisted, shall be retained for at least three years by the member [firm or member corporation] *organization* which prepared the material. The copies retained shall contain the name of the partner or officer approving its issuance and the name or names of the persons who prepared the material, and shall at all times within the three-year period be readily available for examination by the Exchange.

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

The purpose of the proposed rule change is to eliminate the requirement that member organizations file advertisements with the Exchange promptly after initial use. Such advertisements would require approval of a partner of a member firm or officer of a member corporation, would be required to conform to the Exchange's standards for such material and be subject to review by the Exchange.

This amendment purposely places compliance with advertising standards in the dominion of member organization management which will be responsible for adherence with the standards of the Exchange. Advertising would be reviewed by the Exchange after publication as part of its normal field examination program. This method of surveillance is currently used for market letters and sales literature. Failure to comply with Exchange standards may subject the member organization to enforcement procedures.

The proposed rule change is based on Sections 6(b) (1), (5) and (8) of the Securities Exchange Act of 1934. The Exchange has the staff to review member organizations for compliance with the Exchange's standards for advertising. This will be accompanied by a spot check of advertising material. Failure to comply with the standards may result in enforcement proceedings against the member organization. The proposed rule change continues the requirement of the maintenance of standards of truthfulness and good taste in advertising. Such standards relate to Section 9(a) and 10 (b) of the Act.

Comments have neither been solicited nor received.

The proposed rule change will impose no burden on competition.

On or before June 7, 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 th 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 21 days of the date of this publication.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

APRIL 19, 1977.

[FR Doc.77-12638 Filed 5-2-77;8:45 am]

[Release No. 13467; File No. SR-NESDTCO-77-3]

NEW ENGLAND SECURITIES DEPOSITORY TRUST CO.

Order Approving Rule Change

APRIL 25, 1977.

On March 16, 1977, the New England Securities Depository Trust Company ("NESDTC") 53 State Street, Boston, Massachusetts, 02109 submitted, pursuant to Rule 19b-4 under the Securities Exchange Act of 1934 (the "Act"), a proposed rule change which would provide for the appointment of NESDTC as a depository facility for the Depository Trust Company ("DTC"), the first of three steps planned to establish a full interface between NESDTC and DTC.

In accordance with Section 19(b) of the Act and Rule 19b-4 thereunder, notice of the proposed rule change was published in the FEDERAL REGISTER (42 FR 16006, March 24, 1977), and the public was invited to comment thereon. Notice of the filing and an invitation for comments also appeared in Securities Exchange Act Release No. 34-13390, March 18, 1977. To date, no letters of comment have been received.

The Commission has reviewed the proposed rule change and finds that it is consistent with the requirements of the Act and the rules and regulations thereunder applicable to registered clearing agencies.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the proposed rule change contained in File No. SR-NESDTCO-77-3 be, and hereby is, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-12634 Filed 5-2-77;8:45 am]

[Release No. 13466; File No. SR-NESDTCO-77-4]

NEW ENGLAND SECURITIES DEPOSITORY TRUST CO.

Order Approving Rule Change

APRIL 25, 1977.

On March 16, 1977, New England Securities Depository Trust Company ("NESDTC") 53 State Street, Boston, Massachusetts 02109, submitted, pursuant to Rule 19b-4 under the Securities Exchange Act of 1934 (the "Act"), a proposed rule change, which would provide for the appointment of NESDTC as a depository facility for the Midwest Securities Trust Companw ("MSTC"), the first step toward a full interface between NESDTC and MSTC.

In accordance with Section 19(b) of the Act and Rule 19b-4 thereunder, notice of the proposed rule change was published in the FEDERAL REGISTER (42 FR 16006, March 24, 1977), and the public was invited to comment thereon. Notice of the filing and an invitation for comments also appeared in Securities Exchange Act Release No. 34-13389, March 18, 1977. To date, no letters of comment have been received.

The Commission has reviewed the proposed rule change and finds that it is consistent with the requirements of the Act and the rules and regulations thereunder applicable to registered clearing agencies.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change contained in File No. SR-NESDTCO-77-4 be, and hereby is, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-12635 Filed 5-2-77;8:45 am]

[Release No. 9733; 811-2014]

PACIFIC MUTUAL FUND, INC.

Filing of Application

APRIL 22, 1977.

Notice is hereby given that Pacific Mutual Fund, Inc. ("Applicant"), 700 Newport Center Drive, Newport Beach, California 92663, registered as an open-end, diversified, management investment company under the Investment Company Act of 1940 ("Act"), filed an application on May 12, 1976, and an amendment thereto on February 14, 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 statement of the representations contained therein, which are summarized below.

Applicant states that it was incorporated under the laws of the State of Delaware on December 22, 1969, registered under the Act on February 2, 1970, and filed a registration statement under the Securities Act of 1933 ("1933 Act") on June 17, 1970, such registration statement having become effective on September 1, 1971. Applicant further states that on January 23, 1976, it had a total of 378,731.2646 shares issued and outstanding, and that, concurrently with the filing of this application, it made a request to deregister its shares now registered under the 1933 Act.

Applicant states that, pursuant to the approval of its directors and shareholders, it transferred all its assets to American Mutual Fund, Inc., an open-end, diversified, management investment company, on January 23, 1976, except for funds of approximately $11,267 for use in winding up its affairs, which funds have been expended for such purpose so that Applicant has no remaining assets. Applicant further states that it received shares of American Mutual Fund, Inc. in consideration of the transfer of such assets and has distributed these shares to its shareholders.

According to the application, Applicant, in order to terminate its corporate existence, filed a Certificate of Dissolution with the Secretary of State of Delaware on March 8, 1976, is not engaged in business of any kind, and is in the process of winding up its affairs.

Section 8(f) of the Act provides, in part, that whenever the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and, upon the 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 16, 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 request 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 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.77-12636 Filed 5-2-77;8:45 am]

[Administrative Proceeding File No. 3-5166; File No. 81-251]

SHERWOOD MEDICAL INDUSTRIES INC.

Application and Opportunity for Hearing

APRIL 21, 1977.

Notice is hereby given that new Sherwood Medical Industries Inc. ("Applicant"), as successor by merger to Sherwood Medical Industries Inc. ("Sherwood"), has filed an application pursuant to Section 12(h) of the Securities Exchange Act of 1934, as amended (the "1934 Act"), that Applicant be granted an exemption from filing with respect to Sherwood an annual report on Form 10-K for the year ended December 31, 1976, required to be filed pursuant to Section 15(d) of the 1934 Act.

Section 15(d) of the 1934 Act requires that issuers that have filed a registration statement that has become effective pursuant to the Securities Act of 1933, must file certain periodic reports with the Commission for the protection of investors and to insure fair dealing in the security.

Section 12(h) of the 1934 Act empowers the Commission to exempt, in whole or in part, any issuer or class of issuers from the provisions of Section 15(d) of the 1934 Act, if the Commission finds, by reason of the number of public investors, amount of trading interest in the securities, the nature and extent of the activities of the issuer, income or assets of the issuer or otherwise, that such exemption is not inconsistent with the public interest or protection of investors.

The Applicant states in part that: (1) Prior to the merger of Sherwood into Applicant, Sherwood was subject to the provisions of Section 15(d) of the 1934 Act and its common stock was registered pursuant to Section 12(b) of the 1934 Act.

(2) A plan to merge Sherwood into Applicant was submitted to the shareholders of Sherwood at a special meeting held on November 30, 1976, and proxy soliciting material containing detailed information, including financial statements, concerning Sherwood and the terms of the merger were filed with the Commission and distributed to shareholders. The merger was consummated on November 30, 1976.

(3) Pursuant to the terms of the merger, all of the outstanding securities of Sherwood were converted into securities of Brunswick Corporation. Applicant is a wholly owned subsidiary of Brunswick.

(4) There is no trading in Sherwood's common stock.

In the absence of an exemption, Applicant is required to file pursuant to Section 15(d) of the 1934 Act and the rules and regulations thereunder, an annual report on Form 10-K with respect to Sherwood for the year ended December 31, 1976. Applicant believes that its request for an order exempting it from the provisions of Section 15(d) of the 1934 Act is appropriate in view of the fact that there is no public ownership or trading in Sherwood's securities. Appli-

cant believes that filing an Annual Report on Form 10-K would not be necessary for the protection of investors.

For a more detailed statement of the information presented, all persons are referred to the application which is on file in the offices of the Commission at 500 North Capitol Street, Washington, D.C. 20549.

Notice is further given that any interested persons, not later than May 16, 1977, may submit to the Commission in writing his views on any substantial facts bearing on this application or the desirability of a hearing thereon. Any such communication or request should be addressed to: Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549, and should state briefly the nature of the interest of the persons submitting such information or requesting the hearing, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert. At any time after that date, an order granting the application in whole or in part may be issued upon request or upon the Commission's own motion.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-12637 Filed 5-2-77;8:45 am]

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Department Circular; Public Debt Series—No. 10-77]

7¼ PERCENT TREASURY NOTES OF FEBRUARY 15, 1984, SERIES A-1984

APRIL 28, 1977.

1. INVITATION FOR TENDERS

1.1. The Secretary of the Treasury, under the authority of the Second Liberty Bond Act, as amended, invites tenders for approximately $2,750,000,000 of United States securities, designated 7¼ percent Treasury Notes of February 15, 1984, Series A-1984 (CUSIP No. 912827 GL 0). The securities will be sold at auction with bidding on the basis of price. Payment will be required at the bid price of each accepted tender in the manner described below. Additional amounts of these securities may be issued to Government accounts and Federal Reserve Banks for their own account in exchange for maturing Treasury securities. Additional amounts may also be issued for cash to Federal Reserve Banks as agents of foreign and international monetary authorities.

2. DESCRIPTION OF SECURITIES

2.1. The securities offered will be identical to the 7¼ percent Treasury Notes of February 15, 1984, Series A-1984 (CUSIP No. 912827 GL 0) issued under Department of the Treasury Circular, Public Debt Series—No. 3-77, dated January 27, 1977, except that interest will accrue from May 16, 1977, and payment for the securities will be calculated on the basis of the auction price determined in accordance with this circular, plus accrued interest from February 15, 1977. With this exception the securities are as described in the following excerpt from the above circular:

2.1. The securities will be dated February 15, 1977, and will bear interest[1] from that date, payable on a semiannual basis on August 15, 1977, and each 6 months thereafter on February 15 and August 15 until the principal becomes payable. They will mature February 15, 1984, and will not be subject to call for redemption prior to maturity.

2.2. The income derived from the securities is subject to all taxes imposed under the Internal Revenue Code of 1954. The securities are subject to estate, inheritance, gift, or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

2.3. The securities will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

2.4. Bearer securities with interest coupons attached, and securities registered as to principal and interest, will be issued in denominations of $1,000, $5,000, $10,000, $100,000, and $1,000,000. Book-entry securities will be available to eligible bidders in multiples of those amounts. Interchanges of securities of different denominations and of coupon, registered and book-entry securities, and the transfer of registered securities will be permitted.

2.5. The securities will be subject to the general regulations of the Department of the Treasury governing United States securities, now or hereafter prescribed.

3. SALE PROCEDURES

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to 1:30 p.m., Eastern Daylight Saving time, Tuesday, May 3, 1977. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Monday, May 2, 1977.

3.2. Each tender must state the face amount of securities bid for. The minimum bid is $1,000 and larger bids must be in multiples of that amount. Competitive tenders must also show the price offered, expressed on the basis of 100 with two decimals, e.g., 100.00. Common fractions may not be used. Only tenders at a price more than the original issue discount limit of 98.50 will be accepted. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified price. No bidder may submit more than one noncompetitive tender, and the amount may not exceed $1,000,000.

3.3. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions in and borrowings on such securities, may submit tenders for account of customers if the names of the customers and the amount for each customer are furnished. Others are only permitted to submit tenders for their own account.

3.4. Tenders will be received without deposit for their own account from commercial banks and other banking institutions; primary dealers, as defined above; Federally insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from others must be accompanied by a deposit of 5% of the face amount of securities applied for (in the form of cash, maturing Treasury securities or readily collectible checks), or by a guarantee of such deposit by a commercial bank or a primary dealer.

3.5. Immediately after the closing hour, tenders will be opened, followed by a public announcement of the amount and price range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full at the weighted average price in two decimals of accepted competitive tenders, and competitive tenders at the highest prices will be accepted to the extent required to attain the amount offered. Tenders at the lowest accepted price will be prorated if necessary. Successful competitive bidders will be required to pay the price that they bid. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the price. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the weighted average price of accepted competitive tenders.

3.6. Competitive bidders will be advised of the acceptance or rejection of their tenders. Those submitting noncompetitive tenders will only be notified if the tender is not accepted in full or when the price is over par.

4. RESERVATIONS

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of securities specified in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this section is final.

5. PAYMENT AND DELIVERY

5.1 Settlement for allotted securities must be made or completed on or before Monday, May 16, 1977, at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted, and must include accrued interest from February 15 to May 16, 1977, in the amount of $18.02486 per $1,000 of securities allotted. Payment must be in cash; in other funds immediately avail-

[1] On February 3, 1977, the Secretary of the Treasury announced that the interest rate on the notes would be 7¼ percent per annum.

able to the Treasury; in Treasury bills, notes or bonds (with all coupons detached) maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received at such institution no later than:

(a) Wednesday, May 11, 1977, if the check is drawn on a bank in the Federal Reserve District of the institution to which the check is submitted (the Fifth Federal Reserve District in case of the Bureau of the Public Debt), or

(b) Tuesday, May 10, 1977, if the check is drawn on a bank in another Federal Reserve District.

Checks received after the dates set forth in the preceding sentence will not be accepted unless they are payable at the applicable Federal Reserve Bank. Payment will not be considered complete where registered securities are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. When payment is made in securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities presented and the amount payable on the securities allotted.

5.2. In every case where full payment is not completed on time, the deposit submitted with the tender, up to 5 percent of the face amount of securities allotted, shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered securities tendered as deposits and in payment for allotted securities are not required to be assigned if the new securities are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. When the new securities are to be registered in names and forms different from those in the inscriptions or assignments of the securities presented, the assignment should be to "The Secretary of the Treasury for (securities offered by this circular) in the name of (name and taxpayer identifying number)." If new securities in coupon form are desired, the assignment should be to "The Secretary of the Treasury for coupon (securities offered by this circular) to be delivered to (name and address)." Specific instructions for the issuance and delivery of the new securities, signed by the owner or authorized representative, must accompany the securities presented. Securities tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Washington, D.C. 20226. The securities must be delivered at the expense and risk of the holder.

5.4 If bearer securities are not ready for delivery on the settlement date, purchasers may elect to receive interim certificates. These certificates shall be issued in bearer form and shall be exchangeable for definitive securities of this issue, when such securities are available, at any Federal Reserve Bank or Branch or at the Bureau of the Public Debt, Washington, D.C. 20226. The interim certificates must be returned at the risk and expense of the holder.

5.5. Delivery of securities in registered form will be made after the requested form of registration has been validated, the registered interest account has been established, and the securities have been inscribed.

6. General Provisions

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make allotments as directed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of securities on full-paid allotments, and to issue interim certificates pending delivery of the definitive securities.

6.2. The Secretary of the Treasury may at any time issue supplemental or amendatory rules and regulations governing the offering. Public announcement of such changes will be promptly provided.

W. Michael Blumenthal,
Secretary of the Treasury.

[FR Doc.77-12800 Filed 4-29-77;4:20 pm]

[Department Circular, Public Debt Series—No. 11-77]

7⅝ PERCENT TREASURY BONDS OF 2002–2007

April 28, 1977.

1. Invitation for Tenders

1.1. The Secretary of the Treasury, under the authority of the Second Liberty Bond Act, as amended, invites tenders for approximately $1,000,000,000 of United States securities, designated 7⅝ percent Treasury Bonds of 2002–2007 (CUSIP No. 912810 BX 5). The securities will be sold at auction with bidding on the basis of price. Payment will be required at the bid price of each accepted tender in the manner described below. Additional amounts of these securities may be issued to Government accounts and Federal Reserve Banks for their own account in exchange for maturing Treasury securities. Additional amounts may also be issued for cash to Federal Reserve Banks as agents of foreign and international monetary authorities.

2. Description of Securities

2.1. The securities offered will be identical to the 7⅝ percent Treasury Bonds of 2002–2007 (CUSIP No. 912810 BX 5) issued under Department of the Treasury Circular, Public Debt Series—No. 4–77, dated January 27, 1977, except that interest will accrue from May 16, 1977, and payment for the securities will be calculated on the basis of the auction price determined in accordance with this circular, plus accrued interest from February 15, 1977. With this exception, the securities are as described in the following excerpt from the above circular:

2.1. The securities will be dated February 15, 1977, and will bear interest[1] from that date, payable on a semiannual basis on August 15, 1977, and each 6 months thereafter on February 15 and August 15 until the principal becomes payable. They will mature on February 15, 2007, but may be redeemed at the option of the United States on and after February 15, 2002, in whole or in part, at par and accrued interest on any interest payment date or dates, on 4 months' notice of call given in such manner as the Secretary of the Treasury shall prescribe. In case of partial call, the securities to be redeemed will be determined by such method as may be prescribed by the Secretary of the Treasury. Interest on the securities called for redemption shall cease on the date of redemption specified in the notice of call.

2.2. The income derived from the securities is subject to all taxes imposed under the Internal Revenue Code of 1954. The securities are subject to estate, inheritance, gift, or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

2.3. The securities will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

2.4. Bearer securities will interest coupons attached, and securities registered as to principal and interest, will be issued in denominations of $1,000, $5,000, $10,000, $100,000, and $1,000,000. Book-entry securities will be available to eligible bidders in multiples of those amounts. Interchanges of securities of different denominations and of coupon, registered and book-entry securities, and the transfer of registered securities will be permitted.

2.5. The securities will be subject to the general regulations of the Department of the Treasury governing United States securities, now or hereafter prescribed.

3. Sale Procedures

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to 1:30 p.m., Eastern Daylight Saving time, Wednesday, May 4, 1977. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Tuesday, May 3, 1977.

3.2. Each tender must state the face amount of securities bid for. The minimum bid is $1,000 and larger bids must be in multiples of that amount. Competitive tenders must also show the price offered, expressed on the basis of 100 with two decimals, e.g., 100.00. Common fractions may not be used. Only tenders at a price more than the original issue discount limit of 92.75 will be accepted. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified price. No bidder may submit more than one noncompetitive tender, and the amount may not exceed $1,000,000.

3.3. Commercial banks, which for this purpose are defined as banks accepting

[1] On February 4, 1977, the Secretary of the Treasury announced that the interest rate on the bonds would be 7⅝ percent per annum.

demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions in and borrowings on such securities, may submit tenders for account of customers if the names of the customers and the amount for each customer are furnished. Others are only permitted to submit tenders for their own account.

3.4. Tenders will be received without deposit for their own account from commercial banks and other banking institutions; primary dealers, as defined above; Federally insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from others must be accompanied by a deposit of 5 percent of the face amount of securities applied for (in the form of cash, maturing Treasury securities or readily collectable checks), or by a guarantee of such deposit by a commercial bank or a primary dealer.

3.5. Immediately after the closing hour, tenders will be opened, followed by a public annoucement of the amount and price range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full at the weighted average price in two decimals of accepted competitive tenders, and competitive tenders at the highest prices will be accepted to the extent required to attain the amount offered. Tenders at the lowest accepted price will be prorated if necessary. Successful competitive bidders will be required to pay the price that they bid. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the price. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the weighted average price of accepted competitive tenders.

3.6. Competitive bidders will be advised of the acceptance or rejection of their tenders. Those submitting noncompetitive tenders will only be notified if the tender is not accepted in full or when the price is over par.

4. Reservations

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of securities specified in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this section is final.

5. Payment and Delivery

5.1. Settlement for allotted securities must be made or completed on or before Monday, May 16, 1977, at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted, and must include accrued interest from February 15 to May 16, 1977, in the amount of $18.95718 per $1,000 of securities allotted. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes or bonds (with all coupons detached) maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received at such institution no later than:

(a) Wednesday, May 11, 1977, if the check is drawn on a bank in the Federal Reserve District of the institution to which the check is submitted (the Fifth Federal Reserve District in case of the Bureau of the Public Debt), or

(b) Tuesday, May 10, 1977, if the check is drawn on a bank in another Federal Reserve District.

Checks received after the dates set forth in the preceding sentence will not be accepted unless they are payable at the applicable Federal Reserve Bank. Payment will not be considered complete where registered securities are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. When payment is made in securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities presented and the amount payable on the securities allotted.

5.2. In every case where full payment is not completed on time, the deposit submitted with the tender, up to 5 percent of the face amount of securities allotted, shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered securities tendered as deposits and in payment for allotted securities are not required to be assigned if the new securities are to be registered in the same names and forms as appear in the registration or assignments of the securities surrendered. When the new securities are to be registered in names and forms different from those in the inscriptions or assignments of the securities presented, the assignment should be to "The Secretary of the Treasury for (securities offered by this circular) in the name of (name and taxpayer identifying number)." If new securities in coupon form are desired, the assignment should be to "The Secretary of the Treasury for coupon (securities offered by this circular) to be delivered to (name and address)." Specific instructions for the issuance and delivery of the new securities, signed by the owner or authorized representative, must accompany the securities presented. Securities tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Washington, D.C. 20226. The securities must be delivered at the expense and risk of the holder.

5.4. If bearer securities are not ready for delivery on the settlement date, purchasers may elect to receive interim certificates. These certificates shall be issued in bearer form and shall be exchangeable for definitive securities of this issue, when such securities are available, at any Federal Reserve Bank or Branch or at the Bureau of the Public Debt, Washington, D.C. 20226. The interim certificates must be returned at the risk and expense of the holder.

5.5. Delivery of securities in registered form will be made after the requested form of registration has been validated, the registered interest account has been established, and the securities have been inscribed.

6. General Provisions

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make allotments as directed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of securities on full-paid allotments, and to issue interim certificates pending delivery of the definitive securities.

6.2. The Secretary of the Treasury may at any time issue supplemental or amendatory rules and regulations governing the offering. Public announcement of such changes will be promptly provided.

W. Michael Blumenthal,
Secretary of the Treasury.

[FR Doc.77-12801 Filed 4-29-77;4:20 pm]

INTERSTATE COMMERCE COMMISSION

[Notice No. 381]

ASSIGNMENT OF HEARINGS

April 28, 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 9859 (Sub-No. 4), Kane Transfer Co., now assigned June 6, 1977, at Baltimore, Md., is canceled and reassigned for July 11, 1977 (1 week), at Salisbury, Md., in a hearing room to be later designated.

FF 488, Retail Merchants Consolidation & Distribution Center, Inc., now assigned June 6, 1977, at Columbus, Ohio, is postponed indefinitely.

MC 133095 (Sub-No. 114), Texas Continental Express, Inc., now assigned May 4, 1977, at Minneapolis, Minn., is postponed indefinitely.

MC 114552 (Sub-No. 124), Senn Trucking Co., now assigned June 1, 1977 (3 days), at Jacksonville, Fla., instead of (1 day).

MC 113678 (Sub-No. 630), Curtis, Inc., now assigned May 23, 1977, at Omaha, Nebr., has been postponed indefinitely.

MC 123407 (Sub-No. 328), Sawyer Transport, Inc., now assigned June 2, 1977, at Jacksonville, Fla., is being advanced to June 1, 1977 (3 days), at Jacksonville, Fla., in a hearing room to be later designated.

MC 111545 (Sub-No. 230), Home Transportation Co., Inc., now being assigned June 1, 1977 (3 days), at Jacksonville, Fla., in a hearing room to be later designated.

MC 31023 (Sub-No. 4), Moon Carrier, now assigned May 4, 1977, at New York, N.Y. is canceled and application dismissed.

MC 134922 Sub-No. 226, B. J. McAdams, Inc., now being assigned June 6, 1977 (1 day), at San Francisco, Calif., in a hearing room to be later designated.

MC 115557 Sub-No. 13, Charles A. McCauley now assigned May 10, 1977, at Washington, D.C., is now being transfered to Modified Procedure.

MC 125533 Sub-No. 15, George W. Kugler, Inc., now assigned May 16, 1977, at Washington, D.C., is canceled, application dismissed.

MC 138713 (Sub-No. 1), R. & G. Transit Corp., now assigned May 17, 1977, at Springfield, Ill., will be held in the Basement Conference Room 17, U.S. Post Office Building, 600 East Monroe.

MC 59717 (Sub-No. 8), Jacksonville Bus Line Co., now assigned May 23, 1977, at Springfield, Ill., will be held in the Basement Conference Room 17, U.S. Post Office Building, 600 East Monroe.

MC 13250 (Sub-No. 136), J. H. Rose Truck Lines, Inc.; MC 14743 (Sub-No. 28), E. L. Powell & Sons Trucking Co., Inc.; MC 19416 (Sub-No. 14), Dunn Bros., Inc.; MC 43867 (Sub-No. 32), A. Leander McAlister Trucking Co.; MC 60157 (Sub-No. 25), C. A. White Trucking Co.; MC 63792 (Sub-No. 27), Tom Hicks Transfer Co., Inc.; MC 66886 (Sub-No. 53), Belger Cartage Service, Inc.; MC 68100 (Sub-No. 18), D. P. Bonham Transfer, Inc.; MC 99214 (Sub-No. 6), Patterson Truck Line, Inc.; MC 106775 (Sub-No. 42), Atlas Truck Line, Inc.; MC 112304 (Sub-No. 115), Acé Doran Hauling & Rigging Co.; MC 117574 (Sub-No. 282), Daily Express, Inc.; MC 119176 (Sub-No. 15), The Squaw Trucking Co.; MC 120257 (Sub-No. 33), K. L. Breedon & Sons; MC 120675 (Sub-No. 3), Acme Trcuk Lines, Inc.; MC 120761 (Sub-No. 19), Newman Bros. Trucking Co.; MC 124947 (Sub-No. 57), Machinery Transports, Inc.; MC 138322 (Sub-No. 4), BHY Trucking, Inc., now being assigned May 9, 1977 (2 weeks), at the Whitehall Hotel, 1700 Smith St., Cullen Center, Houston, Tex., and continued to May 23, 1977 (1 week), at the Fairmont Mayo Hotel, 115 West 5th Street, Tulsa, Okla.

MC 113855 Sub-No. 362, International Transport, Inc., now assigned May 12, 1977, at Washington, D.C., is canceled and transferred to modified procedure.

MC 142308, Bob Forman Associates, Inc., now assigned May 3, 1977, at Charlotte, N.C., is canceled and transferred to modified procedure.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-12687 Filed 5-2-77;8:45 am]

[AB 6 (Sub-No. 44)]

BURLINGTON NORTHERN INC.

Abandonment of Railroad Services

APRIL 22, 1977

The Interstate Commerce Commission hereby gives notice that its Section of Energy and Environment has concluded that the proposed abandonment by the Burlington Northern, Inc., of its line of railroad between Camdon and West Frankfort, a distance of 3.99 miles, in Franklin County, Ill., if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that this line has handled a minimal amount of traffic, which amounted to 16 carloads in 1975. Consequently, abandonment and the subsequent diversion of traffic from rail to motor carrier will have minimal effects on fuel consumption, air quality, and traffic congestion. Although the major industry in this area has been coal mining, the mines have been closed for some time. Abandonment is not expected to have a serious adverse impact on rural and community development because there are no industrial development plans which conflict with the proposed abandonment. There is a fully developed industrial park located along the rail line in West Frankfort. However, none of the industries in this park are dependent on the line for rail service, and the Chicago and Eastern Illinois Railroad could serve this park by construction of a rail spur if the need arises. The line to be abandoned is not considered suitable for other public purposes.

This conclusion is contained in a staff-prepared environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-275-7011.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C. 20423, on or before June 6, 1977.

It should be emphasized that the environmental threshold assessment survey represents an evaluation of the environmental issues in the proceeding and does not purport to resolve the issue of whether the present or future public convenience and necessity permit discontinuance of the line proposed for abandonment. Consequently, comments on the environmental study should be limited to discussion of the presence or absence of environmental impacts and reasonable alternatives.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-12694 Filed 5-2-77;8:45 am]

[AB 37 (Sub-No. 6)]

OREGON-WASHINGTON RAILROAD & NAVIGATION CO.

Abandonment and Abandonment of Operation by Union Pacific Railroad Company of "Umatilla Branch" Between Umatilla and Irrigon in Umatilla and Morrow Counties, Oreg.

APRIL 22, 1977.

The Interstate Commerce Commission hereby gives notice that: (1) The Commission's Section of Energy and Environment has prepared an environmental threshold assessment survey in the above-entitled Proceeding in which it was concluded that the proceeding does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq.; (2) a notice setting forth this conclusion was served March 9, 1977, and no substantive comments in opposition, of an environmental nature, have been received by the Commission in response to said notice; (3) this proceeding is now ready for further disposition within the Office of Hearings or the Office of Proceedings as appropriate.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-12692 Filed 5-2-77;8:45 am]

[AB 12 (Sub-No. 47)]

SOUTHERN PACIFIC TRANSPORTATION CO.

Abandonment of Its San Bruno Branch Between Daly City and Baden, In San Mateo County, Calif.

APRIL 22, 1977.

The Interstate Commerce Commission hereby gives notice that: (1) The Commission's Section of Energy and Environment has prepared an environmental threshold assessment survey in the above-entitled proceeding in which it was concluded that the proceeding does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. section 43321, et se.; (2) a notice setting forth this conclusion was served March 9, 1977, and no substantive comments in opposition, of an environmental nature, have been received by the Commission in response to said notice; (3) this proceeding is now ready for further disposition within the

Office of Hearings or the Office of Proceedings as appropriate.

ROBERT L. OSWALD,
Secretary.

[FR Doc.12689 Filed 5-2-77;8:45 am]

[AB 12 (Sub-No. 35)]

SOUTHERN PACIFIC TRANSPORTATION CO.

Abandonment Between Susanville and Westwood in Lassen County, Calif.

APRIL 22, 1977.

The Interstate Commerce Commission hereby gives notice that: (1) The Commission's Section of Energy and Environment has prepared an environmental threshold assessment survey in the above-entitled proceeding in which it was concluded that the proceeding does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq.; (2) a notice setting forth this conclusion was served March 1, 1977, and no substantive comments in opposition, of an environmental nature, have been received by the Commission in response to said notice; (3) this proceeding is now ready for further disposition within the Office of Hearings or the Office of Proceedings as appropriate.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-12690 Filed 5-2-77;8:45 am]

[AB 12 (Sub-No. 49)]

SOUTHERN PACIFIC TRANSPORTATION CO.

Abandonment Between Redlands, 2d Street and Crafton in San Bernadino County, Calif.

APRIL 22, 1977.

The Interstate Commerce Commission hereby gives notice that: (1) The Commission's Section of Energy and Environment has prepared an environmental threshold assessment survey in the above-entitled proceeding in which it was concluded that the proceeding does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq.; (2) a notice setting forth this conclusion was served March 9, 1977, and no substantive comments in opposition, of an environmental nature, have been received by the Commission in response to said notice; (3) this proceeding is now ready for further disposition within the Office of Hearings or the Office of Proceedings as appropriate.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-12691 Filed 5-2-77;8:45 am]

[AB 33 (Sub-No. 14)]

UNION PACIFIC RAILROAD CO.

Abandonment Portion—Encampment Branch Between Saratoga and Cow Creek in Carbon County, Wyoming

APRIL 22, 1977.

The Interstate Commerce Commission hereby gives notice that: (1) The Commission's Section of Energy and Environment has prepared an environmental threshold assessment survey in the above-entitled proceeding in which it was concluded that the proceeding does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq.; (2) a notice setting forth this conclusion was served March 9, 1977, and no substantive comments in opposition, of an environmental nature, have been received by the Commission in response to said notice; (3) this proceeding is now ready for further disposition within the Office of Hearings or the Office of Proceedings as appropriate.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-12693 Filed 5-2-77;8:45 am]

[AB 33 (Sub-No. 12)]

UNION PACIFIC RAILROAD CO.

Abandonment of "Lyman Branch" Between Hartman and Stegall in Scottsbluff County, Nebr.

APRIL 22, 1977.

The Interstate Commerce Commission hereby gives notice that: (1) The Commission's Section of Eenergy and Environment has prepared an environmental threshold assessment survey in the above-entitled proceeding in which it was concluded that the proceeding does not contitute a major Federal action significantly affecting the quality of the human environment within the meaning of the Nationay Environmental Policy Act of 1969 (NEPA), 42 U.S.C. section 4321, et seq.; (2) a notice setting forth this conclusion was served March 1, 1977, and no substantive comments in opposition, of an environmental nature, have been received by the Commission in response to said notice; (3) this proceeding is now ready for further disposition within the Office of Hearings or the Office of Proceedings as appropriate.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-12695 Filed 5-2-77;8:45 am]

[Notice No. 162]

MOTOR CARRIER TRANSFER PROCEEDINGS

MAY 3, 1977.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC 77098. By application filed April 21, 1977, LESLIE A. PARKER, an individual, R.D. No. 2, Eldred, Pa., seeks temporary authority to transfer the operating rights of Floyd E. Hubbard, Jr., an individual, East Main Road, North East, Pa. 16428, under section 210a(b). The transfer to Leslie A. Parker, an individual, of the operating rights of Floyd E. Hubbard, Jr., an individual, is presently pending.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-12686 Filed 5-2-77;8:45 am]

[Notice No. 161]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

The following publications include motor carrier, water carrier, broker, and freight forwarder transfer applications filed under sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act.

Each application (except as otherwise specifically noted) contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application.

Protests against approval of the application, which may include a request for oral hearing, must be filed with the Commission within 30 days after the date of this publication. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest must be served upon applicants' representative(s), or applicants (if no such representative is named), and the protestant must certify that such service has been made.

Unless otherwise specified, the signed original and six copies of the protest shall be filed with the Commission. All protests must specify with particularity the factual basis, and the section of the Act, or the applicable rule governing the proposed transfer which protestant believes would preclude approval of the application. If the protest contains a request for oral hearing, the request shall be supported by an explanation as to why the evidence sought to be presented cannot reasonably be submitted through the use of affidavits.

The operating rights set forth below are in synopses form, but are deemed sufficient to place interested persons on notice of the proposed transfer.

No. MC-FC-76968 filed April 7, 1977. Transferee: IMPERIAL MOTOR LINES, INC., 136 Allen Boulevard, Farmingdale, New York, 11735. Transferor: Byrnes L.I. Motor Cargo, Inc., 136 Allen Boulevard, Farmingdale, New York, 11735. Transferor's Representa-

tive: Arthur Liberstein, 1 Penn Plaza, New York, N.Y. 10001. Transferee's Representative: Harold Sussman, 200 Garden City Plaza, Garden City, N.Y. 11530. Authority sought for purchase by transferee of the operating rights of transferor as set forth in Certificates No. MC–99369, Sub-No. 3) and MC–99369 (Sub-No. 4), issued February 8, 1977, as follows: *General commodities*, with normal exceptions, over irregular routes, between points in Nassau and Suffolk Counties, N.Y., on the one hand, and, on the other, points in New Jersey within 15 miles of Columbus Circle, N.Y.; *General commodities*, with normal exceptions, over irregular routes, Between New York, N.Y., on the one hand, and, on the other, points in New Jersey within 15 miles of Columbus Circle, New York, N.Y. Transferee presently holds no authority from this Commission. Application has been filed for temporary authority under Section 210a(b).

No. MC–FC–77061, filed April 12, 1977. Transferee: RALPH HUMPHREYS, Tibbitts Road, Box 736, New Hartford, New York 13413. Transferor: Hollebrand Trucking, Inc., Macedon Rd., P.O. Box 164, Ontario Center, New York 14520. Applicants' representative: S. Michael Richards, 44 North Avenue, P.O. Box 225, Webster, New York, 14580. Authority sought for purchase by transferee of a portion of the operating rights of transferor, as set forth in Certificate No. MC 112854 (Sub-No. 14), all of the operating rights as set forth in Certificates No. MC 112854 (Sub-No. 21) and MC 112854 (Sub-No. 22), portion of the operating rights as set forth in Certificate No. MC 112854 (Sub-No. 24) and all of operating rights as set forth in Certificate Nos. MC 112854 (Sub-No. 33) and MC 112854 (Sub-No. 35) issued October 9, 1962; March 1, 1965; November 24, 1964; October, 7 1965; November 29, 1973; and August 5, 1976; as follows: *Frozen fruits*, and *fresh produce*, including fresh fruits, fresh vegetables, and fresh berries when moving in the same vehicle with frozen fruits, From points in New York located on and west of a line beginning at Oswego, N.Y., and extending along New York Highway 57 to Syracuse, N.Y., and thence along U.S. Highway 11 to the New York-Pennsylvania State line, to Miami and Tampa, Fla., and Charlotte, N.C.; *Sauerkraut*, in bags, in vehicles equipped with mechanical refrigeration, From Preble, N.Y., to Atlanta, Ga.; *Sauerkraut*, in bags, in vehicles equipped with mechanical refrigerations, From Preble, N.Y., to points in Florida; *Sauerkraut*, in bags, in vehicles equipped with mechanical refrigeration, From Preble, N.Y., to points in South Carolina, and Georgia (except Atlanta), Restriction: The authority is restricted to the transportation of traffic originating at the plant site of Preble Produce Corporation, at Preble, N.Y.; *Manufactured dairy products*, From La Fargeville and Arkport, N.Y., to Richmond and Norfolk, Va., Charlotte and Raleigh, N.C., Charleston and Columbia, S.C., Quincy, Jacksonville, Miami, and Tampa, Fla., and Atlanta, Statesboro, Thomasville, and Valdosta, Ga.; and *Manufactured dairy products and fresh salads*, From Binghamton, N.Y., to Miami and Jacksonville, Fla. Transferee presently holds no authority from this Commission. Application has not been filed for temorary authority under Section 210a(b).

No. MC–FC–77070 filed April 6, 1977. Transferee: GUARDIAN MOVING AND STORAGE, INC., 1111 S. Franklin, Indianapolis, Indiana 46239. Transferor: Haymaker Van & Storage, Incorporated, 3831 Prospect Street, Indianapolis, Indiana, 46203. Applicant's representative: Walter F. Jones, Jr., 601 Chamber of Commerce Bldg., Indianapolis, Indiana, 46204. Authority sought for purchase by transferee of the operating rights of transferor as set forth in Certificate No. MC 125735, issued July 13, 1964, as follows: *Household goods*, as defined by the Commission, Between Indianapolis, Ind., on the one hand, and, on the other, points in Indiana. Transferee presently holds no operating authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC–FC–77080, filed April 11, 1977. Transferee: THOMPSON TRUCK LINE, INC., 313 South First Street, Osborne, Kansas 67473. Transferor: Leslie K. Gentzler, Portis, Kansas 67474. Applicant's representative: James R. Martin, 115 South First Street, Osborne, Kansas 67473. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC 24009, issued December 12, 1955, as follows: Livestock from specified points and counties in Kansas to specified points in Nebraska and from specified counties in Nebraska to points in Osborne and Smith Counties, Nebraska; horses from Norton and Graham Counties, Kansas to Grand Islan, Nebraska; and household goods between points in Osborne and Smith Counties, Kansas on the one hand, and, on the other, points in Colorado and Missouri. Transferee is presently authorized to operate as a common carrier under Certificate No. MC 88613. Application has not been filed for temporary authority under Section 210a(b).

No. MC–FC–77081, filed April 11, 1977. Transferee: GARY DAVIS TRUCKING, INC., 14575 SW. Kingston, Milwaukie, Oregon 97222. Transferor: Edward R. Wolfe, doing business as Wolfe Trucking, 20425 Ahha Lane, Bend, Oregon 97701. Applicant's representative: Lawrence V. Smart, Jr., 419 NW. 23d Avenue, Portland, Oregon 97210; Philip G. Skofstad, P.O. Box 594, Gresham, Oregon 97030. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC 138080 (Sub-No. 2) and MC 138080 (Sub-No. 4) issued March 22, 1974 and February 5, 1975, as follows: Expanded shale rock from points in Washington County, Oreg. to points in Washington and Idaho. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC–FC–77082, filed April 13, 1977. Transferee: SOLDIER BROS. A B T LINE, INC., 614 Paine Avenue, Toledo, Ohio 43605. Transferor: Eli I. Soldier and James J. Soldier, a partnership, 614 Paine Avenue, Toledo, Ohio 43605. Applicant's representative: Arthur R. Cline, Attorney at Law, 420 Security Building, Toledo, Ohio 43604. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in No. MC 123675, issued October 3, 1961, as follows: Automobile stampings, automobile parts, radiator shells and parts, paint, lumber, glass, empty barrels and boxes, dies, die models, sheet steel, wood blocks, solder, and solder dross between Toledo, Ohio and points within five miles thereof, on the one hand, and, on the other, specified points in Indiana and specified counties in Michigan: automobile and truck bodies and stampings from Cleveland, Ohio to Flint, Mich., and points in Wayne, Macomb, and Oakland Counties, Mich.; empty barrels from Toledo, Ohio to Ligonier, Ind.; steel tanks from East Palestine, Ohio to points in Wayne County, Mich.; formed sheet metal stampings from Toledo, Ohio to specified points in Indiana, Illinois, and the lower peninsula of Michigan. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC–FC–77086, filed April 14, 1977. Transferee: THE WEST HARTFORD MOVING & STORAGE CO., a corporation, 160 South St., W. Hartford, Conn. 06110. Transferor: Horace N. Garrison, doing business as West Hartford Moving & Storage Co., 160 South St., W. Hartford, Conn. 06110. Authority sought for purchase by transferee of the operating rights of transferor set forth in Certificate No. MC 40135, issued October 11, 1954, as follows: Household goods, as defined by the Commission, between Hartford, Conn., and points in Connecticut within ten miles of Hartford, on the one hand, and, on the other, points in Massachusetts, Rhode Island, New Hampshire, Vermont, New York, and New Jersey. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC–FC–77087, filed April 14, 1977. Transferee: Helen Reagan, doing business as Southeast Trucking Company, 8418 County Highway 18, R.D. No. 6, Ravenna, Ohio 44266. Transferor: Carl W. Reagan, doing business as Southeast Trucking Company, 8418 County Highway 18, R.D. No. 6, Ravenna, Ohio 44266. Applicant's representative: William P. Jackson, Jr., Attorney-at-Law, 3426 North Washington Boulevard, P.O. Box 1267, Arlington, Va. 22210. Authority sought for purchase by transferee of the operating rights of transferor set forth in Permits Nos. MC 127527, MC 127527 (Sub-No. 1), MC 127527 (Sub-No.

3), MC 127527 (Sub-No. 5), MC 127527 (Sub-No. 10), MC 127527 (Sub-No. 12), MC 127527 (Sub-No. 14), and MC 127527 (Sub-No. 16), issued by the Commission October 14, 1966, July 1, 1966, January 18, 1967, January 13, 1969, May 27, 1971, December 26, 1972 (as corrected February 2, 1973), December 11, 1972, July 22, 1975, and June 10, 1976, respectively as follows: Concrete sewer pipe, concrete manholes and cones, fittings and related articles and materials used in the installation of such commodities; vitrified clay products, clay, firebrick, fireclay, furnace and kiln lining cements, and high temperature bonding mortar; refractories; dock levelers; reinforcing wire and reinforcing wire fabric; machinery and equipment and attachments and parts therefor used in the manufacture of concrete pipe; concrete pipe, concrete cribbing, and concrete slabs, concrete pipe forms and pre-stressed concrete bridge side forms; pipe (other than steel), and accessories, parts, fittings, and attachments therefor; and iron and steel articles and fabricated, processed, and structural steel, from, to and between points and places in Delaware, Illinois, Indiana, Iowa, Kentucky, Maryland, Michigan, Minnesota, New Jersey, New York, Ohio, Pennsylvania, Virginia, West Virginia, and Wisconsin. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

ROBERT L. OSWALD,
Secreary.

[FR Doc.77-12688 Filed 5-2-77;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

1

AGENCY HOLDING MEETING: Federal Power Commission.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: (Sent to F.R. on April 27, 1977.)

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: May 4, 1977, 2:00 p.m.

CHANGE IN THE MEETING: The following items have been added to the agenda upon the affirmative vote of Chairman Dunham, Commissioners Smith, Holloman, and Watt: G–16. Docket No. RP76–140, Natural Gas Pipeline Company of America, Docket No. RP77–4, Tennessee Gas Pipeline Company, a Division of Tenneco, Inc.; G–17. Docket No. CI74–319, James M. Forgotson, Operator for Gulf Coast Venture; G–18. Docket No. CP77–186, Texas Eastern Transmission Corporation; M–1. Docket No. RM76–17, Research Development and Demonstration Accounting Advance approval of rate treatment; M–2. Emergency supplies of natural gas to pipelines and distributors; M–3. Curtailment Impact next Winter; M–4. Carnegie Natural Gas Company.

KENNETH F. PLUMB,
Secretary.

[S–300–77 Filed 4–28–77; 1:43 pm]

2

AGENCY HOLDING MEETING: Securities and Exchange Commission.

ANNOUNCED TIME AND DATE OF MEETING: 2:30 p.m., April 28, 1977 (42 FR 17580, April 1, 1977, previously changed from 10:00 a.m. same date.)

CHANGES IN THE MEETING: Item 1, respecting H.R. 3222, Item 2, respecting H.R. 3518 and Item 3, relating to the Freedom of Information Act Appeal of Norman F. Dacey have been rescheduled for an open meeting to be held at 10:00 A.M. on Thursday, May 5, 1977. Additional staff consideration of the matters are required.

Chairman Williams, Commissioners Loomis, Evans and Pollack voted to approve the above change.

Dated: April 25, 1977.

GEORGE A. FITZSIMMONS,
Secretary.

[S–301–77 Filed 4–28–77; 4:00 pm]

3

AGENCY HOLDING THE MEETING: Federal Election Commission.

DATE AND TIME: Thursday, May 5, 1977, 10:00 a.m.

PLACE: 1325 K Street, N.W., Washington, D.C. 20463.

STATUS: Closed to the public.

MATTERS TO BE CONSIDERED: I. Executive Session; A. Compliance Matters.

PERSON TO CONTACT FOR INFORMATION:

David Fiske, Press Officer, Telephone 202–523–4065.

MAYEM W. EMMONS,
Secretary to the Commission.

[S–309–77 Filed 4–28–77; 5:04 pm]

4

AGENCY HOLDING THE MEETING: U.S. Commission on Civil Rights.

DATE AND TIME: May 8, 1977, meeting 8:00 p.m.; May 9 (possibly continuing on May 10, 1977) 8:30 a.m. Public Hearing.

PLACE: May 8, Levee Room, Radama Inn Central, 160 Union Street, Memphis, Tennessee. May 9, Room 936, Federal Building, 167 North Main Street, Memphis, Tennessee.

STATUS: May 8, closed to public. May 9, open; limited portions may be closed to public.

MATTERS TO BE CONSIDERED: May 8, enforcement of Commission subpenas. May 9, public hearing on Police-community relations in Memphis, Tennessee.

CONTACT PERSON FOR FURTHER INFORMATION:

Mimi Hartley or Barbara Brooks, Public Affairs Unit, 202–254–6697.

[S–310–77 Filed 4–28–77; 5:04 pm]

5

AGENCY HOLDING THE MEETING: Indian Claims Commission.

TIME AND DATE: 10:15 a.m., May 11, 1977.

PLACE: Room 600, 1730 K Street, N.W., Washington, D.C.

STATUS: Open to the Public: Docket 60–A, Makah; Docket 100–B–1, Klamath and Modoc; Docket 182–A, Fort Sill Apache; Docket 272, Creek; Docket 342–G, Seneca.

CONTACT PERSON FOR MORE INFORMATION:

David H. Bigelow, Executive Director, Room 640, 1730 K Street, NW., Washington, D.C. 20006, Telephone 202–653–6184.

[S–311–77 Filed 4–29–77; 8:45 am]

6

AGENCY HOLDING THE MEETING: Mississippi River Commission.

TIME AND DATE: 8:30 a.m., 23 May 1977.

PLACE: On board MV MISSISSIPPI at Foot of Eighth Street, Cairo, Illinois.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED: Views and suggestions from members of the public on any matters pertaining to the Flood Control, Mississippi River and Tributaries Project.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Rodger D. Harris, telephone 601–636–1311, extension 205.

AGENCY HOLDING THE MEETING: Mississippi River Commission.

TIME AND DATE: 8:30 a.m., 25 May 1977.

PLACE: On board MV MISSISSIPPI at City Front, Greenville, Mississippi.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED: Views and suggestions from members of the public on any matters pertaining to the Flood Control, Mississippi River and Tributaries Project.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Rodger D. Harris, telephone 601–636–1311, extension 205.

[S–312–77 Filed 4–29–77; 8:43 am]

7

AGENCY HOLDING THE MEETING: Mississippi River Commission.

TIME AND DATE: 9:00 A.M., 24 May 1977.

PLACE: On board MV MISSISSIPPI at City Front-Vicinity Beale Street, Memphis, Tennessee.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED: (1) Views and suggestions from members of the public on any matters pertaining to the Flood Control, Mississippi River and Tributaries Project; (2) Survey Report on feasibility of expanding Memphis Harbor; (3) Survey Report on feasibility of providing flood control on Eight Mile Creek at Paragould, Arkansas. Public observation but not participation of the Commission's deliberations on the Survey Reports is invited.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Rodger D. Harris, telephone 601–636–1311, extension 205.

[S–313–77 Filed 4–29–77;9:43 am]

8

AGENCY HOLDING THE MEETING: Mississippi River Commission.

TIME AND DATE: 8:30 A.M., 26 May 1977.

PLACE: On board MV MISSISSIPPI at Corps of Engineers Mat Casting Field, Vidalia, Louisiana.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED: Views and suggestions from members of the public on any matters pertaining to the Flood Control, Mississippi River and Tributaries Project.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Roger D. Harris, telephone 601/632–1311, extension 205.

AGENCY HOLDING THE MEETING: Mississippi River Commission.

TIME AND DATE: 9:00 A.M., 27 May 1977.

PLACE: On board MV MISSISSIPPI at Foot of Prytania Street, New Orleans, Louisiana

STATUS: Open to the public.

MATTERS TO BE CONSIDERED: Views and suggestions from members of the public on any matters pertaining to the Flood Control, Mississippi River and Tributaries Project.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Rodger D. Harris, telephone 601/636–1311, extension 205

[S–314–77 Filed 4–29–77;9:43 am]

9

AGENCY HOLDING THE MEETING: Consumer Product Safety Commission.

TIME AND DATE: 9:30 a.m., May 12, 1977.

LOCATION: 3rd Floor Hearing Room, 1111-18th St. NW., Washington, D.C.

STATUS: Portions are open: one portion is closed.

MATTERS TO BE CONSIDERED: Portion open to the public.

1. *Public Playground Equipment: Recommended Safety Standard.* In May, 1975, the Commission initiated a proceeding to develop safety-related requirements for public playground equipment. These requirements were to be used as a basis for proposed regulations under the Federal Hazardous Substances Act. At this meeting, the Commission will provide guidance to the staff on further development of the standard.

2. *Petition on Airless Paint Spray Guns* (CP 74–4). In September, 1974, the Commission received a petition seeking action on airless paint spray guns. At that time, the Commission directed the staff to take action under the substantial product hazard provisions of section 15 of the Consumer Product Safety Act, and later accepted a consent agreement in the case. At this meeting, the staff has asked the Commission to decide on the petition, and on whether any other action is necessary under section 15.

3. *Amendments to the Electrical Toy Regulation Regarding Instruction Booklets and Power Cords.* The Commission will consider what additional action to take on two amendments to the Federal Hazardous Substances Act regulations for electrically-operated toys and children's articles, which it proposed in January, 1974. The proposed amendments concern cautionary labeling on instruction sheets, and the types of cord to be used for such products as wood-burning tools.

4. *Response to H.R. 3691: Consumer Product Safety Commission Amendments of 1977.* This draft letter, prepared for Commission approval, comments on the bill, which was drafted by the Commission and introduced at its request.

Portion of Meeting closed to the public

5. *Proposal to Seek Consent Agreement and/or Notice of Enforcement: Flammable Fabrics Act Case (carpets); BCMI 16–048.* In this matter, the staff seeks authority to issue a consent agreement and a letter offering the firm an opportunity for settlement, and authority for automatic issuance of a Notice of Enforcement should the firm refuse to enter into the consent agreement. The Commission previously considered this case at its April 14 meeting.

CONTACT PERSON FOR ADDITIONAL INFORMATION:

Sheldon D. Butts, Assistant Secretary, Office of the Secretary, Consumer Product Safety Commission, Suite 300, 1111-18th St. NW., Washington, D.C. 20207, telephone (202) 634–7700.

[S–316–77 Filed 4–29–77;11:38 am]

10

AGENCY HOLDING THE MEETING: Commodity Futures Trading Commission.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: FR Vol. 42, 21898, April 29, 1977.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10:00 A.M., May 2, 1977.

CHANGES IN MEETING: Cancelled.

[S–317–77 Filed 4–29–77;1:45 pm]

11

AGENCY HOLDING THE MEETING: The Renegotiation Board.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: 42 FR 21170.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10:00 a.m., May 3, 1977.

CHANGES IN MEETING: The time and date of the meeting are changed to 10:00 a.m., May 10, 1977. In all other respects, the original announcement in 42 FR 13167–8 is unchanged.

Dated April 29, 1977.

GOODWIN CHASE,
Chairman.

[S–318–77 Filed 4–29–77;1:49 pm]

12

AGENCY HOLDING THE MEETING: National Commission on Libraries and Information Science.

Notice is hereby given of the National Commission on Libraries and Information Science (established by Public Law 91–345) holding a meeting of the Task

Force on the Role of School Library Media Program in Networking. This meeting of the Task Force will be held on July 11-12, 1977, at the Stouffer's National Center Inn, Arlington, Virginia.

PROPOSED AGENDA

(1) Progress Report;

(2) Discussion on position paper No. 1—"Analysis of the Organizational Structure of School Library Media Programs Presently Participating in Networking;"—Does the information contained in position paper No. 1 alter or substantiate our thinking?—Does the paper uncover any totally new areas?—How to effectively use the information in planning our next steps;

(3) Reports of subcommittees on assigned tasks;

(4) Activities to be accomplished for next meeting.

ALPHONSE F. TREZZA,
Executive Director.

APRIL 28, 1977.

[S-319-77 Filed 4-29-77;3:29 pm]

13

AGENCY HOLDING THE MEETING: Federal Communications Commission.

TIME AND DATE: 9:00 a.m., Wednesday, May 4, 1977.

PLACE: Room 814, 1919 M Street NW., Washington, D.C.

STATUS: Closed Commission Meetings.

MATTER TO BE CONSIDERED: Information concerning the subject matter of the meeting is withheld pursuant to 47 CFR 603(a).

Issued: April 27, 1977, April 29, 1977 (Amendment).

[S-320-77 Filed 4-29-77;3:29 pm]

federal register

TUESDAY, MAY 3, 1977

PART II

ENVIRONMENTAL PROTECTION AGENCY

■

LIME MANUFACTURING PLANTS

Standards of Performance and Addition to List of Categories of Stationary Sources

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 60]

[PRL 704-1]

STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

Lime Manufacturing Plants

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The proposed standards would limit emissions of particulate matter from new, modified, and reconstructed lime manufacturing plants. The standards implement the Clean Air Act and are based on the Administrator's determination that lime manufacturing plant emissions contribute significantly to air pollution. The intended effect is to require new, modified, and reconstructed lime manufacturing plants to use the best demonstrated system of emission reduction.

DATES: Comments must be received on or before July 5, 1977.

ADDRESS: Comments should be submitted, preferably in triplicate, to the Emission Standards and Engineering Division, Environmental Protection Agency, Research Triangle Park, North Carolina 27711, Attention: Mr. Don R. Goodwin.

The Standards Support and Environmental Impact Statement (SSEIS) may be obtained from the Public Information Center (PM-215), U.S. Environmental Protection Agency, Washington, D.C. 20460 (specify "Standards Support and Environmental Impact Statement, Volume 1: Proposed Standards of Performance for Lime Manufacturing Plants").

All public comments received will be available for inspection and copying during normal business hours at EPA's Public Information Reference Unit, Room 2922 (EPA Library), 401 M Street SW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT:

Don R. Goodwin, Emission Standards and Engineering Division, Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone number 919-688-8146, extension 271.

SUPPLEMENTARY INFORMATION:

Summary of Environmental and Economic Impacts

The proposed standards could impact an estimated 6.8 teragrams (7.5 million tons) of lime manufacturing capacity by 1982. About one-third of that would be due to replacement of existing facilities and the remainder due to installation of equipment needed for expansion of industry capacity. EPA estimates that approximately 8 to 10 new rotary lime kilns and one new lime hydrator will be built each year for the next five years.

The proposed standards would reduce national particulate emissions from lime manufacturing plants by about 13 gigagrams (about 14,200 tons) through 1982. This reduction would be accomplished with only minimal adverse environmental impacts on water pollution and solid waste handling and disposal. National energy consumption would be decreased slightly by the equivalent of nine cubic meters or about 55 barrels of No. 6 fuel oil per day in 1982.

Total incremental investment costs through 1982 to meet the proposed standards are projected to be about $3 million. The annualized costs in 1982, including depreciation and interest, are estimated to be about $5 million. The potential price increase that would result from implementation of the proposed standards for new or reconstructed kilns has been estimated to be about 80 cents per megagram of lime produced, or an increase of approximately 2.6 percent. The costs for control of particulate emissions from the affected facilities are considered reasonable.

The proposed particulate standard for rotary lime kilns is based on the use of a baghouse or an electrostatic precipitator. Use of either of these systems would result in minimal adverse environmental impacts. A venturi scrubber could also be used to meet the standards. Although venturi scrubbers would result in an additional beneficial environmental impact by reducing SO_2 emissions by about 7 percent, they would also result in adverse impacts on solid waste disposal, water pollution, and energy consumption.

The proposed particulate standard for lime hydrators is based on the use of a scrubber. Since the typical State standard for this facility also requires the use of a scrubber, there would be minimal environmental impacts associated with the proposed standard. The incremental energy required is small, an increase of less than one percent. All of the collected particulate matter could be recycled to the unit along with the scrubbing water. Therefore, there would be no adverse environmental impacts on solid waste disposal or water pollution.

Rationale for the Proposed Standards

The proposed standards would require the best demonstrated technology, considering costs, for the control of particulate matter emissions be installed and properly operated at new, modified, and reconstructed lime manufacturing plants. The proposed standards were developed based on information derived from (1) available technical literature on the lime manufacturing industry and applicable emission control technology, (2) technical studies performed for EPA by independent research organizations, (3) information obtained from the industry during visits to lime plants and meetings with various representatives of the industry, (4) comments and suggestions solicited from experts, and (5) the results of emission measurements conducted by EPA and the industry.

It should be noted that standards of performance for new sources established under section 111 of the Clean Air Act reflect emission limits achievable with the best demonstrated systems of emission reduction considering the cost of such systems. State implementation plans (SIP's) approved or promulgated under section 110 of the Act, on the other hand, must provide for the attainment and maintenance of national ambient air quality standards (NAAQS) designed to protect public health and welfare. For that purpose SIP's must in some cases require greater emission reductions than those required by standards of performance for new sources. For example, EPA's Interpretative Ruling (41 FR 55524, December 21, 1976) on the construction of a new or modified source in an area that exceeds a NAAQS requires, among other things, that the new source must meet an emission limitation which reflects the "lowest achievable emission rate" for such type of source. At a minimum, the lowest rate achieved in practice would have to be specified unless the applicant can demonstrate that it cannot achieve such a rate. In no event could the rate exceed any applicable standard of performance for new sources.

This stringent requirement reflects EPA's judgment that a new source should be allowed to emit pollutants into an area violating a NAAQS only if its contribution to the violation is reduced to the greatest degree possible. While cost of achievement may be an important factor in determining a standard of performance for new sources applicable to all areas of the country (clean as well as dirty) as a minimum, the cost factor must be accorded far less weight in determining an appropriate emission limitation for a source locating in an area violating statutorily-mandated health and welfare standards. Thus, while there may be technology available for new sources which have been determined not to be appropriate for standards of performance purposes, because of the greater consideration of the cost factor, this technology still should be considered for purposes of determining the "lowest achievable emission rate" for such type of sources. The existence of a standard of performance for new sources should not be viewed as the ultimate in achievable control and should not limit the imposition of a more stringent standard, where appropriate.

In addition, States are free under section 116 of the Act to establish even more stringent emission limits than those established under section 111 or those necessary to attain or maintain the NAAQS under section 110, including the emission offset policy requirements outlined here. Thus, new sources may in some cases be subject to limitations more stringent than EPA's standards of performance under section 111, and prospective owners and operators of new sources should be aware of this possibility in planning for such facilities.

Selection of the Source Category, Pollutants, and Affected Facilities. Section 111 of the Act directs the Administrator to establish standards of performance

for new and modified stationary sources that may contribute significantly to air pollution which causes or contributes to the endangerment of public health or welfare. Lime manufacturing plants have been shown to be a significant source of particulate matter emissions. A study performed for EPA in 1975 by The Research Corporation of New England ranked the lime industry twenty-fifth on a list of 112 stationary source categories which are emitters of particulate matter. Lime plants have also been identified as sources that are capable of contributing to the deterioration of existing air quality (39 FR 42510).

Lime plants have been selected for the development of standards of performance based on the expected growth rate of the industry, the wide range of plant locations across the United States, and the reduction in particulate emissions achievable with application of the best technology for emission control, considering costs. Since 1930, the demond for lime products has been increasing at a growth rate of about five percent per year. This rate is projected to continue through 1982. In 1975, there were 179 lime plants located in 40 states in the United States, producing a total of about 20 teragrams (22 million tons) of lime per year.

Lime plants are sources of emissions of particulate matter, nitrogen oxides (NO_x), carbon monoxide (CO), and sulfur dioxide (SO_2). For the reasons discussed below, at this time standards are proposed only for the control of particulate matter emissions.

NO_x emissions from lime kilns are generally emitted in low concentrations of about 200 ppm. NO_x emission reductions achievable through combustion modification or other control techniques have not been clearly identified for lime kilns. Standards of performance to reduce these emissions are therefore not being proposed.

CO emissions from lime plants are normally in concentrations of about 100 ppm. Emissions of this magnitude would result in an ambient air concentration of less than one percent of the primary ambient air quality standard under adverse meteorological conditions. The most effective control method for CO, incineration of the off-gasses, would create a severe fuel penalty, while producing very little environmental benefit. Consequently, standards of performance for control of CO emissions from lime kilns are not being proposed.

SO_2 emissions from lime kilns are due primarily to the presence of sulfur in the fuel used to fire the kiln. Potential emissions of SO_2 from a 907 Mg (1000 ton) per day lime kiln firing a coal of about 3 percent sulfur would amount to about 295 kg (650 pounds) per hour. Due to the reaction between the lime dust and the SO_2, however, a significant reduction in SO_2 emissions results. When dry particulate control, such as a baghouse or an ESP, is used, SO_2 emissions are reduced by about 85–90 percent. This SO_2 reduction can be increased to about 95 percent if a venturi scrubber is used for particulate control. These efficiencies are based on the results of EPA source tests performed on rotary kilns at several lime manufacturing plants.

Consideration of the potential environmental, economic and energy impacts, however, has convinced EPA to not propose an SO_2 standard which would force the use of venturi scrubbers. First, scrubbers use about six times more energy than do baghouses. (It should be noted, however, that despite the fact that this leads to SO_2 emissions from the power plant used to produce this energy, a net reduction in SO_2 emissions is achieved.)

Second, although scrubbers achieve lower actual SO_2 emissions than baghouses, concentrations of SO_2 in the ambient air may generally not be any lower. This is because the temperature of the stack gases from a scrubber is lower than that from a baghouse resulting in less efficient dispersion of the emissions.

Third, the annual operating costs associated with the use of a scrubber for particulate and SO_2 control is more than twice the costs of using a dry control system such as a baghouse. These costs are directly attributable to the increased power requirements of a scrubber. The beneficial impact of reducing SO_2 emissions that is achieved by using a scrubber, therefore, is attained at a relatively large economic impact.

This economic impact and the associated adverse environmental impact on water pollution, solid waste disposal and increased energy consumption are not considered reasonable in light of the relatively small beneficial impact on air quality. The Administrator has determined, therefore, that a standard of performance for control of SO_2 from lime kilns is not justified and an SO_2 standard is not being proposed.

Particulate matter is emitted from both the lime kiln and the lime hydrator. Potential particulate emissions from uncontrolled facilities would amount to about 15 kilograms per megagram (kg/Mg) of limestone feed from the kiln and about 20 kg/Mg of lime feed from the hydrator. The average State emission limit for both kilns and hydrators is 0.5 kg/Mg of feed. Through application of the best demonstrated emission control technology, the emissions from these facilities could be further reduced to 0.15 kg/Mg from the kiln and 0.075 kg/Mg from the hydrator. These emission rates represent incremental reductions in particulate emissions from rotary lime kilns and lime hydrators controlled to comply with the average State standard of 70 and 85 percent, respectively.

Lime kilns and hydrators account for virtually all of the particulate matter emitted from lime plants. Small amounts of fugitive particulate emissions may occur from various points in the process, but these have not been quantified and applicable control technology has not been investigated. No standards for control of fugitive emissions, therefore, are being proposed.

Rotary Lime Kilns. The lime kiln is the largest source of particulate emissions at a lime manufacturing plant. Although there are several types of kilns in use by the industry, the proposed standards would apply only to rotary kilns. Approximately 90 percent of the lime produced in the U.S. is produced in rotary kilns, and virtually all the new kilns that have been built in the last few years have been of the rotary type. The rotary kiln is the only kiln that can utilize coal for fuel and still maintain acceptable product quality. Since the lime manufacturing industry desires the capability in the future to burn coal, the present trend is to build and operate rotary kilns whenever possible.

The format of the proposed particulate standard for the kiln could be either a concentration standard or a mass-per-unit-of-limestone standard. Concentration standards are normally easier to enforce than mass standards. A concentration standard, however, would penalize the more energy efficient kiln operations. Since reduced fuel consumption results in smaller exhaust gas volumes, a concentration standard would require the most energy efficient kiln operators to achieve a higher degree of control.

The major problem usually associated with mass-per-unit-of-feed standards is determining the feed rate. The feed rate of the limestone into the kiln, however, is measured routinely at lime plants, thereby allowing the emission rate to be calculated directly. Since the mass-per-unit-of-limestone feed format is more equitable for the energy efficient lime producers, this format is used for the proposed standard.

EPA considers the following three devices to be representative of the best systems of emission reduction, considering costs, for particulate matter: (1) fabric filters, (2) electrostatic precipitators (ESP), and (3) venturi scrubbers.

Source tests were conducted on three baghouses, two ESP's and one scrubber. Particulate emissions from the test runs on the lime kilns controlled by baghouses or ESP's ranged from 0.016 to 0.290 kg/Mg of feed (0.033 to 0.580 lb/ton), and averaged 0.10 kg/Mg (0.20 lb/ton). One out of the three baghouses tested did not meet the level of the proposed standard. All three baghouses tested were operating under essentially the same conditions. However, for reasons explained in detail in the SSEIS, it is EPA's judgment that the baghouse that did not meet the level of the proposed standard does not represent the best control technology and the data obtained from that facility are not used in the selection of the proposed standard.

EPA also tested one scrubber for particulate emissions and found an emission rate of about 0.22 kg/Mg at a pressure drop of about 3.7 kilopascals (15 inches w.c.). This scrubber, however, is not considered to represent best technology. As explained in the SSEIS, a venturi scrubber with a higher pressure drop of about 5.4 kilopascals (22 inches w.c.) would meet the level of the proposed standard in EPA's judgment.

The results of the source tests on the four rotary lime kilns that were consid-

ered to represent the best control technology (two baghouses and two ESP's) support a particulate standard of 0.15 kg/Mg (0.3 lb/ton). A standard of 0.15 kilogram of particulate matter per megagram of limestone feed, therefore, is being proposed for rotary lime kilns.

Visible emissions data were gathered during particulate tests at six lime plants. All of the 1056 six-minute average opacity values were obtained as specified in EPA Reference Method 9. An analysis of the distribution of the data shows that over two-thirds of the six-minute averages were equal to zero percent opacity and over 99 percent of the readings fall between zero and 10 percent opacity. Based on these data, the proposed standard would limit visible emissions to 10 percent opacity. This would insure that the best system of emission reduction, installed to comply with the particulate standard, is properly operated and maintained.

When a scrubber is used for control of the particulate emissions, it is very difficult to accurately read visible emissions because of the steam plume that is present. Due to enforcement difficulties, an opacity standard would not be effective in this case, and EPA is therefore excluding rotary lime kilns controlled with scrubbers from the proposed opacity standard.

Lime Hydrators. Lime hydrators are also significant sources of particulate matter at lime manufacturing plants. Currently, hydrators are used to treat about 10 percent of the lime produced in the U.S. Both pressure and atmospheric lime hydrators are covered by the proposed standards.

The format of the proposed standard is a mass-per-unit-of-lime feed. A concentration format was not selected because the gas volume from the hydrator scrubber is not proportional to the production rate and therefore it is not possible to prevent dilution by correcting to zero percent oxygen and water. A low particulate concentration, therefore, would not necessarily result in a low mass emission rate. Since the feed rate of the lime into the hydrator can be easily measured, the emission rate can be calculated directly.

Scrubbers are the most widely used method of particulate control on lime hydrators. EPA source tested two scrubbers in use on atmospheric hydrators. The range of the six test runs on the two facilities was 0.032 to 0.087 kg/Mg (0.065 to 0.173 lb/ton). Compliance with the regulations is determined from an average of three test runs on an affected facility [40 CFR 60.8(f)]. The average of the three tests on the first unit was 0.04 kg/Mg (0.08 lb/T) and the average of the three tests on the second unit was 0.06 kg/Mg (0.12 lb/T). Setting the proposed standard at 0.075 kg/Mg (0.15 lb/ton) assures that the owner or operator of the hydrator would be required to install and operate the best control device.

Due to the presence of a steam plume from the scrubber stack, no accurate visible emissions readings could be taken. EPA believes that an opacity standard for this facility would be ineffective due to enforcement difficulties. No standard of performance limiting visible emissions from the hydrator, therefore, is being proposed.

Consideration of Impacts

The proposed standards would reduce the particulate emissions from new lime kilns by 99 percent below the levels that would occur with no control and by 70 percent below the levels required by a typical State standard for existing sources. The proposed standards would also reduce particulate emissions from new lime hydrators by 85 percent compared to the requirements of the average State standard. The maximum 24-hour average ambient air concentration of particulate matter due to emissions from a typical lime kiln controlled to the level required by the proposed standard would be about 2.0 micrograms per cubic meter ($\mu g/m^3$).

The secondary environmental impacts due to the proposed standards would be minor. There would be no impact on water pollution. Solid waste handling and disposal problems would be minimal. All of the particulate collected from the hydrators can be returned to the process. When dry control systems are used on the lime kiln, the additional amount of solid waste generated is estimated to be about 3 percent. A negligible amount of particulate matter, sulfur dioxide, and nitrogen oxides would be discharged into the air by the power plant which supplies the additional electrical power required to meet the proposed standards.

In the absence of standards of performance, the lime manufacturing industry would be expected to follow the current trends in particulate control to meet the applicable State standards. It is estimated that 60 percent of the industry would use a baghouse, 20 percent would use a scrubber, and 20 percent would use an ESP for control. The expected distribution of control techniques to comply with the proposed standards is 80 percent baghouse control and 20 percent ESP control. The difference in energy consumption between these two forecasted distributions in the use of various emission control techniques amounts to an energy savings of about 12.6×10^9 kw-hr/yr in 1982. This is equivalent to approximately 9 m^3 (55 barrels) of oil per day in 1982 and represents a total energy savings of about 0.2 percent for a new lime manufacturing plant.

The control costs that new, modified, and reconstructed lime plants would incur to meet the emission level required by the proposed standards are considered reasonable. The capital costs for typical new lime plants would be increased by about 3.5 percent. The price of the lime product would increase by only about three percent. The proposed standards, therefore, are expected to have minimal impact on the future growth rate of the lime industry.

Testing, Monitoring, and Recordkeeping

Performance tests to determine compliance with the proposed standards would be required. Reference Method 5 (40 CFR Part 60, Appendix A) would be used to measure the amount of particulate emissions. In addition, Method 2 for velocity and volumetric flow rate, Method 3 for gas analysis, and Method 4 for stack gas moisture would be used to determine the necessary emission data.

A measurement of the mass rate of feed would also be required during a performance test, because the units of the proposed standards for the rotary lime kiln and the hydrator are kilograms of particulate per megagram of limestone or lime feed. A measuring device such as a conveyor belt scales would be required to determine the mass rate of feed. This device must be accurate to within ±5 percent over its operating range.

The proposed standards would require continuous monitoring of the opacity of the visible emissions discharged from the lime kiln. When a scrubber is used to control the emissions, entrained water droplets prevent the accurate measurement of opacity; therefore, in this case the proposed standard would require monitoring the pressure drop across the scrubber and the scrubbing fluid supply pressure to the scrubber rather than opacity. The pressure sensor or tap for the monitoring device used on the kiln scrubber should be located close to the scrubber liquid discharge point. The Administrator may be consulted for approval of alternative locations.

No opacity data were obtained for emissions from the lime hydrator, and no opacity standard is being proposed. Monitoring of the operating parameters of the scrubber presents a good indication of scrubber performance. The proposed regulations therefore require monitoring of the water flow rate to the scrubber and of the electric current used by the scrubber rather than opacity.

Excess emissions for the lime kiln are defined as all six-minute periods in which the average opacity of the stack plume exceeds 10 percent. The provisions for the reporting of these excess emissions are contained in § 60.7(c) of Part 60. No definition of excess emissions from lime hydrators is included in the proposed regulations since no opacity standard has been developed.

Records of performance tests and continuous monitoring system measurements would have to be retained for at least two years following the date of the measurements by owners and operators subject to this subpart. This requirement is included under § 60.7(d) of the general provisions of Part 60.

Miscellaneous

As prescribed by section 111 of the Act, this proposal of standards has been preceded by the Administrator's determination that emissions from lime manufacturing plants contribute to air pollution which causes or contributes to

the endangerment of public health or welfare, and by his publication of this determination in this issue of the FEDERAL REGISTER. In accordance with section 117 of the Act, publication of these proposed standards was preceded by consultation with appropriate advisory committees, independent experts, and Federal departments and agencies.

Interested persons are invited to participate in this rulemaking. The administrator will welcome comments on all aspects of the proposed regulations, including the designation of the source category of lime manufacturing plants as a significant contributor to air pollution which causes or contributes to the endangerment of public health or welfare, economic and technological issues, and the proposed test methods.

Economic Impact Analysis. The screening criteria used by EPA to determine if a proposal is a major action under the Economic Impact Statement program are: (1) additional national annualized compliance costs, including capital charges, will total $100 million within any calendar year by the attainment date, if applicable, or within five years of implementation; (2) total additional cost of production is more than five percent of the selling price; and (3) net national energy consumption will be increased by the equivalent of 25,000 barrels of oil a day (ca. 4,000 m^3 per day). EPA has determined that the impacts associated with the proposal of these standards of performance do not exceed these screening criteria. This action, therefore, does not contain a major proposal requiring preparation of an Economic Impact Analysis under Executive Orders 11821 and 11949 and OMB Circular A-107.

Authority. This notice of proposed rulemaking is issued under the authority of sections 111, 114 and 301(a) of the Clean Air Act, as amended, Pub. L. 91-604, 84 Stat. (42 U.S.C. 1857c-6, 1857c-9, 1857g(a)).

Dated: April 20, 1977.

DOUGLAS M. COSTLE,
Administrator.

It is proposed to amend Part 60 of Chapter I of Title 40 of the Code of Federal Regulations as follows:

1. By adding subpart HH as follows:

Subpart HH—Standards of Performance for Lime Manufacturing Plants

Sec.

AUTHORITY: Secs. 111 and 301(a), Clean Air Act, as amended by sec. 4(a) and sec. 15(c)(2) of Pub. L. 91-604, 84 Stat. 1683, 1713; 81 Stat. 504 (42 U.S.C. 1857c-6, 1857g (a)); secs. 60.343 and 60.344 also issued under sec. 114 Clean Air Act, as amended by sec. 4(a) of Pub. L. 91-604, 84 Stat. 1687 (42 U.S.C. 1857c-9).

Subpart HH—Standards of Performance for Lime Manufacturing Plants

§ 60.340 Applicability and designation of affected facility.

The proviisons of this subpart are applicable to the following affected facilities used in the manufacture of lime: rotary lime kilns and lime hydrators.

§ 60.341 Definitions.

As used in this subpart, all terms not defined herein shall have the same meaning given them in the Act and in subpart A of this part.

(a) "Lime manufacturing plant" includes any plant which produces a lime product from limestone by calcination. Hydration of the lime product is also considered to be part of the source.

(b) "Lime product" means the product produced by the calcination process including, but not limited to, calcitic lime, dolomitic lime, and dead-burned dolomite.

(c) "Rotary lime kiln" means a unit with an inclined rotating drum which is used to produce a lime product from limestone by calcination.

(d) "Lime hydrator" means a unit used to produce hydrated lime product.

§ 60.342 Standard for particulate matter.

(a) On and after the date on which the performance test required to be conducted by § 60.8 is completed, no owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere:

(1) From any rotary lime kiln any gases which: (i) Contain particulate matter in excess of 0.15 kilogram per megagram of limestone feed; (ii) Exhibit 10 percent opacity or greater.

(2) From any lime hydrator any gases which contain particulate matter in excess of 0.075 kilogram per megagram of lime feed.

§ 60.343 Monitoring of emissions and operations.

(a) The owner or operator subject to the provisions of this subpart shall install, calibrate, maintain, and operate a continuous monitoring system, except as provided in paragraph (b) of this section, to monitor and record the opacity of the gases discharged into the atmosphere from any rotary lime kiln. The span of this system shall be set at 40 percent opacity.

(b) The owner or operator of any rotary lime kiln using a wet scrubbing emission control devise subject to the provisions of this subpart shall not be required to monitor the opacity of the gases discharged as required in paragraph (a) of this section, but shall install, calibrate, maintain, and operate the following continuous monitoring devices:

(1) A monitoring device for the continuous measurement of the pressure loss of the gas stream through the scrubber. The monitoring device must be accurate within ±250 pascals gauge pressure.

(2) A monitoring device for the continuous measurement of the scrubbing liquid supply pressure to the control device. The monitoring device must be accurate within ±5 percent of design scrubbing liquid supply pressure.

(c) The owner or operator of any lime hydrator using a wet scrubbing emission control device subject to the provisions of this subpart shall install, calibrate, maintain, and operate the following continuous monitoring devices:

(1) A monitoring device for the continuous measuring of the scrubbing liquid flow rate. The monitoring device must be accurate within ±5 percent of design scrubbing liquid flow rate.

(2) A monitoring device for the continuous measuring of the electric current, in amperes, used by the scrubber. The monitoring device must be accurate within ±10 percent over its normal operating range.

(d) For the purpose of conducting a performance test under § 60.8, the owner or operator of any lime manufacturing plant subject to the provisions of this subpart shall install, calibrate, maintain and operate a device for measuring the mass rate of limestone feed to any affected rotary lime kiln and the mass rate of lime feed to any affected lime hydrator. The measuring device used must be accurate to within ±5 percent of the mass rate over its operating range.

(e) For the purpose of reports required under § 60.7(c), periods of excess emissions that shall be reported are defined as all six-minute periods during which the average opacity of the plume from any lime kiln subject to paragraph (a) of this subpart exceeds 10 percent.

§ 60.344 Test methods and procedures.

(a) Reference methods in Appendix A of this part, except as provided under § 60.8(b) shall be used to determine compliance with § 60.322(a) as follows:

(1) Method 5 for the measurement of particulate matter.

(2) Method 1 for sample and velocity traverses,

(3) Method 2 for velocity and volumetric flow rate,

(4) Method 3 for gas analysis.

(5) Method 4 for stack gas moisture, and

(6) Method 9 for visible emissions.

(b) For Method 5, the sampling time for each run shall be at least 60 minutes and the sampling rate shall be at least 0.85 dscm/hr (0.53 dscf/min), except that shorter sampling times, when necessitated by process variables or other factors, may be approved by the Administrator.

[FR Doc.77-12463 Filed 5-2-77;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 704-2]

AIR POLLUTION PREVENTION AND CONTROL

Addition to the List of Categories of Stationary Sources

Section 111 of the Clean Air Act (42 U.S.C. 1857c-6) directs the Administrator of the Environmental Protection Agency to publish, and from time to time revise, a list of categories of stationary sources which he determines may contribute significantly to air pollution which causes or contributes to the endangerment of public health or welfare. Within 120 days after the inclusion of a category of stationary sources in such list, the Administrator is required to propose regulations establishing standards of performance for new and modified sources within such category. At present standards of performance for twenty-four categories have been promulgated.

The Administrator, after evaluating available information, has determined that lime manufacturing plants are an additional category of stationary sources which meets the above requirements. The basis for this determination is discussed in the preamble to the proposed regulation that is published elsewhere in this issue of the FEDERAL REGISTER. Evaluation of other stationary source categories is in progress, and the list will be revised from time to time as the Administrator deems appropriate. Accordingly, notice is given that the Administrator, pursuant to section 111(b)(1)(A) of the Act and after consultation with appropriate advisory committees, experts, and Federal departments and agencies in accordance with section 117(f) of the Act, effective May 3, 1977, amends the list of categories of stationary sources to read as follows:

LIST OF CATEGORIES OF STATIONARY SOURCES AND CORRESPONDING AFFECTED FACILITIES

* * * * * *

Source category	*Affected facilities*
31. Lime Manufacturing	Rotary lime kilns.
Do	Lime hydrators.

Proposed standards of performance applicable to the above source category appear elsewhere in this issue of the FEDERAL REGISTER.

Dated: April 20, 1977.

DOUGLAS M. COSTLE,
Administrator.

[FR Doc.77-12464 Filed 5-2-77;8:45 am]

federal register

TUESDAY, MAY 3, 1977

PART III

FEDERAL ELECTION COMMISSION

■

ADVISORY OPINION REQUESTS

FEDERAL ELECTION COMMISSION

[Notice 1977-27, AOR 1977-20]

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 1977-20 has been made public at the Commission. Copies of AOR 1977-20 were made available on April 26, 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, N.W., 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 opinion 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 1977-20: May the Realtors Political Action Committee utilize a bank escrow agent for the purpose of dividing contributions between itself and State political organizations which are not involved with Federal elections or Federal candidates? Requested by William R. Magel, Assistant Treasurer, Realtors Political Action Committee, Chicago, Illinois.

Dated: April 26, 1977.

VERNON W. THOMSON,
Chairman for the Federal Election Commission.

[FR Doc.77-12597 Filed 5-2-77;8:45 am]

federal register

TUESDAY, MAY 3, 1977

PART IV

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

■

OCCUPATIONAL EXPOSURE TO BENZENE

Emergency Temporary Standards; Hearing

Title 29—Labor

CHAPTER XVII—OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF LABOR

PART 1910—OCCUPATIONAL SAFETY AND HEALTH STANDARDS

Emergency Temporary Standard for Occupational Exposure to Benzene; Notice of Hearing

AGENCY: Occupational Safety and Health Administration, Labor.

ACTION: Emergency Temporary Standard; Notice of Hearing.

SUMMARY: This emergency temporary standard (ETS) is based on the determination that clinical and epidemiological data conclusively establish that employee exposure to benzene presents a leukemia hazard. Therefore, a grave danger currently exists for workers exposed to this cancer hazard and it is necessary to issue an emergency temporary standard to protect them. By this ETS the Occupational Safety and Health Administration (OSHA) limits employee exposure to benzene to 1 part benzene per million parts of air (1 ppm), as an 8 hour time-weighted average concentration, with a ceiling level of 5 ppm for any 15 minute period during the 8 hour day. In addition, the ETS requires the measurement of employee exposure, engineering controls, personal protective equipment and clothing, employee training, medical surveillance, work practices, and recordkeeping. The ETS will be superseded by a permanent standard within six months. A public hearing on the permanent standard will commence July 12, 1977.

EFFECTIVE DATE: May 21, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. James Foster, Office of Public Affairs, OSHA, Third Street and Constitution Avenue, N.W., Room N-3641, Washington, D.C. 20210 (202-523-8151).

SUPPLEMENTARY INFORMATION:

Applicability of Emergency Temporary Standard

The accompanying document is an emergency temporary standard issued pursuant to sections 6(c) and 8(c) of the Occupational Safety and Health Act of 1970 (the Act) (84 Stat. 1596, 1599; 29 U.S.C. 655, 657), the Secretary of Labor's Order No. 8-76 (41 FR 25059) and 29 CFR Part 1911. The new standard, section 1910.1028, applies to all employments in all industries covered by the Act, including "general industry", construction and maritime. For reasons set out below, this standard does not apply to retail automotive service stations or to operations which use liquid mixtures containing 1 percent or less of benzene; however, these exempted operations are still subject to the requirements contained in the benzene standard at 29 CFR 1910.1000.

In addition, pursuant to section 4(b)(2) of the Act, OSHA has determined that this emergency temporary standard is more effective than corresponding standards now applicable to the maritime and construction industries and currently contained in Subpart B of Part 1910, and Parts 1915, 1916, 1917, 1918 and 1926 of Title 29, Code of Federal Regulations. Therefore, those corresponding standards are superseded by the new standard in § 1910.1028.

Pursuant to section 6(c)(3) of the Act, OSHA will shortly commence a rulemaking proceeding under section 6(b) of the Act. The emergency temporary standard will serve as a proposed final rule, along with other proposed requirements which will be published in the Federal Register pursuant to 29 CFR 1911.12. OSHA will publish an additional proposal in the very near future, encompassing those areas of occupational safety and health considered appropriate for the agency's permanent regulation of benzene. This document sets a public hearing on the permanent benzene standard to begin July 12, 1977.

The development of a permanent standard will be conducted pursuant to the rulemaking procedures of section 6(d) of the Act. The Assistant Secretary's decisions on the provisions of the final standard will be based on the entire record developed, including public comments and the informal rulemaking hearing.

Events Leading to the Emergency Temporary Standard

Benzene has long been recognized as a toxin affecting the hematopoietic (blood forming) system, and a cause and effect relationship between benzene exposure and observed blood abnormalities has been established for man and animals during the last 75 years. The evidence indicating a relationship between benzene exposure and leukemia has been expanding and the international scientific community has increasingly acknowledged that worker exposure to benzene is associated with an increased risk of leukemia. Data made available by the National Institute for Occupational Safety and Health (NIOSH) in the last few weeks on workers exposed to benzene provide conclusive evidence that benzene is a leukemia causing agent and therefore immediate action to protect workers is imperative. (7)

The present OSHA standard for benzene, found in 29 CFR 1910.1000, Table Z-2, was adopted in 1971 under the authority of section 6(a) of the Act from the American National Standards Institute's (ANSI) Z 37.4-1969 standard. That OSHA standard prescribes an 8-hour time-weighted average of 10 ppm with an acceptable ceiling concentration of 25 ppm. In addition, the present standard allows excursions above the ceiling to a maximum peak concentration not to exceed 50 ppm: *Provided*, That such exposure occurs for no more than 10 minutes in any 8-hour work period. Neither the ANSI standard nor the resultant OSHA standard were based on the possible leukemia hazard from exposure to benzene.

In 1974, Aksoy et al. reported that, when contrasted with the general population, shoe workers having prior exposure to benzene had a significant increased incidence of leukemia.

Also in 1974, pursuant to section 22(d) of the Act, the Director of NIOSH submitted to the Secretary of Labor a criteria document concerning occupational exposure to benzene which stated that "the possibility that benzene can induce leukemia cannot be dismissed."(3) However, NIOSH recommended retention of the present permissible exposure limit of 10 ppm and ceiling concentration of 25 ppm as measured over a 10 minute period which recommendation was not based on benzene's potential leukemia hazard.

In a letter to the Secretary of Labor, dated April 23, 1976, the United Rubber, Cork, Linoleum, and Plastic Workers of America urged that an emergency temporary standard regulating occupational exposure to benzene be issued (42). The request was denied on May 18, 1976 by then Secretary of Labor William J. Usery (43).

Less than 1 year ago, the National Academy of Sciences, under contract with the United States Environmental Protection Agency, reviewed the literature concerning health effects of benzene exposure. (4) The Academy concluded that benzene must be considered as a suspect leukemogen.

In August 1976, NIOSH submitted to OSHA an updated criteria document which revised its earlier assessment of 1974. (5) On the basis of a review of old studies and new data, NIOSH concluded that benezene was leukemogenic. This report further pointed out that "it is apparent from the literature that benzene leukemia continues to be reported." NIOSH, therefore, recommended that, since no safe level for benzene exposure could be established "no worker be exposed to benzene in excess of 1 ppm in air". Following publication of the updated criteria document, the Director of NIOSH recommended to the Assistant Secretary of Labor, by letter dated October 27, 1976, that OSHA publish an emergency temporary standard for benzene establishing the exposure level at 1 ppm. (6) Based on the information supplied by NIOSH, OSHA issued on January 4, 1977 voluntary "Guidelines for Control of Occupational Exposure to Benzene," recommending that exposure to benzene in air not exceed an 8-hour time-weighted average of 1 ppm in any 8-hour shift of a 40 hour week. (44)

In January 1977, NIOSH informed OSHA that workplace environments had been found in St. Mary's and Akron, Ohio where a sufficient number of employees had been exposed to benzene for a number of years to facilitate an epidemiological study of health risks. (45) The worksite was a Pliofilm manufacturing plant owned by Goodyear Tire and Rubber Company. The preliminary conclusions of the epidemiological study NIOSH conducted of the pliofilm workers were transmitted to OSHA on April 15, 1977. (7) The NIOSH data demonstrated an incidence of leukemia in workers exposed to benzene that was at least five times the expected incidence. NIOSH concluded that:

The report shows a statistically significant increase in the risk for developing myelogenous leukemia among workers exposed to benzene. We hope this new information will be of assistance to you in reaching a decision on the most appropriate regulatory action.

In his letter of April 15, 1977, transmitting the report on the Goodyear Pliofilm plant, the Director of NIOSH again urged that an emergency standard be issued.

REASONS FOR ISSUANCE OF AN EMERGENCY TEMPORARY STANDARD

The Assistant Secretary finds that exposure to benzene poses a grave danger to humans. Specifically, human exposure to benzene can induce chromosomal aberrations, bone marrow damage and destruction, and other blood dyscrasias. Moreover, the accumulated studies strongly support the conclusion that benzene causes leukemia in humans. The data collected by NIOSH and made available during the past few weeks show that workers exposed to benzene in an Ohio Pliofilm plant have contracted leukemia at a rate at least five times the rate expected in the general population. Because of the conservative statistical approach to evaluating these preliminary data, final results of this study will certainly show that the increased risk of developing leukemia from exposure to benzene is even greater than five times the normal incidence of this disease. This new evidence has been interpreted by NIOSH, and is found by OSHA, to conclusively establish that benzene causes leukemia in humans. This conclusion is supported by the substantial body of clinical and epidemiological evidence previously vail-epidemiological evidence previously available which suggested the same casual relationship between benzene exposure and leukemia. In view of the new evidence the relationship can no longer be subject to serious question.

The Assistant Secretary concludes, based on a review of the latest NIOSH study and recommendations together with the epidemiological and clinical studies and other scientific data, that benzene exposure subjects workers to the risk of contracting leukemia, a malignant and irreversible disease. The best available scientific evidence indicates that no safe level for exposure to a carcinogen, including benzene, can be established or assumed to exist. OSHA has considered this question of a safe level in previous rulemaking proceedings (see preambles to carcinogen standards (39 FR 3758), vinyl chloride standard (39 FR 35892), and coke oven emissions standard (41 FR 46742)) and has relied on that considerable body of scientific opinion holding that, when dealing with a carcinogen, no safe level exists for any given population. For example, the National Cancer Institute's Ad Hoc Committee on the Evaluation of Low Levels of Environmental Chemical Carcinogens (1970) states:

No level of exposure to a chemical carcinogen should be considered toxicologically insignificant for man. For carcinogenic agents, a "safe level for man" cannot be established by application of our present knowledge. (NCI, 1970, p. 1)

And NIOSH has taken the position that in regulating cancer-causing substances "* * * it is not possible at present to determine a safe exposure level for carcinogens." (Rev. Arsenic Crit. Doc. 1975.)

Since leukemia is a form of cancer and exposures generally below 25 ppm have already induced leukemia, it is not currently possible to determine whether a safe level of exposure exists for worker populations exposed to benzene. Therefore, the Assistant Secretary has determined that exposure must be reduced to the lowest feasible level.

Furthermore, during the period of time for normal rulemaking, workers would continue to be exposed to levels higher than those that may be achieved by this ETS.

In conclusion, the Assistant Secretary determines that exposure of employees to a cancer-causing substance in the workplace environment is a "grave danger" within the meaning of section 6(c)(1)(A) of the Act. The proposition that cancer, and substances that cause cancer, pose a grave danger to man does not need lengthy discussion. The nature of a cancer hazard differs from other types of toxicity. Employees exposed to carcinogens risk incurable, irreversible and, in most cases, fatal consequences. These consequences may be irreversibly set in time. No symptomatic evidence of the development of the cancer may be apparent to the employee during a long latency period. A single exposure episode may be sufficient to cause cancer. These factors, which establish the grave danger posed by exposure to carcinogens, also lead inexorably to the conclusion that it is necessary to provide immediate protection for employees through the issuance of an emergency temporary standard, within the meaning of section 6(c)(1)(B) of the Act.

The existing 10 ppm standard, adopted from the ANSI national consensus standard, was based largely on benzene's general toxicity rather than on the leukemia hazard and, therefore, does not, within the meaning of section 6(b)(8) of the Act, provide the protection now shown to be necessary. The Assistant Secretary finds that this emergency temporary standard better effectuates the purposes of the Act than the National consensus standard.

BACKGROUND AND DISCUSSION OF EARLIER DATA

Benzene (C_6H_6) is a clear, colorless, non-corrosive, highly flammable liquid with a strong, rather pleasant odor. Benzene's low boiling point and high vapor pressure cause it to evaporate rapidly under ordinary atmospheric conditions, giving off vapors nearly three times heavier than air.

Benzene is produced primarily by the petrochemical and petroleum refining industries by the process called catalytic reformation, which converts certain lower octane hydrocarbons into higher octane aromatics. The two industries are responsible for 94 percent of the total U.S. production of benzene. Recovery through catalytic reformation, including the benzene formed from the hydrodealkylation of toluene, accounts for almost 80 percent of the total quantity produced. Recovery of coal-derived benzene, primarily as a by-product of the coking process in steel mills, was once the major source of benzene. Today, however, it accounts for only 6 percent of the total U.S. production.

The production of benzene is rapidly expanding with approximately 11 billion pounds produced in 1976. Only eleven other chemicals and only one other hydrocarbon (ethylene) are produced in greater tonnage in the U.S. Approximately 86 percent of this benzene is used chiefly as an intermediate in the production of other organic chemicals, including styrene, phenol, and cyclohexane. The remaining amount is used primarily in the manufacture of detergents, pesticides, solvents and paint removers. Benzene is also present as a component of motor fuels, averaging less than 2 percent in gasoline.

The first major industrial use of benzene, however, was as a solvent in the rubber industry just preceding World War I. During World War I, benzene production was stimulated greatly by the demand for and resulting production of toluene in the manufacture of explosives. The large quantities of benzene which were produced resulted in its more widespread use as a starting point for the manufacture of various organic compounds. This situation led to greatly increased uses of benzene as a solvent in the artificial leather, rubber goods, and rotogravure industries, and as a starting material in organic synthesis.

Industries and processes currently using benzene include the chemical, printing, lithograph, rubber cements, rubber fabricating, paint, varnish, stain removers, adhesives, and petroleum industries. Benzene is also used extensively in chemical laboratories as a solvent and as a reactant in numerous chemical applications. Where benzene is produced and used in large amounts, it is generally used in enclosed systems, although exposures can occur during liquid transfer operations, from equipment leakage and carryover losses, and in maintenance operations.

A. *Toxic effects.* Benzene has been recognized as a toxic substance capable of causing acute or chronic effects since 1900. Inhalation is the primary route of entry of benzene in the worker. Benzene diffuses rapidly through the lungs and is quickly absorbed into the blood. The rate of absorption is greatest during the first five minutes and thereafter declines significantly. Benzene saturation of the circulating blood may reach as high as 70–80 percent of the air content of benzene within the first 30 minutes. Relatively complete saturation of the blood may not be attained for two to three days.

Though the available literature suggests that benzene is not readily absorbed through the human skin, appreciable

quantities of benzene could be absorbed in the case of injured skin. Moreover, absorption of benzene by the skin may be significantly accelerated when benzene is present in a mixture or as a contaminant in solvents known to be readily absorbed, such as toluene and xylene. (48)

The benzene absorbed by the circulating blood is distributed throughout the body where, because of its liposolubility, it tends to accumulate in various body organs in proportion to their fat content.

Upon removal from benzene exposure, the concentration of benzene in the expired breath follows an exponential decay curve, reflecting removal of benzene from various body compartments. Elimination via this route has been estimated to range from 12 to 50 percent of the total amount of benzene absorbed in humans.

A fraction of the absorbed benzene is eliminated in an unchanged form, primarily in the expired air and, to a minimal extent, in the urine. The remainder of the absorbed benzene is metabolized by enzymes contained in the liver and ultimately to derivatives which are more water soluble thereby facilitating their removal by the kidneys. A first intermediate in the biotransformation of benzene is believed to be benzene epoxide, a highly reactive intermediate and one of several candidates suggested as the active agent responsible for benzene's myelotoxic effects. Phenol, and to a lesser extent, hydroquinone, pyrcatechol, and phenyl-mercapturic acid are the primary metabolites of benzene found in urine.

B. *Acute effects.* Exposures to high concentrations of benzene produce an almost immediate effect upon the central nervous system. Benzene concentrations of about 20,000 ppm are fatal within minutes, with death occurring from acute circulatory failure or coma, with or without convulsions. Milder exposures produce a period of nervous excitation, euphoria, headache and nausea, followed by a period of depression which can result in cardiovascular collapse and/or unconsciousness. The occurrence of nonspecific nervous disturbance as an aftereffect of acute exposures is dependent on duration of unconsciousness and/or severity of circulatory failure. Breathlessness, nervous irritability, and unsteadiness in walking have been observed to persist for a period of several weeks. Inhalation of still lower concentrations (250–500 ppm) yields signs and symptoms of mild poisoning, characterized by vertigo, drowsiness, headache, and nausea. Rapid recovery from these symptoms usually occurs following cessation of exposure.

Direct contact with the liquid may cause erythema and blistering. Prolonged or repeated skin contact, even with small quantities of benzene, has been associated with the development of a dry, scaly dermatitis or with secondary infections.

C. *Chronic effects.* Benzene exerts a primary toxic effect in the bone marrow, the major blood forming organ. Long-term exposures to low concentrations of benzene have been observed to have an initial stimulatory effect on the blood-forming tissues (bone marrow) followed by aplasia (no cell production) and fatty degeneration. Clinically an initial increase, then decrease, in the red blood cells, white blood cells, or platelets, is seen, with progression if exposures are continued, to aplastic anemia (lack of functioning of bone marrow), leucopenia (decrease in leucocytes which are white blood cells), thrombocytopenia (decrease in platelets), or pancytopenia (decrease in all cells in the peripheral blood). Secondary effects of thrombocytopenia include coagulation disturbances, characterized by increased bleeding time, poor clot retraction, and increased susceptibility to hemorrhaging. This clinical picture of chronic benzene poisoning may exist with or without the physical signs or symptoms of fatigue, vertigo, headache or excessive bleeding.

The following studies are representative, although by no means all inclusive, of the published literature on the chronic effects in humans of benzene exposure. These studies do however illustrate the diversity and variability of effects which dominate the literature on chronic benzene exposure.

1. *Blood dyscrasias.* Greenburg and coworkers' investigation in 1939 of 332 pressmen in three rotogravure printing plants was one of the earliest, comprehensive studies of benzene poisoning.(8) In addition to physical examinations, including medical and occupational histories and laboratory tests, workplace air samples and chemical analysis of ink solvents and thinners were performed in an attempt to provide a correlation with medical findings. Air samples (48) revealed benzene concentrations ranging from 11 ppm to 1060 ppm for 3 plants.

Five workers with the most severe benzene poisoning expressed no subjective complaints and physical examination revealed negative findings. The signs of "poisoning" included a reduction in the number of erythrocytes, leucocytes and platelets.

Greenburg stated that: "These findings illustrate the well-known fact that the effects of benzene may be persistent and also suggest that even before blood changes are apparent, processes may have been initiated that will continue to develop even after exposure to benzene has ceased." The authors also reported that individuals varied greatly in susceptibility although data on personal monitoring were not available.

In the same year, Mallory et al. reported post-mortem findings in 19 case studies of workers with a history of chronic exposure to benzene.(9) Exposures varied from 6 months to 12 years, but no exposure levels were available. The authors indicated that significant changes were found regularly throughout the entire hematopoietic system including bone marrow, liver, spleen and lymph nodes. Of the 19 case studies, six exhibited hypoplasia of the bone marrow (decreased bone marrow function), whereas nine cases showed hyperplasia (overactivity of the bone marrow), and two were diagnosed as leukemia. The authors concluded that exposure to benzene under varying conditions produced diverse reactions and that individual variation was of great importance.

In 1948, Hardy and Elkins investigated an artificial leather plant in Massachusetts in which a man who had been employed as a coating machine operator for 12 years died of what was diagnosed as benzene poisoning.(10) The subject had worked as a coating machine operator in other locations for 18 years. Fifty-two workers were still employed in the leather plant. Benzene concentrations ranged from 40 to 80 ppm with an average concentration of 60 ppm. Blood studies, performed upon all 52 employees, showed abnormalities in more than one blood component in sixteen of the employees. Abnormalities were observed in hemoglobin, RBC, and WBC counts. There was a wide variation among subjects as to the particular component affected. Six of the 16 employees with blood abnormalities worked in the same coating room as the deceased man. Despite this evidence of blood abnormalities from the laboratory tests, none of the physical examinations revealed any clinical signs or symptoms of overexposure to benzene.

In an epidemiological investigation, Aksoy et al compared the hematological findings of 100 healthy male subjects (controls) with those of 217 apparently healthy males, 95 percent of whom worked with solvents containing benzene in small shoe shops. (11) The shops were considered unhygienic and poorly ventilated. The concentration of benzene in the working environment ranged from 15 to 30 ppm during non-working hours to 210 ppm when adhesives containing benzene were being used. The duration of employee exposures ranged from 3 months to 17 years. In 51 (23.5 percent) of the 217 employees, hematological abnormalities were found consisting of leucopenia (9.7 percent), thrombocytopenia (1.84 percent), leucopenia associated with thromobocytopenia (4.6 percent) and pancytopenia (2.7 percent). In addition, relative to controls, benzene-exposed workers demonstrated a significant reduction in mean white cell counts and mean platelet counts. The proportion of benzene-exposed workers diagnosed with anemia was increased when compared to controls; however the presence of iron-deficiency anemia could not be ruled out.

In French survey of 45 fatal cases of benzene induced diseases of the blood, covering the years 1947 to 1962, 23 were diagnosed as leukemia and 22 were attributed to aplastic anemia. Of the latter cases, one patient was afflicted after only 2 years exposure to benzene with the remainder having an average exposure of 16 years. (13) The authors also reported that in the cases of aplastic anemia, the evolution of the illness was lengthy. A similar observation was also reported by Vigliani and Forni (1969). (14) Of 32 fatal cases of chronic benzene poisoning seen in the provinces of Milan and Pavia, 18 were due to leukemia and 14 due to aplastic anemia. These authors noted that

aplastic anemia usually occurs in patients while they are still being exposed to high concentrations of benzene. In a later study, Vigliani reported that among 59 surviving workers with benzene-related aplastic anemia, 11 later died from acute leukemia. The author also reported that he had knowledge of at least 150 cases of leukemia attributed to benzene in Italy alone. (49)

Pancytopenia has been equated with aplastic anemia, although strictly defined aplastic anemia is characterized by pancytopenia and accompanied by a fatty displacement of the bone marrow. In 1976, Vigliani and Forni stated:

> In the past two decades, the case records of patients with acute or subacute leukemia, usualy with leukopenia at some state of the illness, have become so numerous that they exceed those of acute pancytopenia. This finding led us to suspect that many cases that were considered as acute pancytopenia in the past, prior to the introduction of bone marrow biopsy, may in fact have been examples of acute hemocytoblastic leukemia leucopenic and aleukemic, or with few microhemocytoblasts in the circulating blood, possibly mistaken for lymphocytes. (15)

Unsuccessful at inducing chronic poisoning through inhalation of vapors, Sellings in 1916 produced leukopenia in rabbits through subcutaneous injections of commercially pure benzol with olive oil. (12) Selling's findings demonstrated a constant, well defined aplasia of the bone marrow, characterized by the complete disappearance of leukocytes in the peripheral blood. He noted that although both the myeloid and lymphoid tissues are vulnerable, that myeloid tissue is injured to a greater extent.

Deichman et al (1963) published results of animal studies which also indicated the great toxicity of benzene vapors for hematopoietic tissue. (16) Eight groups of rats, consisting of 40 animals per group, were exposed to benzene vapors at average concentrations of 831, 65, 61, 47, 44, 31, 29, and 15 ppm respectively. The duration of exposure was for 5 hours per day, 4 days per week, for periods ranging from 5 weeks to 7 months. Exposures to the three highest concentrations resulted in a significant leukopenia after 14 weeks. A moderate, but definite, leukopenia occurred in the rats exposed to 47 and 44 ppm after 5 to 8 weeks of exposure. Exposures to three lowest benzene concentrations for periods of 4, 3, and 7 months, respectively, induced no demonstrable changes in the numbers of leucoytes.

2. *Chromosomal aberrations.* The development of various chromosomal aberrations in peripheral leukocytes and bone marrow cells has also been attributed to benzene exposures. Several investigators characterized these aberrations as both unstable chromosome changes (i.e. including fragments, dicentric, tricentric and ring chromosomes) or stable chromosomal changes (i.e. deletions, translocations, inversions, and trisomies). These types of chromosomal aberrations also occur as the result of exposure to ionizing radiation, which is known to induce leukemia.

Increases in chromosomal aberrations in subjects suffering from benzene hemopathy were investigated by Pollini and Colombi and by Forni and Moreo. (17), (18), (19)

Forni et. al. examined chromosomal changes and their evolution in 25 individuals who had suffered bone marrow impairment of varying severity, 1–18 years previously, as a result of exposure to benzene. (20) Hematologic examinations performed at the time of the cytogenetic study, but subsequent to cessation of exposure and recovery from benzene hemopathy, indicated normal blood values. However, both stable and unstable chromosomal changes were still present. The authors noted that "This finding (persistence of chromosomal aberrations) is similar to that reported in individuals with past exposure to ionizing radiations, both therapeutic and accidental, and suggests that long-lived lymphocytes might maintain chromosome damage even for years".

Chromosomal changes in individuals either no longer exposed to benzene, or exposed intermittently to low levels, and who show no hemotological disorders, have also been investigated. After examination of three groups of factory employees who displayed no toxic symptoms, Tough et al reported that two of these groups exposed on the average of 8 and 15 years, respectively, to similar working environments containing between 25 to 150 ppm benzene, showed a significant increase of structural chromosomal aberrations in lymphocytes over the general population. (21) The third group of workers from a different kind of factory and exposed to approximately 12 ppm for an average of 13 years showed a frequency of chromosome aberrations not significantly different from those found in the general population. Tough et al suggested that their findings may indicate that an interplay between the age of workers and exposure to benzene is responsible for the observed effects.

Induction of chromosomal damage in rabbit lymphocytes by subcutaneous injection of benzene has been reported by Kissling and Speck. (22) During the phase of peripheral pancytopenia the frequency of mitotic figures showing aberrations (mostly gaps and breaks) increased from an initial value of 6 percent to 58 percent after an average of 18 weeks. Two months later, after the discontinuance of benzene treatment, visible chromosomal damage was still observed in 36 percent of the mitotic cells. Also Philip and Jensen in a preliminary report demonstrated that a single subcutaneous injection of benzene (dose: 2.0 ml benzene/kg body weight) administered to rats is capable of increasing the fraction of marrow cells which exhibit chromosomal abnormalities.(23)

3. *Leukemia.* As pointed out, benzene presents a considerable range of health risks to the working population. These include the threat of developing a form of cancer known as leukemia, a fatal and irreversible disease. Robbins defines leukemia by stating:

> Leukemia may best be considered as a neoplasm (cancer) of the white blood cells and is so classified in the "International Lists of Causes of Death." It is characterized chiefly by: the appearance of abnormal, immature white cells in the circulating blood; diffuse and almost total replacement of the bone marrow with the leukemic cells; and widespread infiltrates of the liver, spleen and other tissues, analogous to metastatic dissemination of solid tissue cancer. (24)

The recent epidemiological study of Infante et al., (51) demonstrating a five-fold increased risk of total leukemia and a ten-fold increased risk of mylomonocytic leukemia among Pliofilm workers exposed to benzene, is supported by numerous case reports in the scientific and medical literature over the past several years concerning benzene related leukemia, predominantly of the mylogenous type.

At the outset it should be noted that, prior to the development of the Infante et al. data conclusively showing the linkage between benzene exposure and the development of fatal leukemia in workers, many had argued that any substance capable of inducing bone marrow depression or other blood abnormalities should be treated as a potential leukemogen. For example, Cronkite stated over twenty years ago that:

> The heart of the problem in the induction of leukemia by industrial hazards rests upon quantitation of the agent and the yield of leukemia. Two agents used in industry have been correlated with an increased incidence of leukemia in human beings. The first, ionizing radiation, is unquestionably able to increase the incidence of leukemia. The second agent, benzol, probably can produce an increased incidence of leukemia, but the data are not as good as for the former. First, the finger of suspicion must be pointed at any agent which is able to produce an aplasia of the bone marrow, assuming it will probably be able to produce leukemia also. Second, there is no reason to doubt that any agent which will produce a cancer elsewhere in the body will not be able to produce leukemia if the offending agent is transported to the hemopoietic tissues. (25)

And, as the National Academy of Sciences pointed out in its report of June 1976:

> Benzene fits in the former category because it is well documented that it produces aplasia of the bone marrow.(4)

And as Williams et al. notes:

> Any chemical capable of producing myelotoxicity must be regarded as a potential leukemogen, if the findings in radiation—induced leukemia apply which indicate that cell damage with depression of marrow function may produce alterations leading to the transformation of damaged cells into neoplastic ones. The only chemical which has been clearly identified as one which increases the incidence of myeloid leukemias in man is benzene in rather heavy occupational exposure.(26)

The relationship between benzene exposure and leukemia in humans in the past has resulted in large part from clinical observation and to a lesser degree from epidemiological studies. The clinical evidence of leukemia has been obtained either from a survey of medical records primarily in various European

clinics, or from a canvass of the published literature reporting case histories of individuals diagnosed with leukemia. In lieu of quantitative, individual exposure data, subjective evaluations of intensity of exposure have been utilized. The epidemiological evidence has been derived from either the determination of the frequency of chronic benzene exposure among cases of leukemia or from the determination of frequency of, or mortality from, leukemia among employees of work shops that utilize benzene. In other words, in the first method the leukemia is the constant factor of all case studies and the benzene exposure is the variable; while the second method is the reverse, that is, the benzene exposure is the constant factor while leukemia is the variable.

Vigliani and Saita, in their review of 47 individuals suffering from benzene hemopathy between the period of 1942 and 1963, presented clinical and laboratory accounts of six cases, all of whom were diagnosed as having haemocytoblastic leukemia. (27) The period of exposures of these individuals to either resins, inks, varnishes, or glues containing varying concentrations of benzene ranged up to 19 years. Data on the concentrations of benzene in the workplace environment, with one exception (190–660 ppm) were not available. Although information on previous occupational histories or medical status prior to the final diagnoses were also not available, the authors stated that "attribution of the cases (of leukemia cited) to the exposure cannot be doubted." During the years 1962–1963, when there was sharp rise in the incidence of leukemia among workers exposed to benzene which coincided with an increase in number of benzene poisoning cases for this period, the risk of acute leukemia was estimated to be about 20 times greater than the risk for the general adult population.

Twelve years following the Vigliani and Saita study, Vigliani and Forni observed that in the rotogravure industry, no new cases of aplastic anemia nor of leukemia were found among workers exposed solely to toluene after this solvent was substituted for benzene in 1964. (15) However, these authors noted in 1974 that cases of benzene-induced leukemia with long latency periods may still be occasionally observed. (50) These investigators also observed that workers exposed to toluene did not exhibit chromosomal aberrations, a finding seen in employees who work with benzene.

Sixteen (16) cases of various forms of leukemia developing from long term exposure to benzene were reported by Tareef et al. (28) The duration of exposure ranged between 4 and 27 years. However, no exposure concentrations were reported. In contrast to data previously reported in Italy and Turkey, the authors found evidence of chronic leukemia. Acute leukemia accounted for only 6 of the 16 cases. Three of the six acute leukemias were diagnosed at 2, 4 and 5 years following cessation of benzene exposure. Four of the acute cases underwent a definite period of hematologic shifts ranging from anemia or leucopenia to aplastic anemia and spanning a period of 2 to 10 years. Of the 10 chronic cases reported, none of the patients had hemocytopenic changes prior to the onset of leukemia.

Aksoy et al. reported the deaths, due to leukemia, of four Turkish shoemakers resulting from their exposure to benzene for periods ranging from 6 to 14 years. (29) At the time of the study, air concentrations were found to be between 150–210 ppm of benzene. Previous occupational exposure data was not provided. Two of the four patients developed acute leukemia approximately two and three years after the occurrence of aplastic anemia although the other two did not.

Adding 8 new cases of leukemia associated with exposure to benzene to 26 previously found, between the years 1967 and 1973, Aksoy et al. observed that with the exception of one case of chronic myeloid leukemia, all had various forms of acute leukemia. (30) A preceding period of pancytopenia was reported present in almost 25 percent of the cases, and the interval between the pancytopenic period and the onset of leukemia varied from 6 months to 6 years. Often the clinical findings and blood picture improved considerably before leukemia was diagnosed. During an 8 year period of observation, the incidence of leukemia among shoe-workers chronically exposed to benzene was calculated to be more than twice that experienced by the general population (13.5/100,000 vs. 6/100,000).

Browning tabulated from published studies 61 cases of leukemia among workers exposed to benzene at various concentrations. (31) The majority of cases were of the myeloid series. Browning noted that "benezene leukemia is frequently superimposed on a condition of aplastic anemia, but can develop without a preceding peripheral blood picture characteristic of bone marrow aplasia." She also noted that the transition from aplastic anemia to leukemia was not unknown in the ideopathic forms of leukemias.

DeGowin (32) and others (Vigliani & Saita, Tareff, Aksoy etc.) observed that the development of acute leukemia in some individual cases was preceded by a latency period of up to 15 years following cessation of exposure to benzene. Some of the cases underwent what was considered to be a preleukemic period, which was characterized by leucopenia, anemia, thrombocytopenia, aplastic anemia, pancytopenia or a combination thereof. Other cases developed leukemia without any evidence of anemia. According to Vigliani and Saita, the time delay "does not permit us to attribute the disease to the persistence of benzene in the bone marrow". (27) They suggested, however, that "on the basis of the initiation-promotion theory of the induction of neoplasms, we might regard benzene as an initiator of the leukemia process, but we have no suggestion of a possible promoter."

Based on the hypothesis that the risk of leukemia was higher among workers who were exposed to benzene and medical x-rays, Ishimaru et al. conducted a retrospective epidemiological investigation examining the relationship between occupations and environmental factors, other than A-bomb exposure, and the incidence of leukemia in Nagasaki and Hiroshima between 1945 and 1967. (33) This case control study compared all cases diagnosed as definite or probable leukemias between 1945 and 1967 and residing, at the time of the onset of the disease, in Hiroshima or Nagasaki. Controls were matched for city, sex, date of birth (±30 months), distance from the atomic bomb explosion, and alive and residing in either city at the time of the onset of the disease in the patient. Four hundred ninety-two leukemia cases were identified, but matched controls could only be obtained for 413. Fifteen occupations were selected in which there had been exposure to either medical x-rays or solvents especially benzene and its derivatives. Three hundred and three adult cases with the onset of leukemia at age 15 years or over and their controls were compared. Eleven of the 15 occupations were selected based on whether there had been a history of such occupations by either the leukemia cases or the controls. Considered as a group, the risk of leukemia was found to be significantly higher (about 2.5 times greater) among those with a history of such occupations in which various volatile solvents were used as compared with those without. The relative risk was 1.8 times higher for chronic leukemia and 2.9 times higher for acute. Eighteen of the leukemia cases associated with solvents were located in distant and non-exposed radiation areas and were considered too far from the A-bomb explosion for radiation to have enhanced the increased risk. Accepting the source of error inherent in the method which was used to collect the data, the results of this study nonetheless reinforce the observation that an increase in leukemia existed in that portion of the population exposed to radiation and employed in an occupation where solvents were used, especially benzene or where exposure to medical x-ray occurred.

Thorpe, then Associate Medical Director for the Exxon Corporation, on the other hand, reported that the incidence of leukemia among a population of 38,000 workers exposed to low levels of benzene over a ten year period (1962–1972) was not significantly different when compared with the general population. (34)

This study has been severely criticized by Brown for its relaxed case-finding techniques and the methods of analyses. (35) Thus, the conclusions derived from this study must be viewed in the light of serious methodological problems which were encountered in the collection and treatment of the data. These problems, which were also acknowledged by Thorpe, included: (1) the low incidence of leukemia in the general population; (2) the validity of the diagnoses of leukemia, (3) the quantitative determina-

tions of the extent of exposures, (4) an inadequate follow-up of annuitants and (5) incomplete occupational histories on individuals diagnosed as having leukemia.

Infante et al. recently reported the results of an ongoing epidemiologic study among workers exposed to benzene during the manufacture of Pliofilm, a process unconfounded with mixed solvent exposures. (51) Although follow-up is less than 75% completed, the results already demonstrate a statistically significant excess of leukemia in benzene exposed workers as compared with the expectations based on the U.S. white male population or on a second population employed at an industry in the same state over the same period of time. Among benzene exposed workers, a five-fold excess of total leukemia and a 10-fold excess of myelomonocytic leukemias were demonstrated even under conditions leading to an underestimate of the true leukemia risk. Those conditions were the treatment and the analyses of individuals whose vital status was unknown—they were assumed to be alive until the last day of the study period. Note was made of the consistency of the types of leukemia in this study population (myelogenous and monocytic) with earlier case reports by Vigliani of workers who had died from benzene related leukemia in Italy.

The wide variety of clinical manifestations and hematological disorders observed in humans exposed to benzene, which range from simple anemia and leukopenia to aplastic anemia have been experimentally induced in animals. However, attempts to demonstrate the development of leukemia in animals exposed to benzene has met with less success. To date, a study by Lignac in 1932 is the only animal study known to OSHA in which leukemia has been observed in animals exposed to benzene. (38) Fifty-four mice (28 females, 26 males) were given subcutaneous injections of benzene (0.001 ml in 0.1 ml of olive oil) for 17 to 21 weeks. Nine mice were initially excluded following bacteriological examination and an additional 12 were lost through atrophy of various organs, especially the spleen. Lignac attributed these deaths to the size of the dose of benzene based upon the findings of a preceding experiment. Eight of the remaining 44 mice developed leukemia or Kundrat's lymphosarcoma and died 4 to 11 months after receiving the first injection. The absence of concurrent controls makes interpretation of the results difficult, and uncertainties as to the strain of the mice studied has frustrated efforts to independently confirm the findings.

More recent studies have failed to produce Lignac's results. Amiel in 1960 utilized four inbred strains of mice and subjected them to the same experimental program outlined in Lignac's study. (39) No leukemic or aplastic hemopathies were observed. More recently, Ward et al. administered benzene subcutaneously to a species and strain of mice which is responsive to leukemogenic agents. (40) Although they observed a slight increase in the percentage of granulocytic leukemias in the benzene-treated mice as compared with the controls, the authors viewed the increase as not statistically significant.

SUMMARY AND EXPLANATION OF THE STANDARD

The requirements of the emergency temporary standard are those which OSHA considers essential and feasible to protect employees from the grave danger resulting from benzene exposure until a permanent standard can be promulgated in accordance with sections 6 (b) and (c) of the Act. The following section discusses the significant provisions of the emergency temporary standard for benzene and the necessity for including these provisions in the ETS.

A. *Scope and application.* The emergency temporary standard applies to all employers and all establishments in which benzene is present, except for two general groups. The ETS does not apply to retail automotive service stations. It's estimated that there are presently more than 200,000 such service stations in the country. Further, the limited evidence presently available suggests that employee exposures during gas dispensing operations are generally below 1 ppm. In light of these facts, and the relatively short duration of the ETS, it has been determined that exclusion of such service stations from the ETS would be appropriate.

Similarly, the ETS does not cover exposure to liquids containing benzene in amounts of 1 percent or less by volume, or benzene vapor released by these liquids. Benzene is a contaminant as well as an additive in a multitude of industrial substances. OSHA estimates that some 60,000 facilities with over 400,000 employees are engaged in industrial operations utilizing liquid mixtures containing 1 percent or less benzene by volume.

Also based on the presently available evidence in the Arthur D. Little study the exposure of employee working with these mixture is generally less than 1 ppm on an 8 hour average. In view of the foregoing, the ETS excludes users of these mixtures from its coverage.

However, during the proceedings on the proposed permanent standard, it is OSHA's intention to consider the appropriate scope and application of its permanent standards to protect workers from the leukemia hazard of benzene exposure.

Meanwhile, the existing standard in § 1910.1000 which governs benzene exposure will continue to apply to retail automotive service stations and to operations which use liquids containing one percent or less benzene.

Thus, these employers must continue to limit their employees' exposures to benzene to the 10 ppm permissible exposure limit, 25 ppm limit ceiling and 50 ppm excursion limit of that section.

The emergency temporary standard is applicable to "general industry," construction and maritime.

B. *Permissible exposure limit.* The standard has separate permissible limits for airborne exposure and for eye and dermal exposures.

(1) *Airborne exposure limits.* Considerable scientific opinion supports the regulatory policy for carcinogens that no safe level exists for any exposed population. For example, the National Cancer Institute's Ad Hoc Committee on the Evaluation of Low Levels of Environmental Chemical Carcinogens (1970) stated:

> No level of exposure to a chemical carcinogen should be considered toxicologically insignificant for man. For carcinogenic agents, a "safe level for man" cannot be established by application of our present knowledge. (NCI, 1970, p. 1).

Furthermore, NIOSH has stated that, "it is not possible at the present time to establish an exposure level at which benzene may be regarded to be without danger," a position which it has consistently taken with regard to other carcinogens.

This regulatory policy is consistent with previous OSHA actions to control employee exposure to carcinogens; see, e.g. the preambles to the carcinogen standards, 29 CFR 1910.1003 et seq. (39 FR 3758); the vinyl chloride standard, 29 CFR 1910.1017 (39 FR 35892) and the coke oven emissions standard, 29 CFR 1910.1029 (41 FR 46742). Thus, the level of 1 ppm has been chosen, not as a "safe" or "no effect" level, but on the basis of OSHA's belief, for the reasons set forth in the technical feasibility and economic impact study prepared for OSHA by Arthur D. Little Co., that 1 ppm is the lowest level that generally can be achieved at this time.

(2) *Ceiling limit.* In addition to limiting 8-hour time weighted average exposures to 1 ppm, the emergency standard requires that no employee be exposed to benzene in excess of 5 ppm averaged over any 15-minute period. An employee may be exposed to varying concentrations of benzene during the course of the workday with some periods of exposure above 1 ppm and corresponding periods below 1 ppm. OSHA has determined that the peak excursions permitted under the present standard are not appropriate in regulating exposure to benzene—a human leukemia hazard for which no safe level can be determined. For this reason, the 15-minute ceiling limit of 5 ppm is established to limit the magnitude of brief excursions which might otherwise occur even where the 8-hour time weighted average was not exceeded.

(3) *Dermal and eye exposure limits.* The standard prohibits eye and repeated or prolonged skin exposure to liquid benzene. While studies indicate benzene is not readily absorbed through intact skin, direct contact with liquid benzene can cause blistering and breakage of the skin surface. (46), (47) Under these circumstances, or where the skin is otherwise broken, prolonged or repeated skin contact may result in significant absorption of benzene. In addition, benzene absorp-

tion through the skin may be enhanced when it occurs in combination with other solvents. (48) Once absorbed, the benzene is distributed throughout the body by the blood.

C. *Notification of use.* The standard requires employers to notify OSHA of the location of workplaces in which benzene is used and to describe the conditions of use and protective measures in effect. This requirement is designed to assure compliance during the effective period of this ETS.

D. *Monitoring of exposure.* The standard requires employers to monitor each workplace where benzene is present to determine employee exposure. Such determinations may be made by monitoring and measurements which are representative of each employee's exposure to benzene over an 8-hour period. Actual measurements of airborne concentrations of benzene are required in order to determine employee exposure to benzene. However, employers do not have to measure the exposure of each individual employee.

Where the initial measurements reveal benzene exposure to be above the permissible exposure limit, monthly monitoring is required. Measurements which reveal levels of exposure to benzene below the permissible exposure limit require quarterly monitoring.

The results of the exposure measurement program determine what further action must be taken by the employer. In addition to monthly monitoring, measurement of exposures above the permissible exposure limit require the employer to institute controls to reduce the exposure to or below the permissible exposure limit. A monitoring requirement is necessary in the ETS to reduce employee exposure.

In establishing the monitoring and measurement requirements of this standard, OSHA has considered the importance of such activities to identifying exposed employees and their levels of exposure so that appropriate protective measures may be taken. OSHA has also considered the question of the feasibility of immediately complying with the monitoring requirements specified.

Performing the required measurements of employee exposure to benzene will generally involve the use of portable battery-powered air sampling pumps worn by the employee during the sampling period, charcoal tubes for absorption of the benzene, and access to appropriate laboratory facilities for subsequent analysis of the charcoal tube samples. The laboratory analysis would usually be performed using gas chromotographs, a technique commonly available in analytical laboratories and utilized for the analysis of a wide range of air contaminants found in samples of the workplace environment and general community. The standard provides that the initial sampling must be conducted and results obtained within 30 days of the effective date of the standard, which would be almost 50 days following publication of the standard. The standard does not require a separate measurement for each affected employee. It requires only that sufficient measurements are obtained to be representative of the exposure of all affected employees.

OSHA notes that the monitoring requirements will arise principally in the industries engaged in benzene production, gasoline production, and related chemical industries. These industries are generally regarded to be at the forefront of all industries with respect to existing industrial hygiene and occupational health programs. Many of the employers in these industries have extensive professional and technical staffs and established employee health programs which include periodic measurement of employee exposure to benzene. Thus these employers are expected to have little difficulty in complying with the monitoring requirements of this standard. Some of these employers have had to acquire much of the apparatus and equipment required for measuring employee exposure to benzene in order to comply with other occupational health standards previously issued by this Agency. For example, those employers engaged in manufacturing or use of vinyl chloride and polyvinyl chloride and employers engaged in the operation of coke ovens—one source of benzene production, will find that much of the effort made earlier in complying with the standards for vinyl chloride and coke oven emissions will be applicable to the requirements under this standard for measuring employee exposure to benzene.

There are approximately eight manufacturers of suitable sampling pumps. While it is not possible to know the total number of pumps immediately available from these manufacturers, one of the major manufacturers has indicated an ability to deliver 200 immediately and 800 within 45 days. That manufacturer estimated that the entire industry is capable of delivering up to 2,000 pumps in no more than 60 days from now. OSHA believes this capacity is adequate to meet the additional needs of employers who do not presently have a sufficient number of these sampling pumps. Moreover, the standard does not require that the employer own the equipment and do this monitoring himself; the utilization of consultants or contractors is another choice available to many employers.

For the above reasons, the Assistant Secretary concludes that the monitoring and measurement requirements of this emergency standard are feasible.

E. *Methods of compliance.* The standard requires employee exposure to benzene to be reduced to 1 ppm by engineering controls, work practices and respiratory protection. The emergency standard reflects a preference for the use of engineering controls, work practices and, where possible, substitution because of the greater reliability of these control techniques. (See, for example, the standards on vinyl chloride, § 1910.1017, and coke oven emissions § 1910.1029, and the reasons given therein.)

Thus, employers are required to institute feasible engineering controls and work practices as soon as possible to reduce employee exposure to or below the permissible exposure limits. In operations where engineering controls and work practices do not completely reduce exposure to the permissible level, they must still be implemented to reduce exposures to the lowest practicable level and supplemented by respirators.

OSHA recognizes that initial compliance may involve the use of respirators in many instances until engineering controls are installed and work practices initiated.

Based on a review of the Arthur D. Little Co. study and data furnished by respirator manufacturers, OSHA has determined that the availability of respirators of the required types, especially the air-purifying respirators and replacement cartridges, is adequate to meet the needs of employers who will require them for compliance with the ETS. For example, there are several manufacturers of air-purifying respirators for use against benzene. One of these manufacturers has indicated that it currently has in stock 100,000 replacement cartridges more than normal order requirements, can deliver more than 250,000 cartridges per month, and is presently increasing production capacity for this type of respirator. Additionally, OSHA is aware that respirators are currently available for use by employees in many job categories in the industries covered by this standard, such as the petroleum refining, petrochemical, chemical, and related industries.

OSHA estimates that approximately 30,000 of the 150,000 employees affected by this standard would have to be furnished respirators for use some of the time during the initial period of compliance with this standard. In view of the current existence of suitable respirators in many workplaces where they would be needed and the ability of the respirator manufacturers and suppliers to supply promptly on receipt of order additional respirators needed to comply, OSHA concludes that the respirator requirements of this standard are feasible.

F. *Medical surveillance.* The standard requires employers to institute a limited program of medical surveillance for all employees exposed to benzene. The purposes of these medical surveillance requirements are to determine the effects of exposure on the blood forming systems of the employees, to detect blood abnormalities, and to ensure that symptoms of overexposure to benzene are recognized as early as possible. The standard provides that this medical testing shall be conducted within 30 days of the effective date of the standard and quarterly thereafter. The medical surveillance requirements are limited to those minimum tests considered necessary for the emergency standard. (41) The standard also requires a medical history to be taken for every employee who may be exposed to benzene.

Facilities for performing such routine blood tests are readily available in all parts of the country and OSHA has concluded that compliance with this limited medical testing requirement is immediately feasible.

Following the medical examination, the employer must obtain a written opinion from the examining physician stating whether the employee has any medical condition that would place him at increased risk to his health from exposure to benzene. The employer must provide a copy of the physician's opinion to the affected employee. Employees are not required by the standard to submit to the medical surveillance offered under this provision.

G. *Employee education and training.* Information and training are important to protect employees from workplace cancer hazards. Appropriate training of employees can result in immediate benefits in terms of reduced exposures. To be effective, an employee education system must fully inform the employee of the specific hazards associated with the work environment. For this reason, the employer is required to inform each employee who is assigned to work in the presence of benzene about the specific operations where benzene exposure may occur and about proper procedures to avoid unnecessary exposure. The required training program must, among other things, advise employees of the signs and symptoms of exposure to benzene, the purpose of the medical tests, and the purpose, proper use, and limitation of respirators.

H. *Signs.* It is important for the protection of employees that appropriate forms of warning, as necessary, be used to inform employees of the hazards to which they are exposed in the course of their employment.

In light of the grave danger posed by exposure to benzene, OSHA believes that signs are necessary in addition to the periodic training program for informing employees of the carcinogenic hazard of benzene exposure.

I. *Recordkeeping.* The standard requires a limited amount of recordkeeping. Employers must maintain exposure measurement records and medical records. Such records must be maintained during the period of the emergency standard. Thereafter, employers will be subject to the long-term recordkeeping requirements included in the final standard promulgated under section 6 (b) of the Act.

J. *Appendixes.* Three appendixes have been attached to the standard for informational purposes. These appendixes do not impose any additional requirements on the employer.

V.—References

The studies and other data listed below, as well as the additional material referred to in this document, represent the principal sources upon which the emergency standard is based. A complete set of the references is available for inspection and copying at the OSHA Technical Data Center, Room S6212, U.S. Department of Labor, 3rd Street and Constitution Avenue NW., Washington, D.C. 20210.

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VI. Environmental and Economic Impacts

The National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and regulations issued thereunder (29 CFR Part 1999) require that Federal agencies assess their proposed major actions to determine whether a significant impact on the quality of the human environment may result, and if necessary to prepare an environmental impact statement. An environmental impact statement on the regulation of occupational exposure to benzene will be prepared and made available as required during the rulemaking proceedings under section 6(b) of the Act. Because of the emergency nature of this standard, no environmental impact statement can be prepared or is required for the emergency temporary standard. In addition, notice is hereby given that an economic impact analysis under Executive Order 11949 (42 FR 1017) and applicable procedures will be prepared and made available prior to the promulgation

of any permanent standard resulting from this emergency temporary standard. The preliminary economic and technological feasibility study done by Arthur D. Little indicates that the emergency standard is feasible.

VIII—PUBLIC PARTICIPATION—NOTICE OF HEARING

Pursuant to section 6(c)(3) of the Act, this ETS as published also serves as a proposal for a permanent rule. It is OSHA's intention to develop and publish a more comprehensive proposal in the very near future which will contain additional provisions and some modifications of this emergency standard. Since the comprehensive proposal will be based on the emergency standard and since the emergency nature of the proceeding and the requirements of section 6(c) will necessitate expedited treatment throughout the development of the final standard on benzene, interested parties should begin preparation of their written comments and oral presentations immediately.

Interested persons are invited to submit written data, views and arguments with respect to this ETS and the supplementary proposal to be published shortly. These comments must be postmarked on or before June 20, 1977 and submitted in quadruplicate to the Docket Officer, Docket No. H–059, Room S6212, U.S. Department of Labor, 3rd Street and Constitution Avenue, NW., Washington, D.C. 20210. Written submissions must clearly identify the provisions of the ETS and the proposal which are addressed and the position taken with respect to each issue therein. The data, views and arguments that are submitted will be available for public inspection and copying at the above address. All timely written submissions received will be made a part of the record of this proceeding.

Pursuant to section 6(b)(3) of the Act, an opportunity to submit oral testimony concerning the issues raised by the ETS and the proposed standard, including the economic and environmental impacts, will be provided at an informal public hearing scheduled to begin at 9:30 a.m. on July 12, 1977, in the New Department of Labor Auditorium, New Department of Labor Building, 3rd Street and Constitution Avenue, NW., Washington, D.C. 20210.

NOTICES OF INTENTION TO APPEAR

All persons desiring to participate at the hearing, must file in quadruplicate a notice of intention to appear, postmarked on or before June 20, 1977 with the OSHA Committee Management Office, Docket No. H–059, Room N–3635, U.S. Department of Labor, 3rd Street and Constitution Avenue, NW., Washington, D.C. 20210 (telephone: (202) 523–8024).

The notices of intention to appear, which will be available for inspection and copying at the OSHA Committee Management Office, must contain the following information:

(1) The name, address, and telephone number of each person to appear;

(2) The capacity in which the person will appear;

(3) The approximate amount of time requested for the presentation;

(4) The specific issues that will be addressed;

(5) A detailed statement of the position that will be taken with respect to each issue addressed; and

(6) Whether the party intends to submit documentary evidence, and if so, a brief summary of that evidence.

FILING OF TESTIMONY AND EVIDENCE BEFORE HEARING

Any party requesting more than 15 minutes for a presentation at the hearing, or who will submit documentary evidence, must provide in quadruplicate the complete text of his testimony including any documentary evidence to be presented at the hearing, to the OSHA Committee Management Office where it will be available for inspection and copying. This material must be received by July 5, 1977. Each such submission will be reviewed in light of the amount of time requested in the notice of intention to appear. In those instances where the information contained in the submission does not justify the amount of time requested, a more appropriate amount of time will be allocated and the participant will be notified of that fact.

Any party who has not substantially complied with this requirement may be limited to a 15 minute presentation, and may be requested to return for questioning at a later time.

CONDUCT OF HEARINGS

The hearing will commence at 9:30 a.m. on July 12, 1977, with resolution of any procedural matters relating to the proceeding. The hearing will be conducted in accordance with 29 CFR Part 1911. In view of the emergency nature of this rulemaking proceeding, the hearing will be conducted in as expedited a manner as possible, consistent with a full development of the record and the rights of the parties.

The hearing will be presided over by an Administrative Law Judge who will have all the powers necessary or appropriate to conduct a full and fair informal hearing as provided in 29 CFR Part 1911. Following the close of the hearing or of any posthearing comment period, the presiding Administrative Law Judge will certify the record to the Assistant Secretary of Labor for Occupational Safety and Health. The proposal will be reviewed in light of all oral and written submissions received as part of the record, and a standard will be issued based on the entire record in this proceeding.

AUTHORITY

This document was prepared under the direction of Eula Bingham, Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Avenue, NW., Room S–2315, Washington, D.C. (202–523–9261).

Accordingly, pursuant to sections 6(c) and 8(c) of the Occupational Safety and Health Act of 1970 (84 Stat. 1596, 1599, 29 U.S.C. 655, 657), the Secretary of Labor's Order No. 8–76, and 29 CFR Part 1911, Part 1910 of Title 29 of the Code of Federal Regulations is hereby amended by adding a new § 1910.1028 as set forth below. In addition, pursuant to section 4(b)(2) of the Act (84 Stat. 1592; 29 U.S.C. 653), the standard in the new § 1910.1028 is determined to be more effective than the corresponding standards now in Subpart B of Part 1910, in Parts 1915, 1916, 1917, 1918 and 1926 of Title 29, Code of Federal Regulations. Therefore, these corresponding standards are superseded by the new standard in § 1910.1028. These amendments are effective May 21, 1977.

Signed at Washington, D.C., this 29th day of April 1977.

EULA BINGHAM,
Assistant Secretary of Labor.

Part 1910 of Title 29 of the Code of Federal Regulations is therefore amended as follows:

1. A new § 1910.20 is added to 29 CFR Part 1910 to read as follows:

§ 1910.20 Benzene.

Section 1910.1028 shall apply to the exposure of every employee to benzene in every employment and place of employment covered by §§ 1910.12, 1910.13, 1910.14, 1910.15, or § 1910.16, in lieu of any different standard on exposure to benzene which would otherwise be applicable by virtue of any of those sections.

§ 1910.1000 [Amended]

2. Table Z–2 of § 1910.1000 is amended by adding a footnote 1 following the words "Benzene (Z37.4–1969)" and by adding the following below Table Z–2:

Occupational exposures to benzene are subject to the requirements of § 1910.1028 except as specifically exempted by § 1910.1028(a). Exposures exempted by § 1910.1028(a) are covered by this section.

3. Part 1910 of Title 29 of the Code of Federal Regulations is amended by adding thereto a new § 1910.1028 to read as follows:

§ 1910.1028 Benzene.

(a) *Scope and application.* (1) This section applies to the production, reaction, release, packaging, repackaging, storage, transportation, handling, or use of benzene.

(2) This section does not apply: (i) To retail automotive service stations; or (ii) where the exposure to benzene is only from liquid mixtures containing 1 percent or less of benzene by volume, or the vapors released from these liquids.

(b) *Definitions.* "Assistant Secretary" means the Assistant Secretary of Labor for Occupational Safety and Health, or designee.

"Benzene" (C6H6) (CAS Registry No. 000071432), means benzene, or a mixture of liquids containing benzene, or the benzene vapor released by these liquids.

"Director" means the Director, National Institute for Occupational Safety and Health, U.S. Department of Health, Education, and Welfare, or designee.

"OSHA Area Office" means the Area Office of the Occupational Safety and Health Administration having jurisdiction over the geographic area where the employer's establishment is located.

(c) *Exposure limits.*—(1) *Permissible airborne exposure limits.* (i) The employer shall assure that no employee is exposed to an airborne concentration of benzene in excess of 1 part benzene per million parts of air (1 ppm), as an 8-hour time-weighted average.

(ii) The employer shall assure that no employee is exposed to an airborne concentration of benzene in excess of 5 ppm as averaged over any 15 minute period.

(2) *Dermal and eye exposure limit.* The employer shall assure that no employee is exposed to eye contact or repeated skin contact with benzene.

(d) *Notification of use.* Within 30 days of the effective date of this section, every employer who has a place of employment where benzene is present, shall report the following information to the nearest OSHA area office for each such establishment:

(1) The address and location of each establishment where employee exposure to benzene occurs;

(2) A brief description of each process or operation which may result in employee exposure to benzene;

(3) The number of employees engaged in each process or operation which may result in exposure to benzene and an estimate of the frequency and degree of exposure that results; and

(4) A brief description of the employee safety and health program as it relates to limitation of employee exposure to benzene.

(e) *Exposure monitoring and measurement.*—(1) *Initial monitoring.* (i) Each employer who has a place of employment where benzene is present, shall monitor each such workplace and work operation to determine the airborne concentrations of benzene to which employees may be exposed. This determination shall be made by monitoring and measurements which are representative of each employee's exposure to benzene over an 8-hour period.

(ii) Each employer, who has a place of employment in which benzene is present, shall inspect each workplace and work operation to determine if any employee may be exposed to benzene through eye contact or repeated skin contact.

(2) *Frequency of monitoring.* The monitoring required under paragraph (e)(1) of this section shall be conducted, and the results obtained, within thirty days of the effective date of this section and thereafter repeated quarterly for employees whose exposure is found to be less than 1 ppm, and monthly for those employees whose exposure is found to be in excess of the permissible exposure limit. The employer shall continue monthly measurements until at least two consecutive measurements taken at least seven (7) days apart are below the permissible exposure limit, and thereafter the employer shall measure quarterly.

(3) *Additional monitoring.* Whenever there has been a production, process, or control change which may result in new or additional exposure to benzene, or whenever the employer has any other reason to suspect a change which may result in new or additional exposures to benzene, additional monitoring which complies with paragraph (e)(1) of this section shall be made.

(4) *Employee notification.* (i) Within 5 working days after the receipt of measurement results, the employer shall notify each employee in writing of the exposure measurements which represent that employee's exposure.

(ii) Where the results reveal the employee's exposure to be over the permissible exposure limit, this notification shall also include the corrective action being taken to reduce exposure to or below the permissible exposure limit.

(5) *Accuracy of measurement.* The method of measurement shall have an accuracy, to a confidence level of 95 percent, of not less than plus or minus 25 percent for concentrations of benzene greater than or equal to 1 ppm.

(6) *Employee exposure.* For the purposes of this section, employee exposure is that exposure which would occur if the employee were not using a respirator.

(f) *Methods of compliance.* The employer shall control employee exposures to airborne concentrations of benzene to or below the permissible exposure limit, and shall protect against employee exposure to eye or repeated skin contact with benzene, by engineering controls, work practices and personal protective devices and equipment, as follows:

(1) *Engineering controls.* The employer shall develop and implement, as soon as possible, feasible engineering controls to reduce the airborne concentration of benzene to or below the permissible exposure limit.

(2) *Work practices.* The employer shall examine each work area in which benzene is present and shall institute, as soon as possible, work practices to reduce employee exposure to benzene to or below the permissible exposure limit. The work practices shall be described in writing and shall include, among other things, the following:

(i) Limiting access to work areas where benzene is present to authorized personnel only;

(ii) Prohibiting smoking and the consumption of food and beverages in work areas where benzene is present; and

(iii) Establishing good maintenance and housekeeping including the prompt cleanup of spills, repair of leaks, etc.

(3) *Respiratory projection.* Whenever engineering and work practice controls which can be instituted are not sufficient to reduce exposures to or below the permissible exposure limit, they shall be used nontheless to reduce exposurse to the lowest practicable level, and shall be supplemented by the use of respirators in accordance with paragraph (g) of this section.

(g) *Respirators.*—(1) *Required use.* The employer shall assure that respirators are used where required under this section to reduce employee exposure to or below the permissible exposure limit, and in emergencies.

(2) *Respirator selection.* (i) Where respirators are required under this section, the employer shall select and provide the appropriate respirator from Table I below and shall assure that the employee uses the respirator provided.

(ii) The employer shall select respirators from among those approved by the National Institute for Occupational Safety and Health under the provisions of 30 CFR Part 11.

TABLE I

RESPIRATORY PROTECTION FOR BENZENE

Concentration of benzene or condition of use	*Respirator type*
(a) Less than or equal to 10 ppm	(1) Chemical cartridge respirator with organic vapor cartridges and half mask; or (2) Any supplied air respirator with half mask.
(b) Less than or equal to 50 ppm	(1) Chemical cartridge respirator with organic vapor cartridges and full facepiece; or (2) Any supplied air respirator with full facepiece; or (3) Any organic vapor gas mask; or (4) Any self-contained breathing apparatus with full facepiece.
(c) Less than or equal to 1,000 ppm	(1) Supplied air respirator with half mask in positive pressure mode.
(d) Less than or equal to 2,000 ppm	(1) Supplied air respirator with full facepiece, helmet, or hood, in positive pressure mode.
(e) Less than or equal to 10,000 ppm	(1) Supplied air respirator and auxiliary self-contained facepiece in positive pressure mode; or (2) Open circuit self-contained breathing apparatus with full facepiece in positive pressure mode.
(f) Escape	(1) Any organic vapor gas mask; or (2) Any self-contained breathing apparatus with full facepiece.

(3) *Respirator program.* The employer shall institute a respiratory protection program in accordance with § 1910.134 (b), (d), (e) and (f).

(4) Where air-purifying respirators are used (cartridge, canister or gas mask), the air-purifying canisters or cartridges shall be replaced prior to the expiration of their service life or the end of the shift in which they are first used, whichever occurs first.

(h) *Protective clothing and equipment.* Where eye or repeated skin contact with liquid benzene may occur, employers shall provide and assure that employees wear impermeable protective clothing and appropriate equipment to protect the area of the body likely to come in contact with liquid benzene.

(i) *Medical surveillance.* (1) Each employer shall make available a medical surveillance program for all employees who are or will be exposed to benzene. The medical surveillance program shall consist of:

(i) A history which includes past work exposures to benzene or any other hematologic toxins, a family history of hematological neoplasms, a history of blood dyscrasias including genetically related hemoglobin alterations, bleeding abnormalities, abnormal function of formed blood elements, a history of renal or liver dysfunction, a history of drugs routinely taken, alcoholic intake and systemic infections;

(ii) A complete blood count including a differential white blood cell count; and

(iii) Additional tests shall be conducted where, in the opinion of the examining physician, alterations in the components of the blood are related to benzene exposure.

(2) All medical procedures shall be performed by or under the supervision of a licensed physician, and shall be provided by the employer without cost to the employee.

(3) Medical surveillance and testing of each employee shall be conducted within thirty days of the effective date of this section, and quarterly thereafter. If an employee is accidently or otherwise exposed to benzene by ingestion, inhalation, skin or eye contact, or for any reason, an employee develops signs and symptoms commonly associated with exposure to benzene, the employer shall provide appropriate medical examinations and emergency treatment.

(4) *Information provided to the physician.* The employer shall provide the following information to the examining physician:

(i) A copy of this regulation and its appendixes;

(ii) A description of the affected employee's duties as they relate to the employee's exposure;

(iii) The employee's representative exposure level; and

(iv) A description of any personal protective equipment used or to be used.

(5) *Physician's written opinion.* (i) The employer shall obtain a written opinion from the examining physician which shall include:

(a) The results of the medical testing;

(b) The physician's opinion as to whether the employee has any detected medical condition which would place the employee at increased risk of material impairment of the employee's health from exposure to benzene;

(c) Any recommended limitations upon the employee's exposure to benzene or upon the use of protective clothing and equipment such as respirators; and

(d) A statement that the employee has been informed by the physician of any medical conditions which require further examination or treatment.

(ii) The employer shall instruct the physician not to reveal in the written opinion specific findings or diagnoses unrelated to occupational exposure.

(j) *Employee information and training.*—(1) *Training program.* Within fifteen days of the effective date of this section, the employer shall provide a training program for employees assigned to workplace areas where benzene is present and shall assure that each affected employee is informed of the following:

(i) The information contained in the substance data sheet for benzene which is contained in Appendix A of this section;

(ii) The quantity, location, manner of use, release or storage of benzene and the specific nature of operations which could result in exposure above the permissible exposure limit, as well as necessary protective steps;

(iii) The purpose, proper use, and limitation of respiratory devices as specified in § 1910.134;

(iv) The purpose and a description of the medical testing program required by paragraph (i) of this section and the information contained in Appendix C of this section; and

(v) The contents of this standard.

(2) *Access to training materials.* (i) The employer shall make a copy of this standard and its appendixes readily available to all affected employees.

(ii) The employer shall provide, upon request, all materials relating to the employee information and training program to the Assistant Secretary and the Director.

(k) *Signs.* (1) The employer shall post signs to clearly designate all work areas where benzene may be present, bearing the legend:

DANGER
BENZENE
CANCER HAZARD

(2) Where the permissible exposure limit is exceeded, the signs shall also include the legend: Respirator required.

(3) The employer shall assure that no statement appear on or near any required sign which contradicts or detracts from the required information.

(l) *Recordkeeping.*—(1) *Exposure measurements.* The employer shall establish and maintain an accurate record of all measurements required by paragraph (e) of this section.

(i) This record shall include:

(a) The dates, number, duration and results of each of the samples taken, including a description of the sampling procedure used to determine representative employee exposures;

(b) A description of the sampling and analytical methods used;

(c) Type of respiratory protective devices worn, if any; and

(d) Name, social security number, and job classification of the employee monitored and all other employees whose exposure the measurement is intended to represent.

(ii) This record shall be maintained during the effective period of this section.

(2) *Medical surveillance.* The employer shall establish and maintain an accurate record for each employee subject to medical surveillance as required by paragraph (i) of this section.

(i) This record shall include:

(a) A copy of the physician's written opinion;

(b) Any employee medical complaints related to exposure to benzene; and

(c) A copy of the information provided to the physician as required by paragraph (i) (4) of this section;

(ii) This record shall be maintained during the effective period of this section.

(3) *Availability.* (i) All records required to be maintained by this section shall be made available upon request to the Assistant Secretary and the Director for examination and copying.

(ii) Employee exposure measurement records as required by this section shall be made available for examination and copying to affected employees, and their designated representatives.

(iii) Former employees and the employees' designated representatives shall have access to such records as will indicate their own exposure to benzene.

(iv) Employee medical records required to be maintained by this section shall be made available upon request for examination and copying to a physician designated by the affected employee or former employee.

(m) *Observation of monitoring.*—(1) *Employee observation.* The employer shall provide affected employees, or their designated representatives, an opportunity to observe any measuring or monitoring of employee exposure to benzene conducted pursuant to paragraph (e) of this section.

(2) *Observation procedures.* (i) When observation of the measuring or monitoring of employee exposure to benzene requires entry into an area where the use of protective clothing and equipment or respirators is required, the employer shall provide the observer with personal protective devices required to be worn by employees working in the area, assure the use of such equipment, and require the observer to comply with all other applicable safety and health procedures.

(ii) Without interfering with the measurement, observers shall be entitled to:

(a) Receive an explanation of the measurement procedures;

(b) Observe all steps related to the measurement of airborne concentrations of benzene performed at the place of exposure; and

(c) Record the results obtained.

(n) Effective date: This section shall become effective May 21, 1977.

(o) *Appendixes.* The information contained in the appendixes is not intended, by itself, to create any additional obligations not otherwise imposed or to detract from any existing obligation.

I. SUBSTANCE IDENTIFICATION

APPENDIX A—SUBSTANCE SAFETY DATA SHEET

BENZENE

A. *Substance.* Benzene.

B. *Permissible Exposure.* Except as to retail gasoline stations and operations which use liquids containing benzene in amounts greater than 1% by volume, or the benzene vapor released by any such liquids.

1. *Airborne.* 1 part of benzene vapor per million parts of air (1 ppm); time-weighted average (TWA) for an 8-hour workday for a 40-hour week, with a ceiling concentration of 5 ppm.

2. *Dermal.* Eye contact and repeated skin contact with liquid benzene shall be prohibited.

C. *Appearance and odor.* Benzene is a clear, colorless liquid with a pleasant, sweet odor. The odor of benzene does not provide adequate warning of its harzard.

II. HEALTH HAZARD DATA

A. *Ways in which the benzene affects your health.* Benzene can affect your health if you inhale it, or if it comes in contact with your skin or eyes. Benzene may also be harmful if you happen to swallow it.

B. *Effects of overexposure.* 1. Short-term (acute) overexposure: If you are overexposed to high concentrations of benzene, well above the levels where its odors are first recognizable, you may feel breathless, irritable, euphoric, or giddy; you may experience irritation in eyes, nose, and respiratory tract. You may develop a headache, feel dizzy, nauseous, or experience unsteadiness in walking. Severe exposures may lead to convulsions.

2. Long-term (chronic) exposure: Repeated and prolonged exposure of benzene may cause headache, fatigue, exhaustion, tendency to bleed, nervoushoss, sleeplessness, shortness of breath, and serious blood disorders, including leukemia.

III. PROTECTIVE CLOTHING AND EQUIPMENT

A. *Respirators.* Respirators are required for those operations in which engineering controls or work practice controls are not available to reduce exposure to the permissible level. If respirators are worn, they must have a National Institute for Occupational Safety and Health (NIOSH) seal of approval. If you experience difficulty breathing while wearing a respirator, tell your employer.

B. *Protective Clothing.* You must wear impervious protective clothing (such as boots, gloves, sleeves, aprons, etc.) over any parts of your body that could be repeatedly exposed to liquid benzene.

C. *Eye and Face Protection.* You must wear splash proof safety goggles if it is possible that benzene may get into your eyes. In addition, you should wear a face shield if your face could be splashed with benzene liquid.

IV. EMERGENCY AND FIRST AID PROCEDURES

A. *Eye and face exposure.* If benzene is splashed in your eyes, wash it out immediately with large amounts of water. Call a doctor as soon as possible.

B. *Skin exposure.* If benzene is spilled on your clothing or skin, remove the contaminated clotning and wash the exposed skin with large amounts of water and soap immediately. Wash contaminated clothing before you wear it again.

C. *Breathing.* If you or any other person breathes in large amounts of benzene, get the exposed person to fresh air at once. Apply artificial respiration if breathing has stopped. Call a doctor as soon as possible.

D. *Swallowing.* If benzene has been swallowed and the patient is conscious, do not induce vomiting. Call a doctor immediately.

V. MEDICAL REQUIREMENTS

If you are exposed to benzene your employer is required to provide the following medical procedures within thirty days of the effective date of this standard, consisting of a medical history and laboratory tests. These tests shall be provided without cost to you.

VII. OBSERVATION OF MONITORING

Your employer is required to perform measurements that are representative of your exposure to benzene and you are entitled to observe the monitoring procedure. You are entitled to receive an explanation of the measurement procedure, observe the steps taken in the measurement procedure, and to record the results obtained. When the monitoring procedure is taking place in an area where respirators or personal protective clothing and equipment are required to be worn, you must also be provided with, and must wear the protective clothing and equipment.

VIII. ACCESS TO RECORDS

You or your representative are entitled to see the records of measurements of your exposure to benzene upon request to your employer. Your medical examination records can be furnished to your physician upon request to your employer.

IX. PRECAUTIONS FOR SAFE USE, HANDLING AND STORAGE

Benzene liquid is highly flammable. It should be stored in tightly closed containers in a cool, well ventilated area. Benzene vapor may form explosive mixtures in air. All sources of ignition must be controlled. You should use non-sparking tools when opening or closing benzene containers. You must ground or bond metal benzene containers. Fire extinguishers, where provided, must be readily available and you should know where they are located and how to operate them. Smoking is prohibited in areas where benzene is used or stored. Ask your supervisor where benzene is used on your work area and for additional plant safety rules.

APPENDIX B—SUBSTANCE TECHNICAL GUIDELINES

BENZENE

I. PHYSICAL AND CHEMICAL DATA

A. Substance Identification

1. *Synonyms.* Benzol, benzole, coal naptha, cyclohexatriene, phene, phenyl hydride, pyrobenzol. (Benzin, petroleum benzin, and benzine, do not contain benzene).

2. *Formula.* C6H6 (CAS Registry Number: 000071432)

B. Physical Data

1. Boiling point (760 mm Hg): 80.1 C (176F).

2. Specific Gravity (water=1) :0.879.

3. Vapor Density (air=1) :2.7.

4. Melting Point: 5/5 C (42F).

5. Vapor Pressure at 20 C (68F) :75 mm Hg.

6. Solubility in Water: .06%.

7. Evaporation Rate (ether=1) :2.8.

8. Appearance and Odor: Clear, colorless liquid with a distinctive sweet odor.

II. FIRE, EXPLOSION AND REACTIVITY HAZARD DATA

A. *Fire.* 1. Flash Point (closed cup): —11 C (12F).

2. Autoignition Temperature: 580 C (1076F).

3. Flammable Limits in Air, % by Volume: Lower: 1.3% Upper: 7.1%.

4. Extinguishing Media: Carbon dioxide, dry chemical, or foam.

5. Special Fire-Fighting Procedures: Do not use solid stream of water, since stream will scatter and spread fire. Water spray can be used to keep fire exposed containers cool.

6. Unusual fire and explosion hazards: Benzene is a flammable liquid. Its vapors can form explosive mixtures. All ignition sources must be controlled when benzene is used, handled, or stored. Where liquid or vapor may be released, such areas shall be considered as hazardous locations. Benzene vapors are heavier than air; thus the vapors may travel along the ground and be ignited by open flames or sparks at locations remote from the site at which benzene is handled.

7. Benzene is classified as a 1 B flammable liquid for the purpose of conforming to the requirements of 29 CFR 1910.106. A concentration exceeding 3250 ppm is considered a potential fire or explosion hazard. Locations where benzene may be present in quantities sufficient to produce explosive or ignitable mixtures are considered Class 1 Group D for the purposes of conforming to the requirement of 29 CFR 1910.309.

B. *Reactivity.* 1. Conditions contributing to instability: Heat.

2. Incompatibility: Heat and oxidizing materials.

3. Hazardous decomposition products: Toxic gases and vapors (such as carbon monoxide).

III. SPILL AND LEAK PROCEDURES

A. *Steps to be taken if the material is released or spilled.* Large amounts of water should be used to flush the spills. Do not flush benzene into confined space, such as a sewer, because of explosion danger. Remove all ignition sources. Ventilate enclosed places.

B. *Waste Disposal Method.* Disposal methods must conform to other jurisdictional regulations. If allowed, benzene may be disposed of: (a) By absorbing it in dry sand or earth and disposing in a sanitary land fill; (b) if small quantities, by removing it to a safe location from buildings or other combustible sources, pouring it in dry sand or earth and cautiously igniting it; (c) if large quantities, by atomizing it in a suitable combustion chamber.

IV. MONITORING AND MEASUREMENT PROCEDURES

A. Normal Monitoring Program: Measurements taken for the purpose of determining employee exposure are best taken such that the representive average 8-hour exposure may be determined from a single 8-hour sample or two (2) 4-hour samples. Short-time interval samples (or grab samples) may also be used to determine average exposure level if a minimum of five (5) measurements is taken in a random manner over the 8-hour work shift. Random sampling means that

any portion of the work shift has the same chance of being sampled as any other. The arithmetic average of all such random samples taken on one (1) work shift is an estimate of an employee's average level of exposure for that work shift. NIOSH recommends that samples be collected at a sampling rate of one liter per minute for a minimum of two hours. Air samples should be taken in the employee's breathing zone (air that would nearly represent that inhaled by the employee). Sampling and analysis should be performed by gas absorption tubes with subsequent chemical analysis, by gas chromatography of those areas most likely to represent the highest airborne concentration of benzene where employees are exposed. Methods meeting the prescribed accuracy and precision requirements are available in the "NIOSH Manual of Analytical Methods."

V. MISCELLANEOUS PRECAUTIONS

A. High Exposures to benzene can occur when transferring the liquid from one container to another. Such operations should be well ventilated and good work practices should be established to avoid spills.

B. Non-sparking tools should be used to open benzene containers which should be effectively grounded and bonded prior to opening and pouring.

C. Employers should advise employees of all plant areas and operations where exposure to benzene could occur. A few of the common operations in which high exposures to benzene may be encountered are: manufacture of styrene, phenol, cyclohexane, pesticides, and detergents.

APPENDIX C—MEDICAL SURVEILLANCE GUIDELINES FOR BENZENE

I. ROUTE OF ENTRY

Inhalation; possible skin absorption.

II. TOXICOLOGY

Benzene is primarily an inhalation hazard. Systemic absorption cause depression of the hematopoietic system. Inhalation of high concentrations can affect the central nervous system function. Aspiration of small amounts of liquid benzene immediately causes pulmonary edema and hemorrhage of pulmonary tissue. Skin absorption through intact skin is negligible. However, absorption will be accelerated in the case of injured skin, and benzene may be more readily absorbed if it is present in a mixture or as a contaminate in solvents which are readily absorbed. Defatting action of benzene may produce primary irritation upon repeated or prolonged contact with the skin. High concentrations are irritating to the mucous membranes of the eyes, nose, and respiratory tract.

III. SIGNS AND SYMPTOMS

Benzene is poorly absorbed through the skin, however, direct contact may cause erythema or blistering. Repeated or prolonged contact may result in drying, scaling, dermatitis, or precipitate development of secondary skin infections. Local effects of benzene vapor or liquid on the eye are slight. Only at very high concentrations is there any smarting sensation in the eye. Droplet contamination of the eye by benzene causes a moderate burning sensation, but only slight transient injury of the epithelial cell, with the eye recovering rapidly. Inhalation of high concentrations of benzene may have an initial stimulatory effect on the central nervous system characterized by exhilaration, nervous excitation, and/or giddiness, followed by a period of depression, drowsiness, fatigue, or vertigo. There may be sensation of tightness in the chest accompanied by breathlessness and ultimately the victim may lose consciousness. Convulsions and tremors occur frequently, and death may follow from respiratory paralysis or circulatory collapse in a few minutes to several hours following severe exposures. The insidious and often irreversible effect on the blood-forming system of prolonged exposure to small quantities of benzene vapor is of extreme importance. These effects have been noted to occur at concentrations of benzene which may not cause irritation of mucous membranes, or any unpleasant sensory effects. Early signs and symptoms of benzene morbidity are varied and vague, and not specific for benzene exposure. Subjective complaints of headache, dizziness, and loss of appetite may precede or procede clinical symptomology. Bleeding from the nose, gums, or mucous membranes and the development of purpuric spots may occur as the condition progresses. Rapid pulse and low blood pressure in addition to a physical appearance of anemia may accompany a subjective complaint of shortness of breath. Clinical evidence of leucopenia and anemia are the most common abnormalities reported, however, macrocytosis and thrombocytopenia are also frequently present. Bone marrow may appear normal, aplastic, or hyperplastic and may not in all situations correlate with peripheral blood findings indicating hypo-hyper-activity of blood forming tissues. There are great variations in the susceptibility to benzene morbidity which prohibits the identification of "typical" blood picture. The effects of prolonged benzene exposure may appear after several weeks or years after the actual exposure has ceased. Development of leukemia also results from exposure to benzene.

IV. TREATMENT

Remove from exposure immediately, give oxygen or artificial resuscitation if indicated. Flush eyes and wash contaminated skin. Symptoms of non-specific nervous disturbances may persist following severe exposures. Recovery from mild exposures is usually rapid and complete.

V. SURVEILLANCE AND PREVENTIVE CONSIDERATIONS

A. *Other considerations.* Benzene can cause both acute and chronic effects. It is important that the physician become familiar with the operating conditions in which exposure to benzene occurs. Those with skin disease may not tolerate the wearing of protective clothing and those with chronic respiratory disease may not tolerate the wearing of negative pressure respirators.

B. *Surveillance and screening.* Medical histories and laboratory examinations are required for each employee subject to exposure to benzene. The employer must screen employees for history of certain medical conditions (listed below) which might place the employee at increased risk from exposure.

1. *Liver disease.* The primary site of biotransformation and detoxification of benzene is the liver. Liver dysfunctions likely to inhibit the conjugation reactions will tend to promote the toxic actions of benzene. These precautions should be considered before exposing persons with impaired liver function to benzene vapors.

2. *Renal disease.* Although benzene is not known as a kidney toxin the importance of the organ in the elimination of toxic substances and metabolites justifies special consideration in those with possible impairment of renal function.

3. *Skin disease.* Benzene is a defatting agent and can cause dermatitis on prolonged exposure. Persons with preexisting skin disorders may be more susceptible to the effects of benzene.

4. *Blood dyscrasias.* Benzene is a hematopoietic depressant. Persons with existing blood disorders may be more susceptible to the effects of benzene.

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(Secs. 4, 6, 8, 84 Stat. 1593, 1599 (29 U.S.C. 653, 655, 657); Secretary of Labor's Order 8–76 (41 FR 25059); 29 CFR Part 1911.)

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federal register

TUESDAY, MAY 3, 1977

PART V

INTERSTATE COMMERCE COMMISSION

■

CHICAGO AND NORTH WESTERN TRANSPORTATION CO.

System Diagram Map

INTERSTATE COMMERCE COMMISSION

[AB 1 (SDM) [1]]

CHICAGO AND NORTH WESTERN TRANSPORTATION CO.

System Diagram Map

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, Part 1121.22, that the Chicago and North Western Transportation Company, has filed with the Commission its color-coded system diagram map in docket No. AB–1 (SDM). The maps reproduced here in black and white are reasonable reproductions of that system map and the Commission on April 22, 1977, received a certificate of publication as required by said regulation which is considered the effective date on which the system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each state in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting docket No. AB-1 (SDM).

ROBERT L. OSWALD,
Secretary.

CHICAGO AND NORTH WESTERN TRANSPORTATION CO.

AB–1

Description of all lines or portions of lines identified on the Chicago and North Western Transportation Company System Diagram Map as falling within Categories 1 thru 3. 49 CFR Section 1121.21.

CATEGORY 1

All lines or portions of lines which the Chicago and North Western Transportation Company anticipates will be the subject of an abandonment or discontinuance application to be filed within the 3-year period following the date upon which the diagram, or any amended diagram, is filed with the Interstate Commerce Commission. 49 C.F.R. Section 1121.20(b)(1).

ILLINOIS

(a) Rockford to Winnebago (Westerly 6.9 miles of Belvidere Subdivision).
(b) Entire segment is located in Illinois.
(c) Entire segment is located in Winnebago County.
(d) M.P. 93.5 to M.P. 100.4
(e) No agency station located on this segment. Closed station of Winnebago served by central agency at Rockford.
Comment: Proposal does not include any industries located at Rockford.
(a) Sycamore to Byron (Westerly 30.8 miles of Ingalton Subdivision and portion of former C.G.W. Ry. Chicago to Omaha Line).
(b) Entire segment is located in State of Illinois.
(c) Entire segment is located in DeKalb and Ogle Counties.
(d) M.P. 57.5 to M.P. 88.3.
(e) Central agent at Byron responsible for associate station of Esmond and closed stations of Clare, Lindenwood, and Holcomb. Central agent at Sycamore (unaffected) served closed station at Five Points.
Comment: Proposal does not include industries located at Sycamore.
(a) Ringwood, Illinois to Lake Geneva, Wisconsin (Westerly 17.4 miles of Lake Geneva Subdivision).
(b) Segment is located in the States of Illinois and Wisconsin.
(c) The entire segment is located in McHenry County, Illinois and Walworth County, Wisconsin.
(d) M.P. 69.2 to M.P. 86.6.
(e) Agents located at Lake Geneva and Genoa City. Agent at Lake Geneva served closed station of Pell Lake. Agent at McHenry (unaffected) is responsible for associate station of Richmond.
Comment: Proposal does not include industries located at Ringwood.
(a) Elgin to Dundee (3.0 mile portion of Dundee Subdivision).
(b) Entire segment is located in the State of Illinois.
(c) Entire segment is located in Kane County.
(d) M.P. 43.8 to M.P. 46.8.
(e) None.
Comment: Proposal does not include industries located at Elgin and Dundee.

IOWA

(a) Lake View to Holstein (Westerly 41.1 miles of Holstein Subdivision).
(b) Entire segment is located in the State of Iowa.
(c) Entire segment is located in Sac and Ida Counties.
(d) M.P. 4.5 to M.P. 45.6.
(e) Central agent at Wall Lake (unaffected) is responsible for associate stations of Sac City, Early, Schaller, Galva, and Holstein.
Comment: Proposal does not include industries located at Lake View.
(a) Minerva Junction to Zearing (Easterly 19.1 miles of Roland Subdivision).
(b) Entire segment is located in the State of Iowa.
(c) Entire segment is located in Marshall and Story Counties.
(d) M.P. 240.0 to M.P. 259.1.
(e) Central agent at Clemons Grove is responsible for closed stations of St. Anthony, Zearing, and Minerva. Central agent at Marshall town (unaffected) is responsible for closed station of Keller.
(a) Ellsworth to Lawn Hill (Easterly 21.0 miles of Ellsworth Subdivision).
(b) Entire segment is located in the State of Iowa.
(c) Entire segment is located in Hamilton and Hardin Counties.
(d) M.P. 66.4 to M.P. 44.4
(e) Central agent at Jewell (unaffected) is responsible for associate stations of Radcliffe and Hubbard. Central agent at Eldora (unaffected) is responsible for associate station of Lawn Hill.
Comment: Propcsal does not include industries located at Ellsworth.
(a) Hicks to Buckingham (Southern 9.3 miles of Parkersburg Subdivision).
(b) Entire segment is located in the State of Iowa.
(c) Entire segment is located in Blackhawk and Tama Counties.
(d) M.P. 38.1 to M.P. 28.8
(e) Central agent at Reinbeck (unaffected) is responsible for associate station of Buckingham and closed station of Voorhies.
Comment: Proposal does not include industries located at Hicks.
(a) Garwin to Gladbrook (6.4 mile portion of Alden Subdivision).
(b) Entire segment is located in the State of Iowa.
(c) Entire segment is located in Tama County.
(d) 12.1 to M.P. 18.5.
(e) None.
Comment: Proposal does not include industries located at Garwin or Gladbrook.
(a) Marathon to Alton (59.2 mile portion of Sioux Rapids Subdivision).
(b) Entire segment is located in the State of Iowa.
(c) Entire segment is located in Buena Vista, Clay, O'Brien and Sioux Counties.
(d) M.P. 157.3 to M.P. 216.5.
(e) Central agent at Sioux Rapids is responsible for associate stations of Linn Grove and Peterson. Central agent at Alton (unaffected) is responsible for associate stations of Sutherland, Paullina, and Granville.
Comment: Proposal does not include industries located at Marathon or Alton.
(a) Humboldt to LuVerne (13.7 mile portion of Forest City Subdivision).
(b) Entire segment is located in the State of Iowa.
(c) Entire segment is located in Humboldt County.
(d) M.P. 201.5 to M.P. 187.8.
(e) Central agent at LuVerne (unaffected) is responsible for associate station of Livermore and closed station of Arnold.
Comment: Proposal does not include industries at Humboldt or LuVerne.
(a) Corwith to Lake Mills (Northerly 38.7 miles of Forest City Subdivision).
(b) Entire segment is located in the State of Iowa.
(c) Entire segment is located in Hancock and Winnebago Counties.
(d) M.P. 178.0 to M.P. 139.3.
(e) Central agent at Forest City is responsible for associate station of Leland. Central agent located at Britt.
Comment: Proposal does not include industries located at Corwith and Lake Mills.
(a) Oelwein to Dubuque (69.3 mile portion of Dubuque Subdivision).
(b) Entire segment is located in the State of Iowa.
(c) Entire segment is located in Fayette, Buchanan, Delaware and Dubuque Counties.
(d) M.P. 245.0 to M.P. 175.7.
(e) Central agent at Dubuque (unaffected) is responsible for associate station of Dyersville and closed stations of Durango, Graf, Farley, Petersburg, and Almoral. Central agent at Oelwein (unaffected) is responsible for associate station of Aurora and closed stations of Thorpe, Dundee, Lamont, and Stanley.
Comment: Proposal is contingent on agreement with C.M.St.P.&P. RR. for trackage rights between Clinton, Iowa and Dubuque. Proposal does not include industries located at Dubuque or Oelwein.
(a) Grand Junction to Minburn (Northerly 21.6 miles of Perry Subdivision).
(b) Entire segment is located in the State of Iowa.
(c) Entire segment is located in Greene, Boone and Dallas Counties.
(d) M.P. 260.8 to M.P. 282.4.
(e) Central agency at Grand Junction (unaffected) is responsible for associate stations of Rippey and Perry and closed station of Augus.
Comments: Proposal does not include industries at Grand Junction or Minburn. Proposal is contingent on C.R.I.&P. abandoning operations over this trackage.
(a) Ayrshire to Terril (Northerly 34.0 miles of Tara subdivision).
(b) Entire segment is located in the State of Iowa.
(c) Entire segment is located in Palo Alto, Clay, and Dickinson Counties.

[1] AB 1 (SDM) includes Des Moines and Central Iowa Railway Company and Central Iowa Railway Company and Fort Dodge, Des Moines & Southern Railway Company.

(d) M.P. 217.3 to M.P. 182.5.

(e) Central agent at Spencer is responsible for associate station of Terril and closed stations of Ruthven and Langdon.

Comment: Proposal does not include industries located at Ayrshire.

(a) Gypsum to Flugstad (Westerly 11.9 miles of Flugstad Subdivision).

(b) Entire segment is located in the State of Iowa.

(c) Entire segment is located in Webster and Hamilton Counties.

(d) M.P. 1.8 to M.P. 13.7.

(e) Central agent at Ford Dodge (unaffected) is responsible for closed stations of Evanston, Brushy, and Flugstad.

Comment: Proposal does not include industries at Gypsum.

(a) Jewell to Stratford (Easterly 14.6 miles of Dayton Subdivision).

(b) Entire segment is located in the State of Iowa.

(c) Entire segment is located in Hamilton and Webster Counties.

(d) M.P. 69.4 to M.P. 84.0.

(e) Central agent at Gowrie (unaffected) is responsible for associate stations of Stanhope and Stratford.

Comment: Proposal does not include industries located at Jewell.

(a) Harcourt to Dayton (Westerly 5.1 miles of Dayton Subdivision).

(b) Entire segment is located in the State of Iowa.

(c) Entire segment is located in Webster County.

(d) M.P. 98.0 to M.P. 92.9.

(e) Central agent at Gowrie (unaffected) is responsible for associate station of Dayton.

Comment: Proposal does not include industries at Harcourt.

(a) Trimount, Minnesota to Estherville, Iowa (southerly 26.5 miles of Estherville Subdivision).

(b) Entire segment is located in the States of Minnesota and Iowa.

(c) Entire segment is located in Martin County, Minnesota and Emmet County, Iowa.

(d) M.P. 142.4 to M.P. 168.9.

(e) Central agent at Spencer (unaffected) is responsible for associate stations of Dunnell, Estherville and closed station of Huntington. Central Agent at St. James (unaffected) is responsible for associate station of Sherburn.

Comment: Proposal does not include industries located at Trimount.

(a) Camp Dodge to Granger (northerly 7.2 miles of Des Moines and Central Iowa Railway).

(b) Entire segment is located in the State of Iowa.

(c) Entire segment is located in Dallas and Polk Counties.

(d) M.P. 11.4 to M.P. 18.6.

(e) Central agent at Des Moines (unaffected) is responsible for associate stations of Granger and Herrold.

Comment: Proposal does not include industries at Camp Dodge.

MICHIGAN

(a) Ishpeming to Martin's Landing (Westerly 15.1 miles of Martin's Landing Spur).

(b) Entire segemnt is located in the State of Michigan.

(c) Entire segment is located in Marquette County.

(d) M.P. 74.5 (L.S.&I. RR.) to M.P. 196.6.

(e) Central agent at Ishpeming (unaffected) is responsible for closed stations of Clowry, Martin's Landing, and Blueberry Mine.

Comments: Proposal does not include industries located at Ishpeming. Proposal is for discontinuance of operations only.

MINNESOTA

(a) Lake Crystal to Winnebago (24.6 miles—entire Winnebago Subdivision).

(b) Entire segment is located in the State of Minnesota.

(c) Entire segment is located in Blue Earth and Faribault Counties.

(d) M.P. 0.0 to M.P. 24.6.

(e) Central agent at Mankato (unaffected) is responsible for associate stations of Garden City, Vernon Center, Amboy, and Winnebago.

Comment: Proposal does not include industries located at Lake Crystal.

(a) Heron Lake to Lake Wilson (36.6 miles—entire Slayton Subdivision).

(b) Entire segment is located in the State of Minnesota.

(c) Entire segment is located in Jackson, Nobles, and Murray Counties.

(d) M.P. 0.0 to M.P. 36.6.

(e) Central agent at Worthington (unaffected) is responsible for associate stations of Dundee, Lime Creek, Avoca, Slayton, Hadley, and Lake Wilson.

Comment: Proposal does not include industries located at Heron Lake.

(a) Bingham Lake to Currie (38.6 miles—entire Currie Subdivision).

(b) Entire segment located in the State of Minnesota.

(c) Entire segment located in Cottonwood and Murray Counties.

(d) M.P. 0.0 to M.P. 38.3.

(e) Central agent at Windom (unaffected) is responsible for associate stations of Delft, Jeffers, Storden, Westbrook, Dovray, and Currie.

Comment: Proposal does not include industries located at Bingham Lake.

(a) St. James to Hanska (Northerly 13.4 miles of Hanska Spur).

(b) Entire segment is located in the State of Minnesota.

(c) Entire segment is located in Watonwan and Brown Counties.

(d) M.P. 125.2 to M.P. 111.8.

(e) Central agent at St. James (unaffected) is responsible for associate stations of La-Salle and Hanska.

Comment: Proposal does not include industries located at St. James.

(a) Trimount to Ormsby (Northerly 4.7 miles of Estherville Subdivision).

(b) Entire segment is located in the State of Minnesota.

(c) Entire segment is located in Martin and Watonwan Counties.

(d) M.P. 140.7 to M.P. 136.0.

(e) Central agent at St. James (unaffected) is responsible for associate station of Ormsby.

Comment: Proposal does not include industries located at Trimount.

(a) Trimount, Minnesota to Estherville, Iowa. Line description is on Page 11 (Iowa).

(a) Rochester to Stewartville (12.6 mile portion of Rochester Subdivision).

(b) Entire segment is located in the State of Minnesota.

(c) Entire segment is located in Olmsted County.

(d) M.P. 146.0 to M.P. 158.6.

(e) Central agent at Rochester (unaffected) is responsible for associate stations of Simpson and Stewartville.

Comment: Proposal does not include industries located at Rochester.

(a) Hopkins to Norwood (Easterly 31.4 miles of Morton Subdivision).

(b) Entire segment is located in the State of Minnesota.

(c) Entire segment is located in Hennepin and Carver Counties.

(d) M.P. 19.6 to M.P. 51.3.

(e) Central agent at Hopkins (unaffected) is responsible for associate stations of Deephaven, Excelsior, Manitou, Victoria, Waconia, and Young America.

Comments: Proposal does not include industries located at Hopkins or Norwood. Proposal is contingent on agreement with C.M.St.P.&P. RR. for trackage rights between Minneapolis and Norwood.

(a) Northfield to Faribault (12.3 mile portion of Red Wing Subdivision).

(b) Entire segment is located in the State of Minnesota.

(c) Entire segment is located in Rice County.

(d) M.P. 58.1 to M.P. 45.8.

(e) Central agent at Randolph (unaffected) is responsible for associate station of Dundas and closed station of Bridgewater.

Comments: Proposal does not include industries located at Northfield or Faribault. Proposal is contingent on agreement with C.M.St.P.&P. R.R. for trackage rights between Northfield to Faribault.

NEBRASKA

(a) Blair to Tekamah (Southerly 17.4 miles of Lyons Subdivision).

(b) Entire segment is located in the State of Nebr ska.

(c) Entire segment is located in Washington and Burt Counties.

(d) M.P. 98.1 to M.P. 80.7.

(e) Central agent at Blair (unaffected) is responsible for associate stations of Herman and Tekamah, and closed station of Ranch Spur.

Comment: Proposal does not include industries located at Blair.

(a) Fremont to Lincoln (48.3 mile portion of Lincoln Subdivision).

(b) Entire segment is located in the State of Nebraska.

(c) Entire segment is located in Dodge, Saunders, and Lancaster Counties.

(d) M.P. 39.2 (UP RR) to M.P. 48.5.

(e) Central agent at Fremont (unaffected) is responsible for associate station of Cedar Bluffs. Central agent at Lincoln (unaffected) is responsible for associate stations of Wahoo and Ceresco, and closed stations of Colon and Davey.

Comments: Proposal is contingent on agreements with U.P. RR. and M.P. RR. for trackage rights between Fremont and Lincoln. Proposal does not include industries located at Fremont or Lincoln.

(a) Elkhorn Jct. to Blair (22.4 mile portion of Sioux City Subdivision).

(b) Entire segment is located in the State of Nebraska.

(c) Entire segment is located in Douglas and Washington Counties.

(d) M.P. 121.6 to M.P. 99.2.

(e) Central agent at Omaha (unaffected) is responsible for associate station of Florence and closed station of Ft. Calhoun.

Comment: Proposal does not include industries located at Blair or Omaha (Elkhorn Jct. is a junction point in Omaha).

SOUTH DAKOTA

(a) Jolly to Jolly Dump (3.7 miles—entire Jolly Dump Spur).

(b) Entire segment is located in the State of South Dakota.

(c) Entire segment is located in Butte County.

(d) M.P. 0.0 to M.P. 3.7.

(e) Central agent at Belle Fourche (unaffected) is responsible for associate station of Jolly Dump.

(a) Redfield to Frankfort (Easterly 9.7 miles of Frankfort Spur).

(b) Entire segment is located in the State of South Dakota.

(c) Entire segment is located in Spink County.
(d) M.P. 388.9 to M.P. 379.2.
(e) Central agent at Redfield (unaffected) is responsible for associate station of Frankfort.
Comment: Proposal does not include industries located at Redfield.
(a) James Valley Jct. to Redfield (Easterly 33.8 miles of Oakes Subdivision).
(b) Entire segment is located in the State of South Dakota.
(c) Entire segment is located in Beadle and Spink Counties.
(d) M.P. 4.0 to M.P. 37.8.
(e) Central agent at Huron (unaffected) is responsible for associate station of Hitchcock.
Comments: Proposal is contingent on agreement with C.M.St.P.&P.RR. for trackage rights between Wolsey, South Dakota and Redfield. Proposal does not include industries located at James Valley Junction or Redfield.

WISCONSIN

(a) Ripon to Bancroft (Westerly 58.9 miles of Marshline Subdivision).
(b) Entire segment is located in the State of Wisconsin.
(c) Entire segment is located in Fond du Lac, Green Lake, Marquette, Waushara and Portage Counties.
(d) M.P. 20.5 to M.P. 124.4.
(e) Central agent at Ripon (unaffected) is responsible for associate stations of Green Lake, Chler St. Marie Sand Co. Pit, Princeton, and Neshkoro. Central agent at Almond is responsible for associate stations of Bannerman, Wautoma, Wild Rose and closed station of Bancroft.
Comment: Proposal does not include industries located at Ripon.
(a) Merrillan to Marshfield (Westerly 37.5 miles of Merrillan Subdivision).
(b) Entire segment is located in the State of Wisconsin.
(c) Entire segment is located in Jackson, Clark, and Wood Counties.
(d) M.P. 0.0 to M.P. 37.5.
(e) Central agent at Merrillan (unaffected) is responsible for associate stations of Neillsville, Granton, Chili, and closed station of Kurth.
Comment: Proposal does not include industries located at Merrillan or Marshfield.
(a) Edgar to Marshfield (22.0 mile portion of Marshfield Subdivision).
(b) Entire segment is located in the State of Wisconsin.
(c) Entire segment is located in Marathon and Wood Counties.
(d) M.P. 40.8 to M.P. 62.8.
(e) Central agent at Wausau (unaffected) is responsible for associate station of Stratford and closed stations of Fenwood and Opal.
Comment: Proposal does not include industries located at Edgar or Marshfield.
(a) Conover to Phelps (9.2 miles entire Phelps Spur).
(b) Entire segment is located in the State of Wisconsin.
(c) Entire segment is located in Vilas County.
(d) M.P. 0.0 to M.P. 9.2
(e) Central agent at Watersmeet (unaffected) is responsible for associate station of Phelps.
Comment: Proposal does not include industries located at Conover.
(a) Beloit to Evansville (23.0 mile portion of Beloit and Footville Subdivisions).
(b) Entire segment is located in the State of Wisconsin.
(c) Entire segment is located in Rock County.
(d) M.P. 92.5 to M.P. 115.5.
(e) Central agent at Beloit (unaffected) is responsible for closed station of Afton. Central agent at Madison (unaffected) is responsible for associate station of Footville and closed station of Magnolia.
Comment: Proposal does not include industries located at Beloit or Evansville.
(a) Ringwood, Illinois to Lake Geneva, Wisconsin.
Line description is on Pages 2 and 3 (Illinois).
(a) Medary Jct. to Galesville (23.2 miles—a portion of the Adams Subdivision and the entire Galesville Spur).
(b) Entire segment is located in the State of Wisconsin.
(c) Entire segment is located in La Crosse and Trempealeau Counties.
(d) M.P. 268.3 to M.P. 284.5 and M.P. 284.0 to M.P. 291.0.
(e) Central agent as LaCrosse (unaffected) is responsible for associate stations of Onalaska, Midway, Trempealeau, Galesville and closed station of Lytles.
Comment: Proposal does not include industries located at Medary.
(a) Shawano to Eland (Westerly 29.3 miles of Shawano Subdivision).
(b) Entire segment is located in the State of Wisconsin.
(c) Entire segment is located in Shawano County.
(d) M.P. 38.7 to M.P. 68.0.
(e) Central agent at Shawano (unaffected) is responsible for associate station of Bowler and closed station of Thornton.
Comment: Proposal does not include industries located at Shawano or Eland.

CATEGORY 2

All lines or portions of line potentially subject to abandonment which the Chicago and North Western Transportation Company has under study and believes may be the subject of a future abandonment application because of either anticipated operating losses or excessive rehabilitation costs, as compared to potential revenue. 49 CFR Section 1121.20 (b) (2).

IOWA

(a) Burt to Bancroft (3.0 mile portion of Burt Subdivision).
(b) Entire segment is located in the State of Iowa.
(c) Entire segment is located in Kossuth County.
(d) M.P. 145.5 to M.P. 148.5.
(e) Central agent at Burt (unaffected) is responsible for associate station of Bancroft.
Comment: Proposal does not include industries located at Burt.
(a) LuVerne to Corwith (8.6 mile portion of Forest City Subdivision).
(b) Entire segment is located in the State of Iowa.
(c) Entire segment is located in Kossuth and Hancock Counties.
(d) M.P. 186.6 to M.P. 178.0.
(e) Central agent at Britt (unaffected) is responsible for associate station of Corwith and closed station of Hanna.
Comment: Proposal does not include industries located at LuVerne.
(a) Rolfe to Ayrshire (22.2 mile portion of Tara Subdivision).
(b) Entire segment is located in the State of Iowa.
(c) Entire segment is located Pocahontas and Palo Alto Counties.
(d) M.P. 239.5 to M.P. 217.3.
(e) Central agent at Rolfe (unaffected) is responsible for associate stations of Curlew and Ayrshire, and closed stations of Plover and Mallard.
Comment: Proposal does not involve industries located at Rolfe.
(a) Carroll to Harlan (Southerly 40.2 miles of Harlan Subdivision).
(b) Entire segment is located in the State of Iowa.
(c) Entire segment is located in Carroll, Crawford, and Shelby Counties.
(d) M.P. 421.7 to M.P. 461.9.
(e) Agent located at Harland and central agent located at Carroll (unaffected) is responsible for associate stations of Manning and Irwin, and closed station of Halbur.
Comment: Proposal does not include industries located at Carroll.
(a) Belmond to Alexander (Easterly 7.7 miles of Belmond Subdivision).
(b) Entire segment is located in the State of Iowa.
(c) Entire segment is located in Wright and Franklin Counties.
(d) M.P. 206.3 to M.P. 198.6.
(e) Central agent at Belmond (unaffected) is responsible for associate station of Alexander.
Comment: Proposal does not include industries located at Belmond.
(a) Mason City to Kesley (Northerly 34.8 miles of Parkersburg Subdivision).
(b) Entire segment is located in the State of Iowa.
(c) Entire segment is located in Cerro Gordo, Franklin, and Butler Counties.
(d) M.P. 104.3 to M.P. 68.7 excluding M.P. 75.9 to M.P. 75.1 at Dumont.
(e) Central agent at Mason City (unaffected) is responsible for associate stations of Dougherty and Aredale and closed stations of Cartersville and Kesley
Comment: Proposal does not include industries located at Mason City or Dumont.
(a) Manly, Iowa to Austin, Minnesota (30.5 mile portion of Mason City Subdivision).
(b) Entire segment is located in the States of Iowa and Minnesota.
(c) Entire segment is located in Worth and Mitchell Counties, Iowa and Mower County, Minnesota.
(d) M. P. 48.0 to M.P. 17.5.
(e) Central agent at Austin (unaffected) is responsible for associate station of Lyle and closed stations of Bolan and Meltonville.
Comments: Proposal is contingent on agreement with C.M.St.P.&P. RR. for trackage rights between Mason City, Iowa and Austin, Minnesota. Proposal does not include industries located at Manly or Austin.

MINNESOTA

(a) Tracy, Minnesota to Gary, South Dakota (Northerly 57.3 miles of Marshall Subdivision).
(b) Entire segment is located in the States of Minnesota and South Dakota.
(c) Entire segment is located in Lyon, Lincoln, and Yellow Medicine Counties, Minnesota and Deuel County, South Dakota.
(d) M.P. 227.6 to M.P. 284.9.
(e) Central agent at Marshall is responsible for associate stations of Amiret, Ghent, Minnesota, Taunton, Porter, Camby, Burr and Gary.
Comment: Proposal does not include industries located at Tracy.
(a) Cannon Falls to Red Wing (16.8 mile portion of Red Wing Subdivision).
(b) Entire segment is located in the State of Minnesota.
(c) Entire segment is located in Goodhue County.
(d) M.P. 74.3 to M.P. 91.1.
(e) Agent at Red Wing (unaffected) is responsible for closed station of Welch.
Comments: Proposal is contingent on agreements with C.M.St.P.&P. RR. and B.N. for trackage rights between St. Paul, Minnesota and Red Wing, Minnesota. Proposal

does not include industries located at Cannon Falls or Red Wing.

(a) Manly, Iowa to Austin, Minnesota.

Line description is on Pages 28 and 29 (Iowa).

NEBRASKA

(a) Oakdale to Elgin (10.4 miles entire Elgin Spur).

(b) Entire segment is located in the State of Nebraska.

(c) Entire segment is located in Antelope County.

(d) M.P. 115.0 to M.P. 104.6.

(e) Central agent at Neligh (unaffected) is responsible for associate station of Elgin.

Comment: Proposal does not include industries located at Oakdale.

SOUTH DAKOTA

(a) Ellis to Mitchell (Westerly 65.2 miles of Sioux Falls Subdivision).

(b) Entire segment is located in the State of South Dakota.

(c) Entire segment is located in Minnehaha, McCook, Hanson and Davison Counties.

(d) M.P. 65.5 to M.P. 130.7.

(e) Central agent at Salem is responsible for associate stations of Hartford, Humboldt, Montrose, Spencer, and Farmer. Central agent at Mitchell is responsible for associate station of Fulton and closed station of Riverside.

Comment: Proposal does not include industries located at Ellis.

(a) Tracy, Minnesota to Gary, South Dakota. Line description is on page 29 (Minnesota).

WISCONSIN

(a) Pulaski to Gillett (Easterly 16.2 miles of Laona Subdivision).

(b) Entire segment is located in the State of Wisconsin.

(c) Entire segment is located on Oconto and Shawano Counties.

(d) M.P. 17.1 to M.P. 33.3.

(e) Central agent at Green Bay (unaffected) is responsible for closed station of Krakow. Central agent at Oconto Falls (unaffected) is responsible for associate stations of Green Valley and Gillett.

Comment: Proposal does not include industries located at Pulaski.

CATEGORY 3

All lines or portions of lines for which an abandonment or discontinuance application is pending before the Interstate Commerce Commission on the date upon which the diagram, or any amended diagram, is filed with the Interstate Commerce Commission. 49 CFR Section 1121.20(b)(3).

IOWA

(a) Zearing to Roland (Westerly 10.5 miles of Roland Subdivision).

(b) Entire segment is located in the State of Iowa.

(c) Entire segment is located in Story County.

(d) M.P. 259.1 to M.P. 269.6.

(e) Central agent at Clemons Grove (unaffected) is responsible for associate station of Roland and Closed station fo McCallsburg. burg.

Comment: Docket Number AB-1 (Sub. No. 45). Proposal does not include industries located at Zearing.

(a) Somers to Carroll (30.9 mile portion of Harlan Subdivision).

(b) Entire segment is located in the State of Iowa.

(c) Entire segment is located in Calhoun and Carroll Counties.

(d) M.P. 389.1 to M.P. 420.0.

(e) Central agent at Somers (unaffected) is responsible for associate station of Lanesboro and closed stations of Rinard, Lohrville, Wightman and Lidderdale.

Comments: Docket Number AB-1 (Sub. No. 27). Proposal does not include industries located at Somers or Carroll.

(a) Bancroft to Ledyard (Northerly 9.4 miles of Burt Subdivision).

(b) Entire segment is located in the State of Iowa.

(c) Entire segment is located in Kossuth County.

(d) M.P. 148.5 to M.P. 157.9.

(e) Central agent at Burt (unaffected) is responsible for associate station of Ledyard.

Comments: Docket Number AB-1 (Sub. No. 53). Proposal does not include industries located at Bancroft.

(a) Wren, Iowa to Iroquois, South Dakota (155.7 miles of Hawarden Subdivision).

(b) Entire segment is located in the States of Iowa and South Dakota.

(c) Entire segment is located in Plymouth and Sioux Counties, Iowa and Union, Lincoln, Turner, McCook, Miner and Kingsbury Counties, South Dakota.

(d) M.P. 0.0. to M.P. 126.0.

(e) Central agent at Sioux City (unaffected) is responsible for associate station of Craig and closed stations of Merrill and Brunsville. Agent at Hawarden is responsible for closed station of McNally. Central agent at Beresford is responsible for associate stations of Alcester, Centerville, Hurley, Parker, and Monroe. Central agent at Salem (unaffected) is responsible for associate stations of Canistota and Canova, and closed station of Unityville. Central agent at Huron (unaffected) is responsible for associate station of Carthage and closed stations of Vilas, Argonne and Esmond.

Comments: Docket Number AB-1 (Sub. No. 9). Proposal does not include industries located at Wren, Salem or Iroquois.

(a) Stewartville, Minnesota to McIntire, Iowa (33.7 mile portion of Rochester Subdivision).

(b) Entire segment is located in the States of Minnesota and Iowa.

(c) Entire segment is located in Olmsted, Mower and Fillmore Counties, Minnesota and Howard and Mitchell Counties, Iowa.

(d) M.P. 158.6 to M.P. 192.3.

(e) Central agent at Rochester (unaffected) is responsible for associate stations of Racine, Spring Valley, Ostrander, and LeRoy.

Comments: Docket Number AB-1 (Sub. No. 19). Proposal does not include industries located at Stewartville or McIntire.

(a) Stratford to Dayton (8.9 miles of Dayton Subdivision).

(b) Entire segment is located in the State of Iowa.

(c) Entire segment is located in Webster County.

(d) M.P. 84.0 to M.P. 92.9.

(e) None.

Comments: Docket Number AB-1 (Sub-No. 46). Proposal does not include industries located at Stratford or Dayton.

MICHIGAN

(a) Gillett, Wisconsin to Scott Lake, Michigan (Westerly 89.4 miles of Laona Subdivision).

(b) Entire segment is located in the States of Wisconsin and Michigan.

(c) Entire segment is located in Oconto, Forest and Florence Counties, Wisconsin and Iron County, Michigan.

(d) M.P. 33.3 to M.P. 122.7.

(e) Central agent at Oconto Falls (unaffected) is responsible for associate station of Suring. Central agent at Laona is responsible for associate stations of Wabeno and Newald, and closed stations of Breed, Mountain, Lakewood, Townsend, Long Lake, and Tipler.

Comments: Docket Number AB-1 (Sub. No. 40). Proposal does not include industries located at Gillett or Scott Lake.

MINNESOTA

(a) Sanborn to Wanda (Westerly 8.2 miles of Wanda Spur).

(b) Entire segment is located in the State of Minnesota.

(c) Entire segment is located in Redwood County.

(d) M.P. 0.6 to M.P. 8.8.

(e) Central agent at Tracy (unaffected) is responsible for closed station of Wanda.

Comments: Docket Number AB-1 (Sub. No. 48). Proposal does not include industries located at Sanborn.

(a) Sleepy Eye to Redwood Falls (24.8 miles—entire Redwood Falls Subdivision).

(b) Entire segment is located in the State of Minnesota.

(c) Entire segment is located in Brown and Redwood Counties.

(d) M.P. 1.4 to M.P. 26.2.

(e) Central agent at Sleepy Eye (unaffected) is responsible for associate stations of Evan, Morgan, Gilfillan, and Redwood Falls.

Comments: Docket Number AB-1 (Sub. No. 50). Proposal does not include industries located at Sleepy Eye.

(a) Marshall Jct. to Wabasso and Wabasso to Vesta (37.3 miles—entire Wabasso Subdivision).

(b) Entire segment is located in the State of Minnesota.

(c) Entire segment is located in Lyon and Redwood Counties.

(d) M.P. 54.2 to M.P. 28.8 and M.P. 14.5 to M.P. 26.4.

(e) Central agent at Marshall (unaffected) is responsible for associate stations of Dudley, Milroy, Lucan, Wabasso, Seaforth, and Vesta.

Comment: Docket Number AB-1 (Sub. No. 56).

(a) Stewartville, Minnesota to McIntire, Iowa. Line description is on Pages 35 and 36 (Iowa).

(a) Tunnel City, Wisconsin to Medary Jct., Wisconsin and Trempealeau, Wisconsin to Winona, Minnesota (41.3 mile portion of Adams Subdivision).

(b) Entire segment is located in the States of Wisconsin and Minnesota.

(c) Entire segment is located in Monroe, LaCrosse and Trempealeau Counties, Wisconsin and Winona County, Minnesota.

(d) M.P. 163.2 to M.P. 267.8 (excluding M.P. 168.0 to 169.5 at Camp McCoy, M.P. 176.0 to M.P. 248.0 at Sparta and M.P. 260.0 to M.P. 261.9 at West Salem) and M.P. 284.5 to M.P. 296.6.

(e) Central agent at LaCrosse (unaffected) is responsible for associate station of Bangor and closed stations of Rockland and Pine Creek.

Comments: Docket Number AB-1 (Sub. No. 54). Proposal does not include industries located at Tunnel City, Camp McCoy, Sparta, West Salem, Medary, Trempealeau and Winona.

NEBRASKA

(a) Norfolk, Nebraska to Winner, South Dakota (Westerly 172.4 miles of Winner Subdivision).

(b) Entire segment is located in the States of Nebraska and South Dakota.

(c) Entire segment is located in Madison, Pierce, Antelope, Knox and Boyd Counties, Nebraska and Gregory, Tripp, and Mellette Counties, South Dakota.

(d) M.P. 2.9 to M.P. 175.3.

(e) Central agent at Norfolk (unaffected) is responsible for closed station of Hadar. Central agent at Creighton is responsible for associate stations of Pierce, Foster, Plainview, Winnetoon, Verdigre, Niobrara, Lynch, Bristow, Spencer, Anoka, and closed stations of Verdel and Monowi. Central agent at Winner is responsible for associate stations of Fairfax, Bonesteel, Herrick, Burke, Gregory, Dallas, Colome, and closed station of St. Charles.

Comments: Docket Number AB–1 (Sub. No. 34). Proposal does not include industries located at Norfolk.

(a) Elkhorn Jct. to Irvington (5.3 mile portion of Omaha Subdivision).

(b) Entire segment is located in the State of Nebraska.

(c) Entire segment is located in Douglas County.

(d) M.P. 1.7 to M.P. 7.0.

(e) None.

Comment: Docket Number AB–1 (Sub. No. 49).

SOUTH DAKOTA

(a) Watertown to Stratford (Northerly 71.4 miles of Stratford Subdivision).

(b) Entire segment is located in the State of South Dakota.

(c) Entire segment is located in Codington, Clark, Day, Spink, and Brown Counties.

(d) M.P. 234.9 to M.P. 306.3.

(e) Central agent at Watertown (unaffected) is responsible for associate stations of Florence, Wallace, Bradley, and closed station of Crocker. Central agent at Aberdeen (unaffected) is responsible for associate stations of Conde and Stratford, and closed stations of Crandall and Randolph.

Comments: Docket Number AB–1 (Sub. No. 33). Proposal does not include industries located at Watertown.

(a) Watertown to Doland (Westerly 48.2 miles of Watertown Subdivision).

(b) Entire segment is located in the State of South Dakota.

(c) Entire segment is located in Codington, Clark and Spink Counties.

(d) M.P. 321.5 to M.P. 369.7.

(e) Central agent at Watertown (unaffected) is responsible for associate stations of Henry and Clark, and closed stations of Kampeska and Elrod. Central agent at Redfield (unaffected) is responsible for associate stations of Raymond and Doland.

Comments: Docket Number AB–1 (Sub. No. 32). Proposal does not include industries located at Watertown.

(a) Wren, Iowa to Iroquois, South Dakota. Line description is on Pages 34 and 35 (Iowa).

(a) Norfolk, Nebraska to Winner, South Dakota. Line description is on Pages 40 and 41 (Nebraska).

WISCONSIN

(a) Gillett, Wisconsin to Scott Lake, Michigan. Line description is on page 37 (Michigan).

(a) Tunnel City, Wisconsin to Medary Jct., Wisconsin and Trempealeau, Wisconsin to Winona, Minnesota. Line description is on Pages 39 and 40 (Minnesota).

(a) Hortonville to Larsen (10.1 miles entire Larsen spur).

(b) Entire segment is located in the State of Wisconsin.

(c) Entire segment is located in Outagamie and Winnebago Counties.

(d) M.P. 0.2 to M.P. 10.3.

(e) Central agent at New London (unaffected) is responsible for associate station of Larsen and closed station of Medina.

Comments: Docket Number AB–1 (Sub. No. 21). Proposal does not include industries located at Hortonville.

(a) Rosemere to Forest Junction (Westerly 26.3 miles of Brillion Subdivision).

(b) Entire segment is located in the State of Wisconsin.

(c) Entire segment is located in Manitowoc and Calumet Counties.

(d) M.P. 78.9 to M.P. 105.2.

(e) Central agent at Manitowoc (unaffected) is responsible for associate stations of Reedsville, Brillion, Forest Junction, and closed stations of Branch, Whitelaw, and Cato.

Comments: Docket Number AB–1 (Sub. No. 52). Proposal does not include industries located at Manitowoc (Rosemere is a junction point near the station of Manitowoc).

(a) Klevenville to Fennimore including Lancaster Jct. to Lancaster, Montfort Jct. to Cuba City and Ipswich to Platteville (101.2 miles, Westerly portion of Lancaster Subdivision including the Fennimore Spur and entire Platteville Sudivision including the Platteville Spur).

(b) Entire segment is located in the State of Wisconsin.

(c) Entire segment is located in Dane, Iowa, Grant and Lafayette Counties.

(d) M.P. 101.5 to M.P. 158.4 including M. P. 155.8 to M.P. 167.8, M.P. 145.0 to M.P. 173.5 and M.P.165.9 to M.P. 169.7.

(e) Central agent at Madison (unaffected) is responsible for associate station of Mt. Horeb and closed station of Blue Mounds. Central agent at Dodgeville is responsible for associate stations of Barneveld, Ridgeway, Cobb, Montfort, Fennimore, Stitzer, Lancaster, Livington, Platteville, Cuba City and closed stations of Edmund, Preston, Liberty, Rewey, and Ipswich.

Comments: Docket Number AB–1 (Sub. No. 41). Proposal does not include industries located at Klevenville.

(a) Hayward to Bayfield and Ashland Jct. to Ashland (Westerly 77.3 miles of Ashland Subdivision including Westerly portion of Ashland Spur).

(b) Entire segment is located in the State of Wisconsin.

(c) Entire segment is located in Sawyer, Bayfield, and Ashland Counties.

(d) M.P. 104.0 to M.P. 178.3 and M.P. 0.0 to M.P. 3.0.

(e) Central agent at Hayward (unaffected) is responsible for closed station of Seeley. Central agent at Cable is responsible for associate stations of Drummond, Granview, Mason and closed station of Benoit. Agent at Ashland (unaffected) is responsible for closed station of Ashland Jct. Central agent at Washburn is responsible for associate station of Bayfield and closed stations of Barksdale, Sioux, and Pureair.

Comments: Docket Number AB–1 (Sub. No. 29). Proposal does not include industries located at Hayward or Ashland.

CHICAGO AND NORTH WESTERN TRANSPORTATION COMPANY

AB-I
SYSTEM DIAGRAM MAP

49-CFR SEC. 1121.20

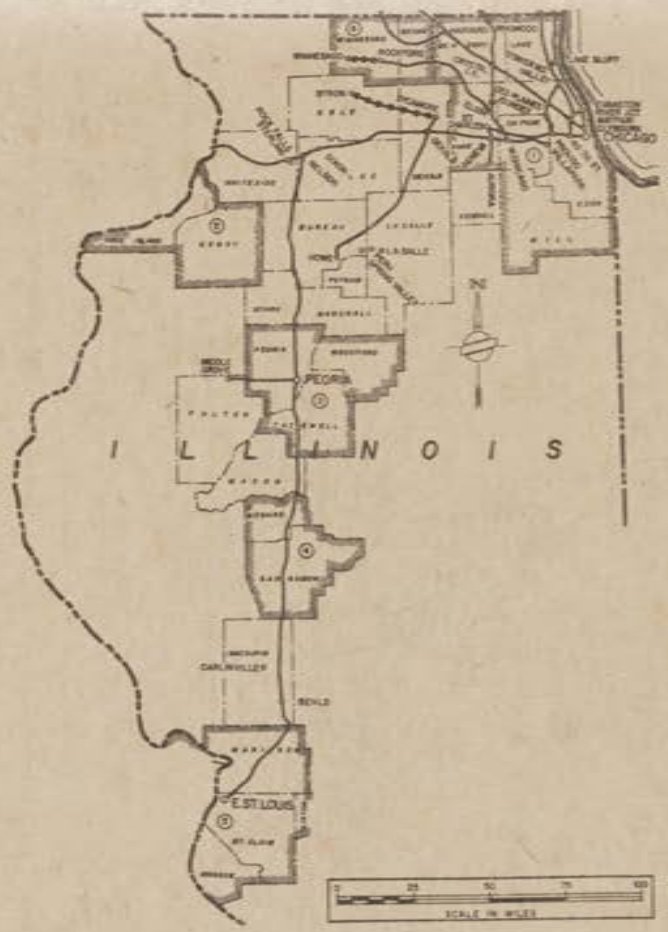
DATE APRIL 6, 1977

STANDARD METROPOLITAN STATISTICAL AREAS

① CHICAGO	⑮ DULUTH-SUPERIOR
② DAVENPORT-ROCK ISLAND	⑯ MINNEAPOLIS-ST. PAUL
③ PEORIA	⑰ ROCHESTER
④ SPRINGFIELD	⑱ SIOUX FALLS
⑤ ST. LOUIS	⑲ DUBUQUE
⑥ ROCKFORD	⑳ WATERLOO-CEDAR FALLS
⑦ KENOSHA	㉑ CEDAR RAPIDS
⑧ RACINE	㉒ SIOUX CITY
⑨ MILWAUKEE	㉓ LINCOLN
⑩ MADISON	㉔ OMAHA
⑪ LA CROSSE	㉕ DES MOINES
⑫ GREEN BAY	㉖ ST JOSEPH
⑬ APPLETON	㉗ KANSAS CITY
⑭ EAU CLAIRE	

LEGEND

RED	—●—●—	CATEGORY 1. ANTICIPATED SUBJECT OF ABANDONMENT APPLICATION WITHIN 3 YEARS. 49 CFR SEC. 1121.20 (b)(1)
GREEN	—■—■—	CATEGORY 2. POTENTIALLY SUBJECT TO ABANDONMENT. 49 CFR SEC. 1121.20 (b)(2)
YELLOW	—×—×—	CATEGORY 3. APPLICATION PRESENTLY PENDING BEFORE COMMISSION. 49 CFR SEC. 1121.20 (b)(3)
BROWN	— — —	CATEGORY 4. OPERATED UNDER SUBSIDY. 49 USC SEC. 1a (6)(a) 49 CFR SEC. 1121.20 (b)(4)
BLACK	———	CATEGORY 5. OTHER LINES OWNED OPERATED. 49 CFR SEC. 1121.20 (b)(5)
BLACK	———	STATE BOUNDARY LINES
BLACK	———	COUNTY BOUNDARY LINES
BLACK	———	SMSA BOUNDARY LINES

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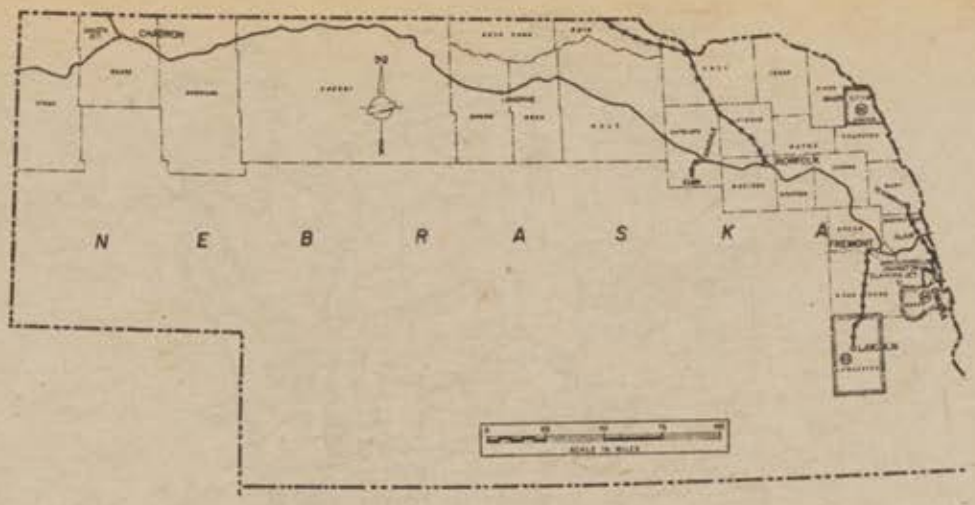
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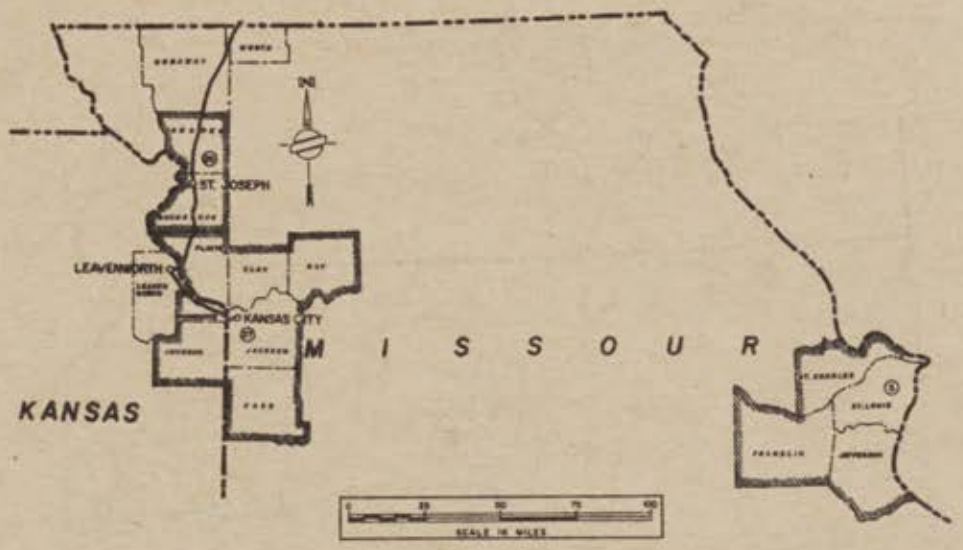
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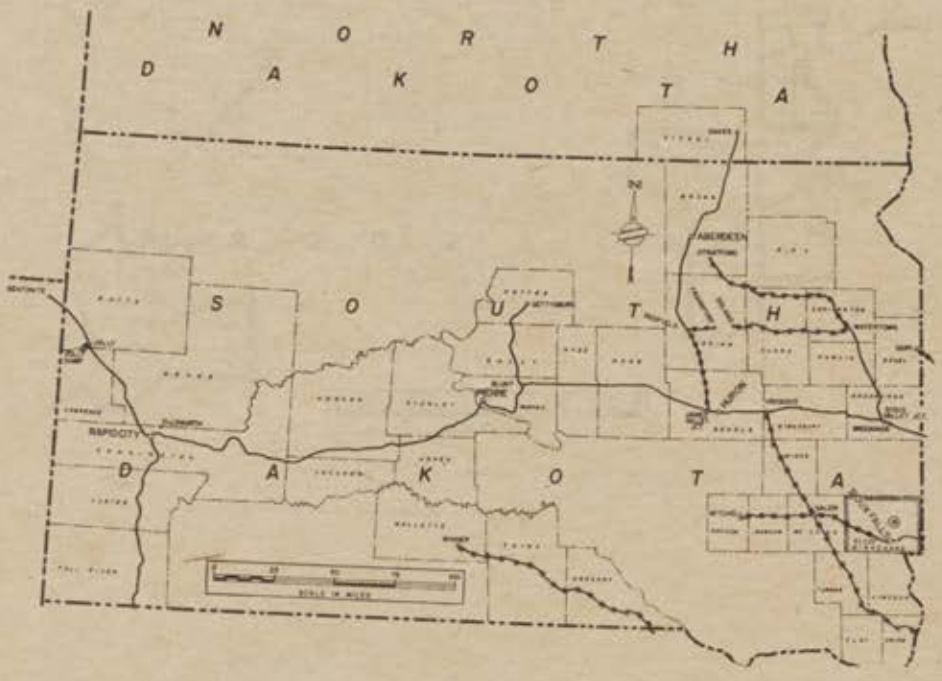
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[FR Doc.77-12377 Filed 5-2-77;8:45 am]

federal register

TUESDAY, MAY 3, 1977

PART VI

DEPARTMENT OF STATE

■

FISHERY CONSERVATION AND MANAGEMENT ACT OF 1976

Applications for Permits to Fish Off Coasts of U.S.

DEPARTMENT OF STATE

[Public Notice 537]

FISHERY CONSERVATION AND MANAGEMENT ACT OF 1976

Applications for Permits to Fish Off the Coasts of the United States

The Fishery Conservation and Management Act of 1976 (Pub. L. 94-265) (the "Act") provides that no fishing shall be conducted by foreign fishing vessels in the Fishery Conservation Zone of the United States after February 28, 1977, except in accordance with a valid and applicable permit issued pursuant to section 204 of the Act.

The Act also requires that all applications for such permits be published in the FEDERAL REGISTER.

Additional Applications for fishing beginning March 1, 1977, have been received from the Government of Japan and the Federal Republic of Germany, and are published herewith.

Dated: April 25, 1977.

KATHRYN CLARK-BOURNE,
Acting Director, Office of Fisheries Affairs.

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) 564

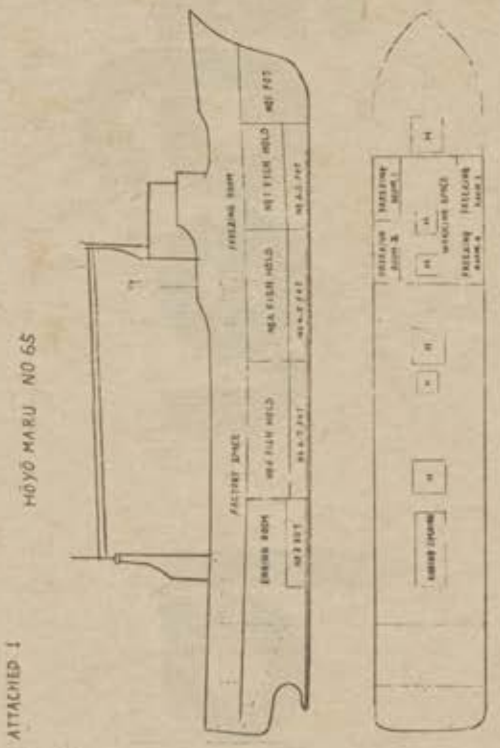
Permit Period May 1, 1977 Applied For: December 31, 1977 — Application No. JA-77-0864 For Use of Issuing Office

State: Japan

1. Name of Vessel HOYO MARU No 65
2. Vessel No.; Hull No. (SNAIL 115) Registration No. MGI-755
3. Name and Address of Owner — Name and Address of Charterer
   Name HOYOSUISAN KABUSHIKI KAISHA
   Address 1-2-17 Sakana Machi
   Kesennuma city Miyagi-ken Japan — SEE ATTACHED I
   Cable Address
4. Homeport and State of Registry: Kesennuma, Japan
5. Type of Vessel POT VESSEL (SEA SNAIL) IRON-WEIGHT
6. Tonnage (Gross) 349.87 MT (Net) -
7. Length 47.51 m. 8. Breadth 8.90 m. 9. Draft 3.75 m.
10. Horsepower 1,110 shp. 11. Maximum Speed 12 kt.
12. Propulsion: Diesel (X), Steam ( ), Diesel/Electric ( ), Other
13. Date Built: SEPT, 1968
14. Number and Nationality of Personnel 21, Japan
    Officers 7 Crew 14 Other (Specify)
15. Communications: VHF-FM ( ), AM/SSB, Voice (X), Telegraphy (X), Other
    International Radio Call Sign JPSJ
    Radio Frequencies Monitored 500 KHZ
    Other Working Frequencies 2075 KHZ
    Schedule WATCH TIME (G.M.T.) 08:00-08:30 20:00-20:30

JA-77-0864

16. Navigation Equipment: Loran C (X), Loran A ( ), Omega ( ), Decca ( ), Econat ( ), Radar (X), Fathometer (X), Other
17. Cargo Capacity (MT)
    Salted Fish
    Fresh Fish
    Frozen Fish 200 MT
    Fish Meal
    Other
18. Cargo Space Number Name
    Freezer 1. 2. 3. 4.
    Dry Hold
    Tanks — SEE ATTACHED I
    Other
19. Processing Equipment (Indicate daily capacity, MT)
    FREEZER & CUTS, 10 MT/DAY (COMBINED)
20. Fisheries for which Permit is Requested:
    Ocean Area Period (From-To) Species Contemplated Catch (MT) Gear to be Used
    SEE ATTACHED I
21. Name and Address of Agent appointed to receive any legal process issued in the United States:
    SEE ATTACHED IV



ATTACHED I

JA-77-0864

FISHERIES FOR WHICH PERMIT IS REQUESTED

OCEAN AREA : BERING SEA AND ALEUTIAN
PERIOD : MAY-DECEMBER
SPECIES : SNAIL
CONTEMPLATED CATCH : THIS VESSEL APPLIES FOR FISHING A PORTION OF THE ALLOCATION OF 2700 METRIC TONS (EDIBLE MEAT)

GEAR TO BE USED : SNAIL POT.

JA-77-0864

ATTACHED I NAME AND ADDRESS OF CHARTERER

1. NAME : HOYOSUISAN KABUSHIKI KAISHA

ADDRESS : 1-2-17 Sakana machi
Kesennuma city Miyagi ken Japan

2. NAME : OFUNATO ZOSEN , TEIKO KABUSHIKI KAISHA

ADDRESS : 1-1 Honoda Ofunato cho
Ofunato city Iwate ken Japan

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

Permit Period Applied For: _____ Application No. GE-77-0015 For Use of Issuing Office

State: _____

1. Name of Vessel "MOND"
2. Vessel No.: Hull No. BX 745 Registration No. SSH 756
3. Name and Address of Owner: Name: Hochseefischerei NORDSTERN AG; Address: 2850 Bremerhaven - F.; Cable Address: NORDSTERN Bremerhaven; Name and Address of Charterer: Te.: 238758 mateg-d
4. Homeport and State of Registry: Bremerhaven/W.Germany
5. Type of Vessel Sterntrawler
6. Tonnage (Gross) 3.183 (Net) 1.368
7. Length 86.87 M. 8. Breadth 15.02 M. 9. Draft 5.40 M.
10. Horsepower 3.000 shp. 11. Maximum Speed 15.5 kt.
11. Propulsion: Diesel (X), Steam ( ), Diesel/Electric ( ), Other _____
13. Date Built 1973
14. Number and Nationality of Personnel 35 Germans/3o Portugueses
Officers 8 Crew 57 Other (Specify) _____
15. Communications: VHF-FM (X), AM/SSB, Voice (X), Telegraphy (X), Other SW WARC GENF 1974
International Radio Call Sign DEOL
Radio Frequencies Monitored Channel 16/2182 KC/500 KC
Other Working Frequencies VHF Channel 6/8/9/1o/13/67/72/73/77 2386/3197/3287/1363/512/48o/488
Schedule no fixed schedule

ATTACHED II

JA-77-0864

NAME AND ADDRESS OF AGENT APPOINTED TO RECEIVE ANY LEGAL PROCESS ISSUED IN THE UNITED STATES:

(NAME) HISURO OHSO
PRESIDENT,
TAITO FISHERY CO., LTD.
(ADDRESS)
277 PARK AVE. NEW YORK, N.Y. 10017
(TEL. 212-421-4120)

(HOME ADDRESS)
429 EAST 52ND ST. APT. 28E,
RIVERCOURT NEW YORK, N.Y. 10022
(TEL. 212-751-8216)

GE-77-0015

16. Navigation Equipment: Loran C (X), Loran A (X), Omega ( ), Decca (X), Navaid ( ), Radar (X), Fathometer (X), Other LOG, GIRO, DIRECTION-FINDER / AUTO-PILOT / SONAR

17. Cargo Capacity (MT)

			18. Cargo Space Number	Name
Salted Fish		Freezer	1	frozen hold
Fresh Fish		Dry Hold	1	fishmeal
Frozen Fish	appr. 65o	Tanks	4	fishoil
Fish Meal	appr. 25o	Other	-	-
Other Oil	appr. 8o			

19. Processing Equipment (Indicate daily capacity,MT)

see encl.

20. Fisheries for which Permit is Requested:

Ocean Area	Period (From-To)	Species	Contemplated Catch (MT)	Gear to be Used
5 Z 6	15.August/ 3o.Sept.	HERRING	622	MIDWATER-TRAWL
	1.Oct./ 31.Dec.	MACKEREL	191	MIDWATER-TRAWL
	1.Nov./31.Dec.) 1.Aug./15.Sept.)	LOLIGO ILLEX	183 out of others	BOTTOM-TRAWL/Midw.Trawl BOTTOM-TRAWL/Midw.Trawl

21. Name and Address of Agent appointed to receive any legal process issued in the United States:
ELLIOTT SHIPPING COMP., GLOUCESTER/ MASS.
Phone: 281-17oo
Telex: 94o727 (W.U.)

Bremerhaven, den 18. 3. 1977 Hochseefischerei Nordstern A.G.

[FR Doc.77-12314 Filed 5-2-77;8:45 am]

[Public Notice 536]

FISHERY CONSERVATION AND MANAGEMENT ACT OF 1976

Applications for Permits to Fish Off the Coasts of the United States

The Fishery Conservation and Management Act of 1976 (Pub. L. 94-265) (the "Act") provides that no fishing shall be conducted by foreign fishing vessels in the Fishery Conservation Zone of the United States after February 28, 1977, except in accordance with a valid and applicable permit issued pursuant to section 204 of the Act.

The Act also requires that all applications for such permits be published in the FEDERAL REGISTER.

Additional Applications for fishing beginning March 1, 1977, have been received from the Union of Soviet Socialist Republics, and are published herewith.

Dated: April 25, 1977.

KATHRYN CLARK-BOURNE,
Acting Director, Office of Fisheries Affairs.

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

Permit Period Applied For: I-XII,1977
Application No.: UR-77-0414
For Use of Issuing Office
State: USSR

1. Name of Vessel: SOVERSHENNYY
2. Vessel No.: Hull No. KGR-0067 Registration No. 973
3. Name and Address of Owner / Name and Address of Charterer
   Name: Kaliningradskaya Baza Ekspeditsionnogo Flota
   Address: Pl.Pobedi, 1
   Kaliningrad,USSR
   Cable Address:
4. Homeport and State of Registry: Kaliningrad,USSR
5. Type of Vessel: Patrol and support
6. Tonnage (Gross): 843,7 (Net) 239
7. Length 53,59 m. 8. Breadth 9,5 m. 9. Draft 3,98 m.
10. Horsepower 4000 shp. 11. Maximum Speed 17,5 kt.
11. Propulsion: Diesel ( ), Steam ( ), Diesel/Electric (4).
    Other
13. Date Built: 1961
14. Number and Nationality of Personnel: 32, USSR
    Officers 16 Crew 16 Other (Specify)
15. Communications: VHF-FM ( ), AM/SSB, Voice ( ), Telegraphy ( ).
    Other
    International Radio Call Sign: UGGS
    Radio Frequencies Monitored: 500 kHz, 2182 kHz, 156,8 MHz
    Other Working Frequencies: According to license of ship station
    Schedule: H-16

UR-77-0416

16. Navigation Equipment: Loran C ( ), Loran A ( ), Omega ( ),
    Decca ( ), Navsat ( ), Radar ( ), Fathometer ( ),
    Other: Depth Sounder, Gyrocompass, Direction Finder
17. Cargo Capacity (MT) / 18. Cargo Space (Number / Name)
    Salted Fish / Freezer
    Fresh Fish / Dry Hold
    Frozen Fish / Tanks
    Fish Meal / Other
    Other
19. Processing Equipment (Indicate daily capacity,MT)
    No equipment
20. Fisheries for which Permit is Requested:

Ocean Area	Par.ad (From-To)	Species	Contemplated Catch (MT)	Gear to be Used
5,6	I-XII			Patrol and support

21. Name and Address of Agent appointed to receive any legal process issued in the United States:

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

Permit Period Applied For
Application No. UR-77-0490
For Use of Issuing Office
State

1. Name of Vessel "PIONER ZAPOLARYA"
2. Vessel No: Hull No. MN-0352 Registration No. M-2256)
3. Name and Address of Owner
   Name: Leningrad Production Association of Fishing Industry "Leningorsprom"
   Address: 198096 Leningrad,Kievskomaya pl.10,"Leningorsprom"
   Name and Address of Charterer
4. Homeport and State of Registry: Leningrad,USSR
5. Type of Vessel: stern trawler
6. Tonnage (Gross) 3170 Net 1225
7. Length 84,70 m 8. Breadth 14,0 m 9. Draught 5,55 m
10. Horsepower 2000 shp 11. Maximum Speed 12,0 kt
12. Propulsion: Diesel (1) Steam (-) Diesel/electric (-)
    Other no
13. Date Built: 1961
14. Number and Nationality of Personnel: 94 , USSR
    Officers 24 Crew 70 Other (Specify) -

UR-77-0490

15. Communications: VHF-HF (,), AM/SSB, Voice (,)
    Telegraphy (,) Other no
    International Radio Call Sign: UBHP
    Radio Frequencies Monitored 500 KHZ,2182 KHZ, 156,8 MHZ
    Other Working Frequencies 2575 KHZ
    Schedule all year H-16
16. Navigation Equipment: Loran C (-) Loran A (1)
    Omega (-) Decca (-) Navsat (-)
    Radar (2) Fathometer (-)
    Other autopilot -1 ,hidrolocator -1,radio direction finder-1
17. Cargo Capacity (MT)
    Salted Fish - Fresh Fish -
    Frozen Fish 500 mt Fish Meal 40 mt
    Other -
18. Cargo Space
    Number Name
    Dry Hold 3
    Tanks 2
    Other tin hold - 1 .fish flower hold - 1

UR-77-0490

19. Processing Equipment (indicate daily capacity, MT)

refrigerator apparatus - 2(15 tons a day)
fish flower equipment -1 (30 tonns stuff a day)
cod.liver oil boilers -2(400 kg a day-)
autoclave D 600 -2(350 cans)
hand rolling semi-automat - 1(10 cans / minute)

20. Fisheries for which Permit is Requested

Ocean Area	Period (from-to)	Species	Contemplated Catch (MT)	Gear to be Used
5 Ze	24.04-30.06	silver hake	1933	bottom type, or various depth type
5 Ze		red hake	500	"
5 x 6		additional catch other finfish	41	"

21. Name and Address of Agent Appointed to Receive Any Legal Process Issued in the United States

ШКТВ ГУ "Запрыбы" 989 200

UR-77-0491

15. Communications: VHF-MF (+), AM/SSB, Voice (+)
Telegraphy (+) Other
International Radio Call Sign EVBY
Radio Frequencies Monitored 500,2182 kHz,156,8 MHz
Other Working Frequencies 2595 kHz

Schedule H-16

16. Navigation Equipment: Loran C (+) Loran A (+)
Omega (-) Decca (-) Navsat (-)
Radar (2) Fathometer ( )
Other Autopilot 1
Radio direction finder 1
Sonar 1

17. Cargo Capacity (MT)
Salted Fish Fresh Fish
Frozen Fish 600 Fish Meal 120
Other

18. Cargo Space
Number Name
Dry Hold 3
Tanks
Other 1 canned fish hold
1 fish meal hold

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

Permit Period Applied For
Application No UR-77-0491
For Use of Issuing Office
State USSR

1. Name of Vessel DAINAVA
2. Vessel No: Hull No LB-0557 Registration No M-31496
3. Name and Address of Owner
Name Klaipedskaya Baza tralovogo flota
Address 235806 , Nemuno str.32
Klaipeda, USSR
Name and Address of Charterer

4. Homeport and State of Registry Klaipeda, USSR
5. Type of Vessel Large Distant Stern Freezer Trawler
6. Tonnage (Gross) 2582 Net 838,2
7. Length 85,9 8. Breadth 14,02 9. Draught 5,7
10. Horsepower 2000 shp 11. Maximum Speed 10 kt
12. Propulsion: Diesel (+) Steam ( ) Diesel/electric ( )
Other
13. Date Built 1970
14. Number and Nationality of Personnel 92, USSR
Officers 23 Crew 69 Other (Specify)

UR-77-0491

19. Processing Equipment (indicate daily capacity, MT)

Freezers	35 t/24h
Fish meal plant	30t/24h (raw material
Fat melters	500kg/24h
2 Autoclaves	350 cans
Semiautomat&can closing machine	10 cans/min.

20. Fisheries for which Permit is Requested

Ocean Area	Period (from-to)	Species	Contemplated Catch (MT)	Gear to be Used
5 Ze	24.04-30.06.77	hake	1613	BT,MWT
5 Ze	-"-	Burbot	1635	BT,MWT
5 Ze	-"-	other species	958	BT,MWT

21. Name and Address of Agent Appointed to Receive Any Legal Process Issued in the United States

ШКТВ ГУ "Запрыбы" 989 200

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

Permit Period Applied For

Application No UR-77-0492

For Use of Issuing Office

state USSR

1. Name of Vessel APHANASY NIKITIN
2. Vessel No: Hull No RB-0394 Registration No 3196
3. Name and Address of Owner
   Name Rizhskaya Basa tralovogo flota
   Address Riga
   Lasks str., 52
   Name and Address of Charterer —
4. Homeport and State of Registry Riga, USSR
5. Type of Vessel Large Distant Stern Freezer Trawler
6. Tonnage (Gross) 3178 Net 1225
7. Length 84,7 8. Breadth 14,0 9. Draught 5,5
10. Horsepower 2000 shp 11. Maximum Speed 12,0 kt
12. Propulsion: Diesel (+) Steam (-) Diesel/electric (-)
    Other
13. Date Built 1964
14. Number and Nationality of Personnel 92, USSR
    Officers 22 Crew 69 Other (Specify) 1 doctor

UR-77-0492

15. Communications: VHF-MF (+), AM/SSB, Voice (+)
    Telegraphy (+) Other -
    International Radio Call Sign USSG
    Radio Frequencies Monitored 500, 2182 kHz, channel 16
    Other Working Frequencies
    Schedule A-1;A-2;A-3eA;A-3-H;F-1;F-3;A-2-H H-8
16. Navigation Equipment: Loran C (+) Loran A (+)
    Omega (-) Decca (+) Navsat (-)
    Radar (+) Fathometer (-)
    Other Radio direction finder CRP-5
    Sonar /
17. Cargo Capacity (MT)
    Salted Fish - Fresh Fish [illegible] -
    Frozen Fish 600 Fish Meal 98
    Other fish oil - 27 t
18. Cargo Space
    Number Name
    Dry Hold 123 m^3
    Tanks fish oil - 33,7 m^3
    Other -

UR-77-0492

19. Processing Equipment (indicate daily capacity, MT)

2 Tunnel freezers	30 t
Vacuum drum drier meal plant	20t/24h(raw material)
2 Fat melters IZK	0,5t
2 Autoclaves ø 600	0,4t
Can closing machines I9-C3KM	0,4t

20. Fisheries for which Permit is Requested

Ocean Area	Period (from-to)	Species	Contemplated Catch (MT)	Gear to be Used
5 Ze	24.04-30.06.77	hake	2100	Bt, MWT
5Ze	-"-	burbot	440	BT
5 Ze	-"-	other species	260	BT, MWT

21. Name and Address of Agent Appointed to Receive Any Legal Process Issued in the United States

[illegible]

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

Permit Period Applied For

Application No UR-77-0493

For Use of Issuing Office

State USSR

1. Name of Vessel GUBERTAS BORISA
2. Vessel No: Hull No LB-0233 Registration No M-27381
3. Name and Address of Owner
   Name Klaipeiskaya Basa tralovogo flota
   Address 235806, Nemuncstr. 32
   Klaipeda, USSR
   Name and Address of Charterer —
4. Homeport and State of Registry Klaipeda, USSR
5. Type of Vessel Large Distant Stern Freezer Trawler
6. Tonnage (Gross) 3162 Net 1307
7. Length 84,70 8. Breadth 14,02 9. Draught 5,7
10. Horsepower 2000 shp 11. Maximum Speed 10 kt
12. Propulsion: Diesel (1) Steam (-) Diesel/electric (-)
    Other
13. Date Built 1965
14. Number and Nationality of Personnel 92, USSR
    Officers 23 Crew 69 Other (Specify)

UR-77-0493

15. Communications: VHF-HF (+), AM/SSB, Voice (+)
Telegraphy (+) Other
International Radio Call Sign UBSF
Radio Frequencies Monitored 500,2182 kHz,156,8MHz
Other Working Frequencies 2575 kHz
Schedule H-8

16. Navigation Equipment: Loran C (1) Loran A (1)
Omega (_) Decca (_) Navsat (_)
Radar (2) Fathometer (_)
Other Autopilot 1
Radio direction finder 1
Sonar 1

17. Cargo Capacity (MT)
Salted Fish _____ Fresh Fish _____
Frozen Fish 610 Fish Meal 80
Other _____

18. Cargo Space
Number _____ Name _____
Dry Hold 3
Tanks 2
Other canned fish hold 1
fish meal hold 1

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

Permit Period Applied For
Application No UR-77-0494
For Use of Issuing Office
State USSR

1. Name of Vessel TURAN LIIV
2. Vessel No: Hull No SB-0489 Registration No M-29904
3. Name and Address of Owner
Name Estonian Production Association of Fishing Industry
Address 200025
Paljassaare tr.28, Tallinn, USSR
Name and Address of Charterer —
4. Homeport and State of Registry Tallinn, USSR
5. Type of Vessel stern trawler
6. Tonnage (Gross) 2690 Net 925,58
7. Length 75,0m 8. Breadth 14,02m 9. Draught 5,6m
10. Horsepower 2000hp shp 11. Maximum Speed 12 kt
12. Propulsion: Diesel (1) Steam (_) Diesel/electric (_)
Other
13. Date Built 1968
14. Number and Nationality of Personnel 94 men USSR
Officers 24 Crew 70 Other (Specify)

UR-77-0493

19. Processing Equipment (indicate daily capacity, MT)

2 Freezers	15t/24h
Fish meal plant	30t/24h (raw material)
2 Fat melters	400-500 kg/24h
2 Autoclaves ø 600	350 cans
Semiautomatic can closing machine	10 cans /min

20. Fisheries for which Permit is Requested

Ocean Area	Period (From-to)	Species	Contemplated Catch (MT)	Gear to be Used
5 Ze	10.04-10.06.77	Hake	1026	BT,MWT
5 Ze	-"-	Burbot	1064	BT,MWT
5 Ze	-"-	other species	968	BT,MWT

21. Name and Address of Agent Appointed to Receive Any Legal Process Issued in the United States

UR-77-0494

15. Communications: VHF-HF (+), AM/SSB, Voice (+)
Telegraphy (+) Other
International Radio Call Sign E S B T
Radio Frequencies Monitored 500 KHZ,2182 KHZ,156,8 MHZ
Other Working Frequencies 2575 KHZ
Schedule H- 16

16. Navigation Equipment: Loran C (1) Loran A (1)
Omega (-) Decca (-) Navsat (-)
Radar (2) Fathometer (2)
Other Autopilot 1
radio direction finder 1
hydrolocator 1

17. Cargo Capacity (MT)
Salted Fish _____ Fresh Fish _____
Frozen Fish 610 Fish Meal 80
Other _____

18. Cargo Space
Number _____ Name _____
Dry Hold 3
Tanks 2
Other tin hold 1
fish flower hold 1

ИЗДАТЕЛЬСТВО "Экономика" 069 200

UR-77-0494

19. Processing Equipment (indicate daily capacity, MT)

Refrigerator apparatus	2 (15 tons a day)
Fish flower equipment	1 (30 tons stuff a day)
Cod-liver oil boilers	2 (400-500 kg a day)
Autoclave ø 600	2 (capacity is 350 cans)
Bend rolling semi-automat	1 (10cans a minute)

20. Fisheries for which Permit is Requested

Ocean Area	Period (from-to)	Species	Contemplated Catch (MT)	Gear to be Used
5 Ze	20.04-30.06	silver hake	1850	bottom type, of various depth type
5 Ze		red hake	500	-"-
5 + 6		additional catch	250	-"-
		other finfish		-"-

21. Name and Address of Agent Appointed to Receive Any Legal Process Issued in the United States

2.

UR-77-0495

10. Horsepower 2320 shp. 11. Maximum Speed 13 kn.

11. Propulsion: Diesel (2), Steam ( ), Diesel/Electric ( ), Other

13. Date Built: 1968

14. Number and Nationality of Personnel 80, USSR
Officers 20 Crew 60 Other (Specify)

15. Communications: VHF-RT (1), MF/SSB, Voice (1), Telegraphy ( ), Other facsimile, letter printing
International Radio Call Sign UBOK
Radio Frequencies Monitored 156,8 2182 500
Other Working Frequencies 156 . 162 2400 ;2575 ;425 468 ;454; 460; 512.

H-16.

Schedule Two radiooperators keep watch according to the international time-table H-16

16. Navigation Equipment: Loran C (1), Loran A (1), Omega ( ), Decca ( ), Navsat ( ), Radar (2),
Fathometer (2), Other hydro-compass, echo depth sounder, radio direction finder, log .

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)
ФОРМА ЗА ИДЕНТИФИКАЦИЯ НА РИБОЛОВНО-ТЕХНОЛОГИЧЕН КАНЕЦ РИБОЛОВНОГО СУДНА

Permit Period Applied For:
Период, за който е заявено разрешението:

Application No. UR-77-0495
Заявка №

For Use of Issuing Office
За използване от издаващия разрешението, компетентен орган

State:
Страна USSR

1. Name of Vessel "PYATIGORSK"
Название на кораба

2. Vessel No.: Hull No. FV-7139 Registration No. 127
№ на кораба - № на корпуса Регистрационен №

3. Name and Address of Owner
Име и адрес на собственика
Name SPKRP"Atlantika"
Име
Address Pravda street,10
Адрес Sevastopol, USSR
Cable Address USSR
Телеграфен адрес
Sevastopol, Trawl 156

Name and Address of Charterer
Име и адрес на фрахтовчика
not freighted

4. Homeport and State of Registry: Sevastopol, USSR
Порт и страна на приписка

5. Type of Vessel Stern trawler
Тип на кораба

6. Tonnage (Gross) 2177,3 (Net) 746,25 r.t.
Тонаж (брутен) (Нетен)

7. Length 81,99 8. Breadth 13,6 m. 9. Draft 4,55
Дължина Ширина Газене

3.

UR-77-0495

17. Cargo Capacity (MT)
Товароподемност (МТ)

18. Cargo Space
Товарно пространство

	Number количество	Name название
Salted Fish Соления риба	not	Freezer Морозилно помещение	2 rotor
Fresh Fish Прясна риба	not	Dry Hold Сухо помещение	refrigerating 3 1 fish meal
Frozen Fish Замразена риба	500	Tanks Танкове	35 with total volume 710 m 3
Fish Meal Рибно брашно	60	Other Прочее	2 processing equipments
Other Прочее			

19. Processing Equipment (Indicate daily capacity, MT)
Технологическо оборудване (посочете дневната производителност в мер.тонаж)

Pressing conveyor LBS-22,5 -2
2 x 22,5 t/d
Fish meal plant VP/MO-2 -1
6 t/d

20. Fisheries for which Permit is Requested:

UR-77-0495

Ocean Area	Period (from-to)	Species	Contemplated Catch (MT)	Gear to be Used
Ocean Area B	16/5-30/6	Hake	895	pelagic and bottom trawls
Ocean Area B	16/5-30/6	Red hake	345	pelagic and bottom trawls
Ocean Area 2	16/5-30/7	Squid illex	26	pelagic and bottom trawls
Ocean Area 5	16/5-30/7	Squid illex	80	pelagic and bottom trawls
Ocean Area 2	16/5-30/7	Squid loligo	9	pelagic and bottom trawls
Ocean Area 5	16/5-30/7	Squid loligo	20	pelagic and bottom trawls
Ocean Area B	16/5-30/7	Other fin fish	145	pelagic and bottom trawls

21. Name and Address of Agent appointed to receive any legal process issued in the United States:

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)
ФОРМА ПО ПРЕДСТАВЛЕНИЮ ЭКСПЛУАТАЦИОННО-ТЕХНИЧЕСКИХ
ДАННЫХ РЫБОЛОВНОГО СУДНА

Permit Period Applied For: 20/5-15/7
Период, на который запрашивается разрешение:

Application No. UR-77-0496
Заявка №

For Use of Issuing Office
Для использования учреждением, выдающим разрешение

State: USSR
Страна

1. Name of Vessel "AYU-DAG"
Название судна

2. Vessel No.: Hull No. PT-7105 Registration No. 10C
№ судна № корпуса регистрационный №

3. Name and Address of Owner
Имя и адрес судовладельца

Name SPORP"Atlantika"
Имя

Address Pravdy street,10,
Адрес

Sevastopol,USSR

Cable Address USSR
Телеграфный адрес

Sevastopol, Trawl 156

Name and Address of Charterer
Имя и адрес фрахтователя

not freighted

4. Homeport and State of Registry: Sevastopol,USSR
Порт и страна приписки

5. Type of Vessel Stern trawler
Тип судна

6. Tonnage (Gross) 2177,3 (Net) 746,25 r.t.
Тоннаж (брутто) (нетто)

7. Length 81,99 8. Breadth 13,6 M. 9. Draft 4,55 M.
Длина Ширина Осадка

UR-77-0496

10. Horsepower 2320 shp. 11. Maximum Speed 13 kn.
Мощность ... Максимальная скорость

11. Propulsion: ... (2), Steam ( ), Diesel/Electric ( ),
Двигательная установка ... паровая дизель-электрическая

Other
Прочие

13. Date Built 1967
Дата постройки

14. Number and Nationality of Personnel 80 USSR
Количество и национальность персонала

Officers 20 Crew 60 Other (Specify)
Командный состав Команда Другие лица (указать ...)

15. Communications: VHF-FM (1), AM/SSB, Voice (1),
Связь Радиотелефон

Telegraphy (1), Other facsimile, letter printing
Телеграфия Прочие

International Radio Call Sign EHSQ
Международный радиопозывной

Radio Frequencies Monitored 500; 2182
Контролируемые радиочастоты

Other Working Frequencies as per ship's licence B
Другие рабочие частоты

H-16

Schedule ~~Two radiooperators keep watch according to the international timetable ...~~
Режим работы

16. Navigation Equipment: Loran C (1), Loran A (1),
Навигационное оборудование Лоран С Лоран А

Omega ( ), Decca ( ), Navsat ( ), Radar (2),
Омега Декка Навсат Радар

Fathometer (3), Other hydro-compass, echo depth sounder, radio direction finder, log
Фазометр Прочее

UR-77-0496

17. Cargo Capacity (MT)
Грузовместимость (мт)

Salted Fish no
Соленая рыба

Fresh Fish no
Свежая рыба

Frozen Fish 500
Мороженая рыба

Fish Meal 60
Рыбная мука

Other
Прочее

18. Cargo Space
Грузовые емкости

Number / Name
количество / название

Freezer 2 rotor
Морозильная камера

Dry Hold refrigerating 3 ~~fish meal 1~~
Сухой трюм

Tanks 35 with total volume 710 t.
Танки

Other processing equipment 2
Прочие

19. Processing Equipment (Indicate daily capacity, MT)
Технологическое оборудование (указать суточную производительность в метр.тоннах)

Freezing conveyor ..-22,5	2	2 X 22,5 t/24 hours
~~Fish meal plant~~	~~1~~	~~6 t/24 hours~~

20. Fisheries for which Permit is Requested:

OR-77-0496

Ocean Area	Period (from-to)	Species	Contemplated Catch (MT)	Gear to be Used
Ocean Area 3	21/5-30/6	Hake	772	pelagic and bottom trawls
Ocean Area 3	21/5-30/6	Red hake	260	pelagic and bottom trawls
Ocean Area 2	21/5-30/7	Squid illex	37	pelagic and bottom trawls
Ocean Area 5	21/5-30/7	Squid illex	60	pelagic and bottom trawls
Ocean Area 2	21/5-30/7	Squid loligo	5	pelagic and bottom trawls
Ocean Area 5	21/5-30/7	Squid loligo	15	pelagic and bottom trawls
Ocean Area 2	21/5-30/7	Other fin fish	124	pelagic and bottom trawls

21. Name and Address of Agent appointed to receive any legal process issued in the United States:

.....

.....

[FR Doc.77-12315 Filed 5-2-77;8:45 am]

[Public Notice 539]

FISHERY CONSERVATION AND MANAGEMENT ACT OF 1976

Applications for Permits To Fish Off the Coasts of the United States

The Fishery Conservation and Management Act of 1976 (Pub. L. 94-265) (the "Act") provides that no fishing shall be conducted by foreign fishing vessels in the Fishery Conservation Zone of the United States after February 28, 1977, except in accordance with a valid and applicable permit issued pursuant to section 204 of the Act.

The Act also requires that all applications for such permits be published in the FEDERAL REGISTER.

Applications for fishing during 1977 have been received from the Republic of Korea, and are published herewith. It is noted that these applications relate to activities involving the processing of fish purchased at sea from vessels of the United States.

Dated: April 26, 1977.

KATHRYN CLARK-BOURNE,
Acting Director,
Office of Fisheries Affairs.

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

Permit Period Applied For: 1977 — Application No. KS-77-0077 For Use of Issuing Office

State: Republic of Korea

1. Name of Vessel: GAECHUK HO(EX. YUSIN HO)
2. Vessel Official No.: Hull No. 743 — Registration No. HF 36140
3. Name and Address of Owner: Name: Korea Wonyang Fisheries Co., Ltd. Address: 175-87, Ankuk-dong Chongro-ku, Seoul, Korea. Cable Address: KOREA TUNA P.O. Box 6581
   Name and Address of Charterer: Korea Marine Industry Development Corporation 55-4, Seosomun-dong, Chung-ku, Seoul, Korea. Cable : KMIDC SEOUL Telex : KMICD K27288
4. Homeport and State of Registry: Busan, Korea
5. Type of Vessel: Factory Ship(Processing)
6. Tonnage (Gross): 23,799.97 (Net): 15,188.37
7. Length: 193 m. B. Breadth: 26.2 m. D. Draft: 10.70 m.
10. Horsepower: 10,500 shp. 11. Maximum Speed: 14.5 kt.
11. Propulsion: Diesel (x), Steam ( ), Diesel/Electric ( ). Other:
13. Date Built: 1955
14. Number and Nationality of Personnel: 450 men, Korea. Officers: 30 Crew: 420 Other (Specify):
15. Communications: VHF-FM (x), AM/SSB, Voice (x), Telegraphy (x). Other: Life Transceiver. International Radio Call Sign: 6 MTO. Radio Frequencies Monitored: MF(A1 A2) 500 MF(A1) 4180, VHF(F3) 156.80. Other Working Frequencies: MF(A1 A2) 410,425 MF(A1) 4,194.5 VHF(F3) 156.30. Schedule: 8 hours daily
16. Navigation Equipment: Loran C (x), Loran A ( ), Omega ( ), Decca ( ), Navsat ( ), Radar (x), Fathometer (x). Other: Direction Finder. KS-77-0077
17. Cargo Capacity (MT): Salted Fish —; Fresh Fish —; Frozen Fish 3,000; Fish Meal 5,300; Other: Fish Oil 1,900
18. Cargo Space Number / Name: Freezer 3 / 1-3; Dry Hold 10 / 7 ABCD 8BC 9BC 10BC; Tanks F.C 12,244 M, Fish Oil 4 / 1 ABCD; Other
19. Processing Equipment (Indicate daily capacity,MT): Container Freezer : 36 set 250 M/T; Fish Meal Plant 250 M/T; Fillet M/C Baader 181 16 set 50 M/T
20. Fisheries for which Permit is Requested:

Ocean Area	Period (From-To)	Species	Contemplated Catch (MT)	Gear to be Used
Gulf of Alaska	1977	Processing	None	To engage processing of fishies in Gulf of Alaska supplied by the Alaskan fishermen

21. Name and Address of Agent appointed to receive any legal process issued in the United States:
Mr. William C. Foster, Patton, Boggs and Blow, 1200 Seventeenth Street, N.W., Washington, D.C. 20036, Tel.(202) 223-4040, ITT Telex: 440324, WU Telex: 89-452
Mr. Robert C. Ely- Attorney, 310 L Street, Anchorage, Alaska 99501, Tel.(907) 276-5121, Cable: NORTHACRE, Telex:(090) 25-292

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

Permit Period Applied For: 1977 — Application No. KS-77-0078 For Use of Issuing Office

State: Republic of Korea

1. Name of Vessel: Soo Goog 51
2. Vessel Official No.: Hull No. — Registration No. HF 38225
3. Name and Address of Owner: Name: Korea Marine Industry Development Corporation. Address: 55-4, Seosomun-dong, Chung-ku, Seoul, Korea. Cable Address: KMIDC SEOUL Telex: KMIDC K27288
   Name and Address of Charterer:
4. Homeport and State of Registry: Busan, Korea
5. Type of Vessel: Factory Ship(Processing) (Sold permits of Trawler history in Gulf of Alaska KS-77-0040-A)
6. Tonnage (Gross): 5,510.74 (Net): 2,763.00
7. Length: 101.80 m. B. Breadth: 18 m. D. Draft: 11.00 m.
10. Horsepower: 4,900 shp. 11. Maximum Speed: 15 kt.
11. Propulsion: Diesel ( ), Steam ( ), Diesel/Electric ( ). Other:
13. Date Built: Oct. 1974
14. Number and Nationality of Personnel: 145 men, Korea. Officers: 16 Crew: 129 Other (Specify):
15. Communications: VHF-FM ( ), AM/SSB, Voice (x), Telegraphy (x). Other: International Radio Call Sign: 6 NES. Radio Frequencies Monitored: W: 4186, 6279 C: 8399. Other Working Frequencies: 4199.5KHz, 6299.25KHz, 22300KHz. Schedule:
16. Navigation Equipment: Loran C (x), Loran A (x), Omega ( ), Decca ( ), Navsat ( ), Radar (x), Fathometer (x), Other: KS-77-0078
17. Cargo Capacity (MT): Salted Fish —; Fresh Fish —; Frozen Fish 2,312; Fish Meal —; Other
18. Cargo Space Number / Name: Freezer 3 / 1-3; Dry Hold 2; Tanks 9; Other
19. Processing Equipment (Indicate daily capacity,MT): Fish Meal Plant : 25; Fillet Plant : 40; Minced Meat Plant : 30; Freezing Capacity : 135
20. Fisheries for which Permit is Requested:

Ocean Area	Period (From-To)	Species	Contemplated Catch (MT)	Gear to be Used
Gulf of Alaska	1977	Processing	None	To engage processing of fishies in Gulf of Alaska supplied bythe Alaskan fishermen

21. Name and Address of Agent appointed to receive any legal process issued in the United States:
Mr. William C. Foster, Patton, Boggs and Blow, 1200 Seventeenth Street, N.W., Washington, D.C. 20036, Tel. (202) 223-4040, ITT Telex: 440324, WU Telex: 89-452
Mr. Robert C. Ely - Attorney, 310 L Street, Anchorage, Alaska 99501, Tel.(907) 276-5121, Cable: NORTHACRE, Telex: (090) 25-292

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

Permit Period Applied For: 1977

Application No. For Use of Issuing Office KS-77-0079

State: Republic of Korea

1. Name of Vessel BOOK KEUNG

2. Vessel No.: Hull No. _____ Registration No. BF 36130

3. Name and Address of Owner / Name and Address of Charterer

Name: Korea Marine Industry Development Corporation

Address: 55-4, Seosomun-dong, Chung-ku, Seoul, Korea

Cable Address: KMIDC SEOUL

Telex: KMIDC K27268

4. Homeport and State of Registry: Busan, Korea

5. Type of Vessel: Factory ship(processing)

6. Tonnage (Gross) 8,600.81 (Net) 5,983.65

7. Length 130.00 M. 8. Breadth 18.00 M. 9. Draft 11.60 M.

10. Horsepower 5,500 shp. 11. Maximum Speed 14 kt.

11. Propulsion: Diesel (X), Steam ( ), Diesel/Electric ( ),

Other _____

13. Date Built: Nov. 1956

14. Number and Nationality of Personnel 150 men, Korea

Officers 16 Crew 134 Other (Specify) _____

15. Communications: VHF-FM (X), AM/SSB, Voice (X), Telegraphy (X),

Other _____

International Radio Call Sign _____

Radio Frequencies Monitored SORT WAVE 11MX1 MID WAVE 250MX1

Other Working Frequencies AUX 40MX1 VHF 25MX2

Schedule _____

16. Navigation Equipment: Loran C (X), Loran A ( ), Omega ( ), KS-77-0079

Decca ( ), Navaid ( ), Radar (X), Fathometer (X),

Other Fish Finder, Auto Pilote, gyro, Direction Finder

17. Cargo Capacity (MT) / 18. Cargo Space Number / Name

Salted Fish		Freezer	3
Fresh Fish		Dry Hold	4
Frozen Fish	5,876	Tanks	7
Fish Meal		Other	
Other			

19. Processing Equipment (Indicate daily capacity,MT)

Fillet 45 T/D

Freezing Capacity 135 M/T/Day

Fish Meal Plant 100 M/T

20. Fisheries for which Permit is Requested:

Ocean Area	Period (From-To)	Species	Contemplated Catch (MT)	Gear to be Used
Gulf of Alaska	1977	Processing	None	To engage processing of fishies in Gulf of Alaska supplied by the Alaskan fishermen

21. Name and Address of Agent appointed to receive any legal process issued in the United States:

Mr. William C. Foster, Patton, Boggs and Blow
1200 Seventeenth Street, N.W., Washington, D.C. 20036
Tel.(202) 223-4040, ITT Telex: 440324, WU Telex: 89-452

Mr. Robert C. Ely - Attorney
510 L Street, Anchorage, Alaska 99501
Tel.(907) 276-5121, Cable: NORTHACRE, Telex: (090) 25-292

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

Permit Period Applied For: 1977

Application No. For Use of Issuing Office KS-77-0080

State: Republic of Korea

1. Name of Vessel Tae Yang 11

2. Vessel No.: Hull No. _____ Registration No. BF 21875

3. Name and Address of Owner / Name and Address of Charterer

Name: Korea Marine Industry Development Corporation

Address: 55-4, Seosomun-dong, Chung-ku, Seoul, Korea

Cable Address KMIDC SEOUL
Telex No.: KMIDC K27268

4. Homeport and State of Registry: Busan, Korea

5. Type of Vessel: Transport

6. Tonnage (Gross) 7,073 (Net) 4,220

7. Length 147.35 M. 8. Breadth 19.26 M. 9. Draft 8.00 M.

10. Horsepower: 4,350 shp. 11. Maximum Speed 14.0 kt.

11. Propulsion: Diesel (X), Steam ( ), Diesel/Electric ( ),

Other _____

13. Date Built: Nov. 1946

14. Number and Nationality of Personnel 150 men, Korea

Officers 16 Crew 134 Other (Specify) _____

15. Communications: VHF-FM (X), AM/SSB, Voice (X), Telegraphy (X),

Other _____

International Radio Call Sign 6 LBH

Radio Frequencies Monitored 4199.5KHZ, 6299.25 KHZ, 22300KHZ

Other Working Frequencies 4199.5KHZ, 6299.25 KHZ, 22300KHZ

Schedule _____

16. Navigation Equipment: Loran C ( ), Loran A (X), Omega ( ), KS-77-0080

Decca ( ), Navaid ( ), Radar (X), Fathometer ( ),

Other _____

17. Cargo Capacity (MT) / 18. Cargo Space Number / Name

Salted Fish		Freezer	3
Fresh Fish		Dry Hold	22
Frozen Fish	4,500	Tanks	13
Fish Meal	500	Other	
Other			

Name
Fish Hold
1-3
4-22

19. Processing Equipment (Indicate daily capacity,MT)

a. Canning Factory : 7

b. Fish Meal Plant :35

c. Freezing Capacity: 300

20. Fisheries for which Permit is Requested:

Ocean Area	Period (From-To)	Species	Contemplated Catch (MT)	Gear to be Used
Bering Sea & Aleutian Area, and Gulf of Alaska	1977	Transport	None	

21. Name and Address of Agent appointed to receive any legal process issued in the United States:

Mr. William C. Foster, Patton, Boggs and Blow
1200 Seventeenth Street, N.W., Washington, D.C. 20036
Tel. (202) 223-4040, ITT Telex : 440324, WU Telex : 89-452

Mr. Robert C. Ely - Attorney
510 L Street, Anchorage, Alaska 99501
Tel. (907) 276-5121, Cable : NORTHACRE, Telex: (090) 25-292

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

Permit Period Applied For: 1977 Application No. For Use of Issuing Office KS-77-0081

State: Republic of Korea

1. Name of Vessel Tae Yang 12
2. Vessel No.: Hull No. _____ Registration No. BF 21575
3. Name and Address of Owner / Name and Address of Charterer
   Name: Korea Marine Industry Development Corporation
   Address: 55-4, Seosomun-dong, Chung-ku, Seoul, Korea
   Cable Address: KMIDC SEOUL
   Telex: KMIDC K27288
4. Homeport and State of Registry: Busan, Korea
5. Type of Vessel: Transport
6. Tonnage (Gross) 1,332 (Net) 827
7. Length 78.66 M. 8. Breadth 10.80 M. 9. Draft 5.70 M.
10. Horsepower 2,000 shp. 11. Maximum Speed 12.3 kt.
11. Propulsion: Diesel (X), Steam ( ), Diesel/Electric ( ).
    Other _____
13. Date Built: Jan. 1961
14. Number and Nationality of Personnel: 36 men, Korea
    Officers 8 Crew 28 Other (Specify) _____
15. Communications: VHF-FM (X), AM/SSB, Voice (X), Telegraphy (X).
    Other _____
    International Radio Call Sign: 6 LNB
    Radio Frequencies Monitored: M: 4185, 8370 C: 4195, 6294
    *Other Working Frequencies: 4199.5KHZ, 6299.25KHZ, 22399KHZ
    Schedule: _____

KS-77-0081

16. Navigation Equipment: Loran C (X), Loran A (X), Omega ( ),
    Decca ( ), Navsat ( ), Radar (X), Fathometer ( ),
    Other _____

17. Cargo Capacity (MT)		18. Cargo Space Number	Name
Salted Fish	Freezer	3	1-3
Fresh Fish	Dry Hold	2	
Frozen Fish 1,200	Tanks	17	
Fish Meal	Other		
Other			

19. Processing Equipment (Indicate daily capacity,MT)

20. Fisheries for which Permit is Requested:

Ocean Area	Period (From-To)	Species	Contemplated Catch (MT)	Gear to be Used
Bering Sea & Aleutian Area, and Gulf of Alaska	1977	Transport	None	

21. Name and Address of Agent appointed to receive any legal process issued in the United States:
    Mr. William C. Foster, Patton, Boggs and Blow
    1200 Seventeenth Street, N.W., Washington, D.C. 20036
    Tel.(202) 223-4040, ITT Telex: 440324, WU Telex : 89-452
    Mr. Robert C. Ely - Attorney
    510 L Street, Anchorage, Alaska 99501
    Tel.(907) 276-5121, Cable: NORTHACRE, Telex: (090) 25-292

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

Permit Period Applied For: 1977 Application No. For Use of Issuing Office KS-77-0082

State: Republic of Korea

1. Name of Vessel Tae Yang 15
2. Vessel No.: Hull No. _____ Registration No. BF 21559
3. Name and Address of Owner / Name and Address of Charterer
   Name: Korea Marine Industry Development Corporation
   Address: 55-4, Seosomun-dong, Chung-ku, Seoul, Korea
   Cable Address: KMIDC SEOUL
   Telex: KMIDC K27288
4. Homeport and State of Registry: Busan, Korea
5. Type of Vessel: Transport
6. Tonnage (Gross) 957 (Net) 505
7. Length 60.00 M. 8. Breadth 10.50 M. 9. Draft 5.00 M.
10. Horsepower 1,800 shp. 11. Maximum Speed 11.0 kt.
11. Propulsion: Diesel (X), Steam ( ), Diesel/Electric ( ),
    Other _____
13. Date Built: Oct. 1956
14. Number and Nationality of Personnel: 36 men, Korea
    Officers 8 Crew 28 Other (Specify) _____
15. Communications: VHF-FM (X), AM/SSB, Voice (X), Telegraphy (X).
    Other _____
    International Radio Call Sign: 6 KYV
    Radio Frequencies Monitored: M: 4185, 8370 C: 4196, 6294
    Other Working Frequencies: 4199.5KHZ, 6299.25KHZ, 223000KHZ
    Schedule: _____

KS-77-0082

16. Navigation Equipment: Loran C (X), Loran A (X), Omega ( ),
    Decca ( ), Navsat ( ), Radar (X), Fathometer ( ),
    Other _____

17. Cargo Capacity (MT)		18. Cargo Space Number	Name
Salted Fish	Freezer	4	1-4
Fresh Fish	Dry Hold		
Frozen Fish 600	Tanks	8	
Fish Meal	Other		
Other			

19. Processing Equipment (Indicate daily capacity,MT)

20. Fisheries for which Permit is Requested:

Ocean Area	Period (From-To)	Species	Contemplated Catch (MT)	Gear to be Used
Bering Sea & Aleutian Area, and Gulf of Alaska	1977	Transport	None	

21. Name and Address of Agent appointed to receive any legal process issued in the United States:
    Mr. William C. Foster, Patton, Boggs and Blow
    1200 Seventeenth Street, N.W., Washington, D.C. 20036
    Tel.(202) 223-4040, ITT Telex: 440324, WU Telex: 89-452
    Mr. Robert C. Ely - Attorney
    510 L Street, Anchorage, Alaska 99501
    Tel.(907) 276-5121, Cable: NORTHACRE, Telex: (090) 25-292

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

KS-77-0083

Permit Period Applied For: 1977 Application No. KS-77-0083 For Use of Issuing Office

State: Republic of Korea

1. Name of Vessel: Jinan No. 909
2. Vessel No.: Hull No. _____ Registration No. BF 37807
3. Name and Address of Owner / Name and Address of Charterer
   Name: Korea Marine Industry Development Corp.
   Address: 55-6, Seongnam-dong, Chung-ku, Seoul, Korea
   Cable Address: KMIDC SEOUL
   Telex No.: KMIDC K27268
4. Homeport and State of Registry: Busan, Korea
5. Type of Vessel: Stern trawler (replacement of Hae Gong 51 KS-77-0042-on)
6. Tonnage (Gross): 1,035.69 (Net): 540.99
7. Length: 60.74 M. 8. Breadth: 11.20 M. 9. Draft: 7.50 M.
10. Horsepower: 2,200 shp. 11. Maximum Speed: 15 kt.
12. Propulsion: Diesel (X), Steam ( ), Diesel/Electric ( ).
    Other _____
13. Date Built: June 1972
14. Number and Nationality of Personnel: 45 Men, Korean
    Officers: 10 Crew: 35 Other (Specify): 4
15. Communications: VHF-FM (X), AM/SSB, Voice (X), Telegraphy (X).
    Other _____
    International Radio Call Sign: 6 MLK
    Radio Frequencies Monitored _____
    Other Working Frequencies: 4199, 3082, 6279, 3540S, 22300KHz
    Schedule _____
16. Navigation Equipment: Loran C ( ), Loran A (X), Omega ( ), Decca ( ), Navsat ( ), Radar ( ), Fathometer ( ),
    Other _____
17. Cargo Capacity (MT)

		18. Cargo Space Number	Name
Salted Fish			
Fresh Fish	Freezer	2	1-2
Frozen Fish 550	Dry Hold	3	3-5
Fish Meal	Tanks	24	
Other	Other		

19. Processing Equipment (Indicate daily capacity,MT)
    Freezing capacity 50
20. Fisheries for which Permit is Requested:

Ocean Area	Period (From-To)	Species	Contemplated Catch (MT)	Gear to be Used
Bering Sea & Aleutian Area, and Gulf of Alaska	1977	Alaska Pollock	25,912	Trawler Net
		Yellow sole	2,300	
		Tanner Crabs	322	
		Herring	460	
		Other flounders	690	
		Sharks	276	
		Squid	460	
		Total	30,420	

21. Name and Address of agent appointed to receive any legal process issued in the United States:
    Mr. William C. Foster, Patton, Boggs & Blow
    1200 Seventeenth St., N.W., Washington, D.C. 20036
    Tel. (202) 293-4040 TWX Telex: 440156

[FR Doc.77-12316 Filed 5-2-77;8:45 am]