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federal register

TUESDAY, AUGUST 2, 1977

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Monday	Tuesday	Wednesday	Thursday	Friday
NRC	USDA/ASCS		NRC	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
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DOT/OPSO	LABOR		DOT/OPSO	LABOR
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	HEW/HRA			HEW/HRA
	HEW/HSA			HEW/HSA
	HEW/NIH			HEW/NIH
	HEW/PHS			HEW/PHS

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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(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.)

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HEW/FDA—Drugs and cosmetics; color additives; B-Carotene.... 33722; 7–1–77
Drugs and cosmetics; color additives; bronze and copper powder. 33723; 7–1–77

List of Public Laws

This is a continuing listing of public bills that have become law, the text of which is not published in the FEDERAL REGISTER. Copies of the laws in individual pamphlet form (referred to as "slip laws") may be obtained from the U.S. Government Printing Office.

H.R. 186.....Pub. L. 95–75
International Navigational Rules Act of 1977.
(July 27, 1977; 91 Stat. 308)
Price $.35

presidential documents

Title 3—The President

Executive Order 12006 • **July 29, 1977**

Exemption of G. Joseph Minetti From Mandatory Retirement

G. Joseph Minetti, Member, Civil Aeronautics Board, will become subject to mandatory retirement for age on July 31, 1977, under the provisions of Section 8335 of Title 5 of the United States Code unless exempted by Executive order.

In my judgment, the public interest requires that G. Joseph Minetti be exempted from such mandatory retirement.

NOW, THEREFORE, by virtue of the authority vested in me by subsection (c) of Section 8335 of Title 5 of the United States Code, I hereby exempt G. Joseph Minetti from mandatory retirement until September 30, 1977.

Jimmy Carter

THE WHITE HOUSE,
July 29, 1977.

[FR Doc.77-22353 Filed 8-1-77;10:51 a.m.]

Memorandum of July 20, 1977

Determination Under Section 103(d)(3) of the Agricultural Trade Development and Assistance Act of 1954, as Amended (Public Law 480)—Morocco

[Presidential Determination No. 77-15]

Memorandum for the Secretary of State, the Secretary of Agriculture

THE WHITE HOUSE,
Washington, July 20, 1977.

Pursuant to the authority vested in me under the Agricultural Trade Development and Assistance Act of 1954, as amended (hereinafter "the Act"), I hereby determine that a waiver of the exclusion provided by Section 103(d)(3) of the Act, for the purpose of selling to Morocco up to 100,000 metric tons of wheat/wheat flour, worth approximately $11 million, is in the national interest of the United States and I do waive that exclusion.

Jimmy Carter

STATEMENT OF REASONS THAT A SALE TO MOROCCO UNDER TITLE I OF THE AGRICULTURAL TRADE DEVELOPMENT AND ASSISTANCE ACT OF 1954, AS AMENDED (PUBLIC LAW 480), IS IN THE NATIONAL INTEREST

In response to Morocco's need for imports of wheat/wheat flour, which have been increased by a drought which has severely reduced domestic production, the United States Government proposes to sell that country up to 100,000 metric tons of wheat (grain equivalent), worth approximately $11 million, under the provisions of Title I of Public Law 480.

Morocco trades with Cuba. Section 103(d)(3) of Public Law 480 prohibits supplying commodities under Title I to a nation which maintains such trade unless the President determines that so doing would be in the national interest of the United States. The United States and Morocco have traditionally enjoyed cordial relations. The strategic importance of Morocco at the entrance to the Mediterranean Sea is evident. The Government of Morocco is moderate and in international fora normally exercises a positive influence on other non-aligned Arab and African states. A concessional wheat sale will help Morocco to cover its domestic grain shortfall without excessively overburdening its foreign exchange reserves and will demonstrate continued American support for this moderate and friendly country.

The proposed assistance is, therefore, in the national interest of the United States.

[FR Doc.77-22305 Filed 7-29-77;3:38 pm]

rules and regulations

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of Transportation

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: The position of Special Assistant to the Assistant Administrator for Public Affairs is excepted under Schedule C because it is confidential in nature.

EFFECTIVE DATE: August 2, 1977.

FOR FURTHER INFORMATION CONTACT:

William Bohling (202-632-4533).

Accordingly, 5 CFR 213.3394(h)(8) is added as set out below:

§ 213.3394 Department of Transportation.

* * * * *

(h) *Federal Aviation Administration.* * * *

(8) One Special Assistant to the Assistant Administrator for Public Affairs.

(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.77-22108 Filed 8-1-77;8:45 am]

Title 7—Agriculture

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

[Lemon Reg. 102, 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 July 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 July 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 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 70,000 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 § 910.402 Lemon Regulation 102 (42 FR 37533) is amended to read as follows: "The quantity of lemons grown in California and Arizona which may be handled during the period July 24, 1977, through July 30, 1977, is established at 365,000 cartons."

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

Dated: July 27, 1977.

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

[FR Doc.77-22133 Filed 8-1-77;8:45 am]

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS AND GRANTS PRIMARILY FOR REAL ESTATE PURPOSES

[FmHA Instruction 443.2]

PART 1821—FARM PURCHASE AND DEVELOPMENT LOANS TO INDIVIDUALS

Subpart B—Soil and Water Loans

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: The Farmers Home Administration (FmHA) amends its regulation to implement authorities given to the Bureau of Reclamation, Department of the Interior, for the purpose of making loans to irrigators under Section 8 of the 1977 Drought Emergency Act (Pub. L. 95-18) (43 U.S.C. 502 Note). This amendment is intended to provide the Bureau of Reclamation with the services of FmHA in making and administering Soil and Water (SW) loans. The Bureau of Reclamation has procured the services of FmHA since there is an existing SW loan program in FmHA which will enable the FmHA to more efficiently administer the provisions of Section 8 of the 1977 Drought Emergency Act.

EFFECTIVE DATE: August 2, 1977.

FOR FURTHER INFORMATION CONTACT:

Denton E. Sprague, 202-447-4597.

SUPPLEMENTARY INFORMATION: Subpart B of Part 1821; Title 7, Code of Federal Regulations (31 FR 14165 and redesignated as 32 FR 7171) is amended in § 1821.51 to make cross-reference to new Exhibit B, "Bureau of Reclamation Loans to Irrigators administered by Farmers Home Administration" and Attachment 1, "Memorandum of Understanding between the Bureau of Reclamation, Department of the Interior and the Farmers Home Administration of the Department of Agriculture," which provides procedure for making and servicing SW type loans to individuals located within reclamation projects; the Memorandum of Understanding outlines the working relationship between the two Agencies.

The Table of Sections is amended as follows:

Exhibit A—[Reserved]
Exhibit B—Bureau of Reclamation Loans to Irrigators Administered by Farmers Home Administration. Attachment 1—Memorandum of Understanding Between the Bureau of Reclamation, Department of the Interior and the Farmers Home Administration, Department of Agriculture.

It is the policy of this Department that rules relating to public property, loans, grants, benefits, or contracts shall be published for comment notwithstanding the exemption in 5 U.S.C. 553 with respect to such rules. This amendment, however, is not published for proposed rulemaking since the purpose of the change is to expedite loans and services to irrigators where there are severe problems resulting from water shortage from the 1976–1977 drought period, and therefore, any delay would be contrary to the public interest. Accordingly, § 1821.51 as amended; Exhibit B and Attachment 1 thereto are set forth below:

§ 1821.51 General.

* * * Exhibit B prescribes the procedure and authority for making Bureau of Reclamation loans to irrigators.

(U.S.C. 1989; 31 U.S.C. 686; delegation of authority by the Secretary of Agriculture, 7 CFR 2.23, delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70.)

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

Dated: July 26, 1977.

GORDON CAVANAUGH,
Administrator,
Farmers Home Administration.

EXHIBIT B—BUREAU OF RECLAMATION LOANS TO IRRIGATORS ADMINISTERED BY FARMERS HOME ADMINISTRATION

I. *General.* This Exhibit provides additional procedures for making and servicing Soil and Water (SW) type loans to individuals located within Reclamation Projects. Attachment 1 is a Memorandum of Understanding between the Bureau of Reclamation (BR) and the Farmers Home Administration (FmHA) outlining the working relationship between the agencies for these loans. The Memorandum of Understanding establishes eligibility requirements, sets loan terms, and indicates the purposes for which these loans may be made. The FmHA County Supervisors can resolve any questions about project boundaries, acreage limitations, loan purposes or eligibility requirements by contacting the BR office having jurisdiction over the project area.

II. *Objectives.* Provides BR financial assistance to irrigators as defined in Attachment 1 and for the purposes outlined therein.

III. *Procedures.* This Subpart B and other related FmHA regulations will be used in processing and securing the BR loans. Applicable FmHA forms will be used with the following modifications required:

Form FmHA 410–1, "Application for FmHA Services"—In section 24 and after "Type of Service Applied For" complete "other" by inserting "SW–BR".

Form FmHA 427–1, "Real Estate Mortgage"—Wherever reference is made to "the Consolidated Farm and Rural Development Act" insert "and Pub. L. 95–18".

Form FmHA 440–1, "Request for Obligation of Funds"—Loans will be identified by typing "43" in block 7 of Part I.

Form FmHA 440–2, "County Committee Certification or Bicommendation"—In the block entitled "type of assistance" check the block "other" and specify "SW–BR"

Form FmHA 440–15, (State) "Security Agreement (Insured Loans For Individuals)" where reference is made to rates of interest, insert "zero". In the center of page 1, strike "the Consolidated Farmers Home Administration Act, 1961, or Title V of the Housing Act of 1949; and" and insert "Pub. L. 95–18 and".

Form FmHA 440–16, "Promissory Note" in the block "Kind of Loan" and after "type" insert "SW–BR"; after "Pursuant to" insert "Pub. L. 95–18". Where reference is made to the percent of interest insert "zero". In the last paragraph on page 2, delete "the Consolidated Farm and Rural Development Act or Title V of the Housing Act of 1949" and insert "Pub. L. 95–18".

Form FmHA 441–1, "Promissory Note"—In the block "Kind of Loan" insert "SW–BR". Where reference is made to the rate of interest, insert "zero". In the next to the last paragraph on page 2, delete "subtitle B or C of the Consolidated Farm and Rural Development Act" and insert "Pub. L. 95–18".

IV. *Servicing.* These loans will be serviced by FmHA in accordance with servicing instructions applicable to Individual SW loans.

V. *Reimbursement.* BR shall pay to FmHA a charge of 5 percent of principal of each loan. The 5 percent charge shall be disbursed to FmHA by the Finance Office at the time of each loan advance.

ATTACHMENT I

MEMORANDUM OF UNDERSTANDING BETWEEN THE BUREAU OF RECLAMATION, DEPARTMENT OF THE INTERIOR AND THE FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

Whereas, under section 8 of the 1977 Drought Emergency Act (Pub. L. 95–18), hereafter referred to as "the Act," the Bureau of Reclamation (BR) is authorized to make loans to irrigators for the purpose of undertaking construction, management, conservation activities, or the acquisition and transportation of water, which can be expected to have an effect in mitigating losses and damages resulting from the 1976–1977 drought period;

Whereas, the Farmers Home Administration (FmHA) has an existing soil and water program (SW) authorized by section 304 of the Consolidated Farm and Rural Development Act for loans to individuals that accomplish purposes similar to those of the Act:

Whereas, it is more efficient and in the best interest of the United States, and in accordance with section 6 of the Act, for the BR to procure the services of FmHA pursuant to the terms of the Economy Act of 1932 (31 U.S.C. 686) to make and service loans to individual irrigators as authorized by the Act.

Now therefore the parties agree:

1. For purposes of this Memorandum the term "irrigators" shall mean any person or legal entity who holds a valid existing water right for irrigation purposes within Federal reclamation projects. Federal reclamation projects means any project constructed or funded under Federal reclamation law and specifically including projects having approved loans under the Small Reclamation Projects Act of 1956, as amended.

2. FmHA shall make and service loans to individual irrigators as authorized by the Act pursuant to its SW program and applicable FmHA regulations except as modified hereby.

3. The loans shall be only for the purposes relating specifically to irrigation and set forth in FmHA Instruction 443.2, IV A1, A8, B1, B2, and C. The loans shall be interest free. Loans for water acquisition and transportation shall be repaid over a period not to exceed 5 years. Other loans shall be repaid over a period not to exceed 5 years except such loans which generate benefits which are usable beyond 1977 shall be repaid within a period which shall be the shorter of the estimated useful life of the facilities or the reasonable payment capacity of the irrigator but in no event to exceed 40 years. All loans shall be obligated not later than September 30, 1977, and any construction related to any loan must be completed by November 30, 1977.

4. Services rendered by FmHA pursuant to this Memorandum of Understanding shall be on a nonreimbursable basis to the irrigator. For services rendered, BR shall pay to FmHA a charge of 5 percent of principal of each loan. BR directs that FmHA disburse such service charge to itself directly upon the closing of each loan.

5. Three million dollars shall be transferred to FmHA by Standard Form 151, which amount shall be available for construction, management, and conservation activities. An additional sum of $5 million may be made available upon request of FmHA for the acquisition and transportation of water.

6. *Monthly Report:* FmHA shall submit a Standard Form 133, Report on Budget Execution, in accordance with OMB Circular A–34, to the Bureau of Reclamation, Washington, DC 20240, attention code 370.

7. *Accomplishment:* FmHA shall submit to the Bureau of Reclamation, Washington, DC 20240, attention code 400, a complete report on expenditures and accomplishments under this Memorandum on January 16, 1978.

Date of June 29, 1977.

BUREAU OF RECLAMATION,
DEPARTMENT OF THE INTERIOR,
(S) R. KEITH HIGGINSON,
Commissioner.

Date of July 15, 1977.

FARMERS HOME ADMINISTRATION,
DEPARTMENT OF AGRICULTURE,
(S) MARTY HOLLERAN,
(For Gordon Cavanaugh,
Administrator,

[FR Doc.77-22196 Filed 8-1-77;8:45 am]

Title 9—Animals and Animal Products

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

PART 325—TRANSPORTATION

Change in Notification Concerning Vehicle Emergencies

AGENCY: Food Safety and Quality Service, USDA.

ACTION: Final rule.

SUMMARY: This change in the regulations requires the carrier, in case of a wreck or similar extraordinary emergency, to report the facts by telephone or telegraph to the Regional Director of the region in which the wreck occurred rather than the Deputy Administrator, Meat and Poultry Inspection Program, Field Operations, as now required. This change will enable the Program to respond more promptly to these emergencies, inasmuch as the information need not be relayed from the Washington office to the region where the appropriate action is taken, in any case.

EFFECTIVE DATE: September 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Dr. James P. Lyons, Chief Staff Officer, Inspection Standards and Regulations Staff, Technical Services, Meat and Poultry Inspection Program, Food Safety and Quality Service, telephone 447-7435.

SUPPLEMENTARY INFORMATION: The purpose of this amendment to Section 325.18(b) of the Federal meat inspection regulation (9 CFR 325.18(b)) is to ensure that in case of vehicle emergencies, the appropriate information is promptly and accurately relayed to the office which must respond to the emergency. It has been determined that the "Regional Director in the area in which the emergency occurs" should be contacted in such cases rather than the Deputy Administrator, Meat and Poultry Inspection Program, Field Operations, whose office is located in Washington, D.C. This change eliminates an unnecessary step in communicating information to the region where the appropriate action is taken.

"Regional Director" is defined in Section 301.2(iii) of the Federal meat inspection regulations (9 CFR 301.2(iii)) as the official in charge of the Meat and Poultry Inspection Program within each of the following five regions:

Northeastern Region—The States of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia, and the District of Columbia.

Southeastern Region—The States of Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee, the Commonwealth of Puerto Rico, and the Virgin Islands of the United States.

North Central Region—The States of Illinois, Indiana, Iowa, Michigan, Minnesota, Nebraska, Ohio, and Wisconsin.

Southwestern Region—The States of Arkansas, Kansas, Louisiana, Missouri, New Mexico, Oklahoma, and Texas.

Western Region—The States of Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming, and Guam.

The addresses of the Regional Directors, set forth in the Federal Meat Inspection Regulations at Section 301.2(iii), footnote 1, are as follows:

Northeastern Region—Seventh Floor, 1421 Cherry Street, Philadelphia, PA 19102.

Southeastern Region—Room 216, 1718 Peachtree Road NW., Atlanta, GA 30309.

North Central Region—Room 419, U.S. Courthouse Building, East First and Walnut Streets, Des Moines, IA 50309.

Southwestern Region—Room 5-F41, 1100 Commerce Street, Dallas, TX 75201.

Western Region—Room 102, Building 2C, 620 Central Avenue, Alameda, CA 94501.

Accordingly, the Federal meat inspection regulations are amended as follows:

1. In the Table of Contents under § 325.18, delete the word, "Administrator," and replace it by the words, "Regional Director."

2. In the Section heading of § 325.18, delete the word, "Administrator," and replace it by the words, "Regional Director."

3. In § 325.18, paragraph (b), delete the words, "Deputy Administrator, Meat and Poultry Inspection, Field Operations, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Washington, DC 20250," and replace them by the words, "Regional Director in the area in which the emergency occurs."

(Sec. 21, 34 Stat. 1260, as amended, 21 U.S.C. 621.)

This amendment involves a minor procedural change only. Therefore, public participation with respect to this action is unnecessary.

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

Done at Washington, D.C., on July 28, 1977.

ROBERT ANGELOTTI,
Administrator, Food Safety and Quality Service.

[FR Doc.77-22272 Filed 8-1-77;8:45 am]

Title 10—Energy

CHAPTER II—FEDERAL ENERGY ADMINISTRATION

PART 213—OIL IMPORT PROGRAM

AGENCY: Federal Energy Administration (FEA).

ACTION: Final rule.

SUMMARY: These regulations update sections 213.33 and 213.36, providing for fee-exempt allocations of unfinished oils from Canada into Districts I–IV and V respectively, in accordance with the terms of the latest rulemaking updating the Oil Import Regulations generally (42 FR 20813, April 22, 1977). These sections were inadvertently omitted from the text of that rulemaking.

EFFECTIVE DATE: May 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Sandra Sherman, Office of General Counsel (202-566-9380).

SUPPLEMENTARY INFORMATION: Under the Mandatory Oil Import Program established pursuant to Proclamation No. 3279, as amended, the current allocation period for imports not subject to license fees under section 3(a)(1)(i)–(ii) of the Proclamation began on May 1, 1977. Section 8 of the Proclamation provides that for this allocation period, the maximum levels of imports subject to allocation and license, to which license fees under section 3(a)(1)(i)–(ii) shall not be applicable, shall be reduced to fifty percent of the levels established during the calendar year 1973. The rulemaking issued April 15, 1977, implemented these provisions, but omitted to amend sections 213.33 and 213.36. Accordingly, FEA hereby issues a corrective rulemaking containing the omitted amendments, effective May 1, 1977. Since the reduction in allocations is mandatory under Proclamation No. 3279, which is controlling notwithstanding its regulatory implementation, this correction does not alter any outstanding import rights. Moreover, since §§ 213.33 and 36 are relatively insignificant, no licenses have actually been issued thereunder. Importers should, however, note the reporting deadline for imports made under these sections during the previous allocation period, which is August 31, 1977. Finally, the deadline for applying for licenses under these sections has been extended to July 29, 1977.

(Federal Energy Administration Act of 1974, Pub. L. 93-275; E.O. 11790, 39 FR 23185; Trade Expansion Act of 1962, Pub. L. 87-794, as amended; Proclamation No. 3279, as amended.)

In consideration of the foregoing, Part 213 of Chapter II, Title 10 of the Code of Federal Regulations, is amended as set forth below.

Issued in Washington, D.C., July 22, 1977.

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

1. Section 213.33 is amended in paragraphs (c), (d), (f), and (h) to read as follows:

§ 213.33 Imports of unfinished oils from Canada—Districts I–IV.

* * * * *

(c) The Director shall, in accordance with the terms of paragraph (d)(1) of this section, make allocations for the allocation period May 1, 1977, through April 30, 1978, such that the amount of such allocations, plus the amount of allocations under § 213.36 and § 213.28 (a) and (c), shall not exceed 620,000 average barrels per day per year.

(d) (1) The Director shall make allocations not subject to license fees of Canadian imports to eligible applicants who received allocations of such imports for the period May 1, 1975, through April 30, 1976, pursuant to § 213.33. Each such applicant shall be entitled to an allocation of Canadian imports calculated in accordance with the following formula:

$$\left(\begin{array}{c}\text{Eligible applicant's Canadian imports into Districts I–IV during the period May 1, 1973, through Apr. 30, 1974, expressed in barrels per day}\end{array}\right) \times 0.50$$

(2) The Director shall issue not later than July 29, 1977, to each eligible applicant a license equal to the total of the allocation calculated pursuant to subparagraph (1). Such licenses shall expire on April 30, 1978.

* * * * *

(f) A person to whom an allocation is made by the Director under this section shall report and certify in writing to the Director, not later than August 31, 1977, (1) the total quantity of Canadian imports which that person imported during the period May 1, 1976, through April 30, 1977, pursuant to an allocation made under § 213.28 and (2) the quantity of such imports that were processed in his facilities before July 1, 1977. The amount so reported and cer-

tified shall be subject to verification by the Director. If a person to whom an allocation is made under this section fails to file by August 31, 1977, the written report and certification required by this paragraph, the Director shall suspend all licenses issued under an allocation made under this section until the written report and certification are received. For the purpose of this paragraph only, "Canadian imports" shall mean both imports from Canada of crude oil which has been produced in Canada and unfinished oils which have been derived from crude oil or natural gas produced in Canada and which have been transported into the United States by overland means or over waterways other than ocean waterways.

* * * * * *

(h) An application for an allocation under this section shall be made by letter or telegram to the Director, Oil Imports, P.O. Box 19267, Washington, D.C. 20036, unless an application has been previously filed. Applications must have been received by July 28, 1977. An application must contain the following information which shall be certified by an officer of the applicant:

(1) The nature of each of the applicant's facilities in which Canadian imports will be processed.

(2) The location of each such facility.

(3) The total barrels of Canadian imports imported into Districts I–IV during the period May 1, 1973, through April 30, 1974, expressed in barrels per day.

2. Section 213.36 is amended in paragraphs (c), (d), (f), and (h) to read as follows:

§ 213.36 Imports of unfinished oils from Canada—District V.

* * * * * *

(c) The Director shall, in accordance with the terms of paragraph (d)(1) of this section, make allocations for the allocation period May 1, 1977, through April 30, 1978, such that the amount of such allocations, plus the amount of allocations under § 213.33 and § 213.28 (a) and (c), shall not exceed 620,000 average barrels per day per year.

(d) (1) The Director shall make allocations not subject to license fees of Canadian imports to eligible applicants who received allocations of such imports for the period May 1, 1975, through April 30, 1976, pursuant to § 213.36. Each such applicant shall be entitled to an allocation of Canadian imports calculated in accordance with the following formula:

$$\left(\begin{array}{c}\text{Eligible applicant's Canadian imports into District V during the period May 1, 1973, through Apr. 30, 1974, expressed in barrels per day}\end{array}\right) \times 0.50$$

(2) The Director shall issue not later than July 29, 1977, to each eligible applicant a license equal to the total of the allocation calculated pursuant to subparagraph (1). Such licenses shall expire on April 30, 1978.

* * * * * *

(f) A person to whom an allocation is made by the Director under this section shall report and certify in writing to the Director, not later than August 31, 1977, (1) the total quantity of Canadian imports which that person imported during the period May 1, 1976, through April 30, 1977, pursuant to an allocation made under § 213.28 and (2) the quantity of such imports that were processed in his facilities before July 1, 1977. The amount so reported and certified shall be subject to verification by the Director. If a person to whom an allocation is made under this section fails to file by August 31, 1977, the written report and certification required by this paragraph, the Director shall suspend all licenses issued under an allocation made under this section until the written report and certification are received. For the purpose of this paragraph only, "Canadian imports" shall mean both imports from Canada of crude oil which has been produced in Canada and unfinished oils which have been derived from crude oil or natural gas produced in Canada and which have been transported into the United States by overland means or over waterways other than ocean waterways.

* * * * * *

(h) An application for an allocation under this section shall be made by letter or telegram to the Director, Oil Imports, P.O. Box 19267, Washington, D.C. 20036, unless an application has been previously filed. Applications must have been received by July 28, 1977. An application must contain the following information which shall be certified by an officer of the applicant:

(1) The nature of each of the applicant's facilities in which Canadian imports will be processed.

(2) The location of each such facility.

(3) The total barrels of Canadian imports imported into District V during the period May 1, 1973, through April 30, 1974, expressed in barrels per day.

[FR Doc 77-22157 Filed 8-1-77;8:45 am]

Title 12—Banks and Banking

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 77-474]

PART 545—OPERATIONS

Individual Retirement Accounts

JULY 27, 1977.

AGENCY: Federal Home Loan Bank Board.

ACTION: Final rule.

SUMMARY: Federally-chartered savings and loan associations, which had previously been authorized by statute to serve as trustees of Individual Retirement Accounts, were given additional authority to serve as custodians of those retirement funds by Public Law 94-60 on July 25, 1975. This final rule amends the Board's regulations to implement that statutory change.

The reader may be interested in a proposed regulation affecting insurance of these accounts which is being published concurrently with this final rule as companion Resolution No. 77-475.

EFFECTIVE DATE: September 2, 1977.

FOR FURTHER INFORMATION CONTACT:

Harry W. Quillian, Associate General Counsel, Federal Home Loan Bank Board (202-376-3556).

SUPPLEMENTARY INFORMATION: The Federal Home Loan Bank Board considers it desirable to amend § 545.17-1 of the Rules and Regulations for the Federal Savings and Loan System (12 CFR Part 545.17-1) for the purpose stated in the summary.

The Board finds that (1) notice and public procedure are unnecessary under 5 U.S.C. 553(b) and 12 CFR 508.11 because this amendement relieves restriction, and (2) publication of said amendment for the 30-day period specified in 12 CFR 508.14 and 5 U.S.C. 554(d) prior to effective date is unnecessary for the same reason.

Accordingly, the Board hereby amends §545.17-1 to read as set forth below.

§ 545.17-1 Stock bonus, pension, or profit-sharing plan.

A Federal association which has a charter in the form of Charter K (rev.) or Charter N may act as trustee, and may receive reasonable compensation for so acting, of any trust created or organized in the United States and forming part of a stock bonus, pension, or profit-sharing plan which qualifies or qualified for specific tax treatment under section 401(d) of the Internal Revenue Code of 1954, and may act and receive reasonable compensation for so acting, as trustee or custodian of an individual retirement account within the meaning of section 408(a) of such Code, if the funds of such trust or account are invested only in savings accounts or deposits in such association or in obligations or securities issued by such association. * * *

(Pub. L. 94-[illegible], 89 Stat. 301 (12 U.S.C. 1464); sec. 5, 48 Stat. 132, as amended (12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR 1943-48 Comp. 1071.)

By the Federal Home Loan Bank Board.

J. J. PINN,
Secretary.

[FR Doc.77-22163 Filed 8-1-77;8:45 am]

SUBCHAPTER D—RULES AND REGULATIONS FOR INSURANCE OF ACCOUNTS

[No. 77-173]

PART 563b—CONVERSION FROM MUTUAL TO STOCK FORM

Offers for and Sale of Securities of Converting Associations; Correction

AGENCY: Federal Home Loan Bank Board.

ACTION: Correction.

SUMMARY: A regulation recently adopted by the Board as operating head of the Federal Savings and Loan In-

surance Corporation ("FSLIC") requires approval of the FSLIC of any offer or announcement of an offer for any equity security of an FSLIC-insured institution for three years following its conversion from mutual to stock form of ownership. The regulation contained a limited exception from this requirement for offers which would, if consummated, result in acquisition by a person of not more than one percent of any class of equity security of the institution. The word "not" was inadvertently omitted from this regulatory exception, and this action corrects that omission.

FOR FURTHER INFORMATION CONTACT:

Harry W. Quillian, Associate General Counsel, Federal Home Loan Bank Board, at 320 First Street NW., Washington, D.C. 20552 or telephone number 202-376-3556.

SUPPLEMENTARY INFORMATION: In FR Document 77-7586 appearing at pages 14085-86 in the FEDERAL REGISTER of March 15, 1977, the final clause of subparagraph (e)(3) of § 563b.9 appearing on page 14086 is corrected by adding the word "not" immediately following the word "of" and immediately before the word "more". As corrected, subparagraph (e)(3) conforms to the preamble of said document on page 14085, which states in part that "subparagraph (e)(3) only excepts offers which would if consummated effect acquisition by a person of not more than one percent of any class of equity security of a converting institution."

Dated: July 27, 1977.

DANIEL J. GOLDBERG,
Acting General Counsel.

[FR Doc.77-22164 Filed 8-1-77;8:45 am]

Title 16—Commercial Practices

CHAPTER II—CONSUMER PRODUCT SAFETY COMMISSION

PART 1025—RULES OF PRACTICE FOR ADJUDICATIVE PROCEEDINGS

Interim Rules of Practice for Adjudicative Proceedings Under Consumer Product Safety Act and Flammable Fabrics Act; Extension of Comment Period

AGENCY: Consumer Product Safety Commission.

ACTION: Extension of comment period.

SUMMARY: In this document, the Commission extends, from July 21, to August 22, 1977, the time during which comments may be submitted on its Interim Rules of Practice for Adjudicative Proceedings under the Consumer Product Safety Act and the Flammable Fabrics Act. The Commission is taking this action at the requests of several interested persons who were unable to prepare comments by July 21.

DATE: Comments on the Interim Rules should be received by August 22, 1977. The rules became effective, on an interim basis, on June 21, 1977.

ADDRESS: Comments should be sent to: Office of the Secretary, Consumer Product Safety Commission, 1111 18th Street NW., Third Floor, Washington, D.C. 20207.

FOR FURTHER INFORMATION CONTACT:

Winston M. Haythe, Directorate of Compliance and Enforcement, CPSC, 5401 Westbard Avenue, Washington, D.C. 20207, 301-492-6632.

SUPPLEMENTARY INFORMATION: In the FEDERAL REGISTER of June 21, 1977 (42 FR 31431), the Commission published Interim Rules of Practice for Adjudicative Proceedings under the Consumer Product Safety Act and the Flammable Fabrics Act. The rules became effective on an interm bases on June 21, the date of publication, but the Commission solicited public comment for 30 days, until July 21.

A number of interested persons have requested an additional 30 days to comment on the rules, since they were unable to provide comments within the time originally provided. The Commission has decided to grant the requests and extend the comment period for 30 days, until August 22, in the interest of obtaining broad public comment on the rules. In addition, since the rules are now effective on an interim basis, the Commission's granting the requests for a thirty-day extension of the comment period will not result in a prolonged period without applicable procedural rules.

Therefore, interested persons may submit written comments on the interim rules until August 22, 1977. Comments received after that date will be considered if practicable. Comments and any accompanying data or material should be submitted, preferably in 5 copies to the Office of the Secretary, CPSC, Washington, D.C. 20207. Comments may be accompanied by a memorandum or brief in support thereof. Received comments and accompanying data may be seen in the Office of the Secretary, 1111 18th Street NW., Third Floor, Washington, D.C. 20207.

Dated: July 28, 1977.

SADYE E. DUNN,
Deputy Secretary, Consumer Product Safety Commission.

[FR Doc.77-22131 Filed 8-1-77;8:45 am]

PART 1026—RULES OF PRACTICE FOR EXPEDITED PROCEEDINGS

Proposed and Interim Rules of Practice for Expedited Proceedings Under the Consumer Product Safety Act; Extension of Comment Period

AGENCY: Consumer Product Safety Commission.

ACTION: Extension of comment period.

SUMMARY: In this document, the Commission extends, from July 21, to August 22, 1977, the time during which comments may be submitted on its Interim Rules of Practice for Expedited Proceedings under the Consumer Product Safety Act. The Commission is taking this action at the requests of several interested persons who were unable to prepare comments by July 21.

DATE: Comments on the Interim Rules should be received by August 22, 1977. The rules became effective, on an interim basis, on June 21, 1977.

ADDRESS: Comments should be sent to: Office of the Secretary, Consumer Product Safety Commission, 1111 18th Street NW., Third Floor, Washington, D.C. 20207.

FOR FURTHER INFORMATION CONTACT:

Gwendolyn Crockett, Directorate of Compliance and Enforcement, CPSC, 5401 Westbard Avenue, Washington, D.C. 20207, 301-492-6632.

SUPPLEMENTARY INFORMATION: In the FEDERAL REGISTER of June 21, 1977 (42 FR 31446), the Commission published Interim Rules of Practice for Expedited Proceedings under the Consumer Product Safety Act. The rules became effective on an interim basis on June 21, the date of publication, but the Commission solicited public comment for 30 days, until July 21.

A number of interested persons have requested an additional 30 days to comment on the rules, since they were unable to provide comments within the time originally provided. The Commission has decided to grant the requests and extend the comment period for 30 days, until August 22, in the interest of obtaining broad public comment on the rules. In addition, since the rules are now effective on an interim basis, the Commission's granting the requests for a thirty-day extension of the comment period will not result in a prolonged period wtihout applicable procedural rules.

Therefore, interested persons may submit written comments on the interim rules until August 22, 1977. Comments received after that date will be considered if practicable. Comments and any accompanying data or material should be submitted, preferably in 5 copies to the Office of the Secretary, CPSC, Washington, D.C. 20207. Comments may be accompanied by a memorandum or brief in support thereof. Received comments and accompanying data may be seen in the Office of the Secretary, 1111 18th Street NW., Third Floor, Washington, D.C. 20207.

Dated: July 28, 1977.

SADYE E. DUNN,
Deputy Secretary, Consumer Product Safety Commission.

[FR Doc.77-22130 Filed 8-1-77;8:45 am]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 34-13807; File No. S7-641]

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

Extension of Temporary Rule for Submission of Price Quotations to Inter-Dealer Quotation System

AGENCY: Securities and Exchange Commission.

ACTION: Extension of temporary rule provision.

SUMMARY: The Commission has extended the expiration date of paragraph (f)(4)(T) of § 240.15c2-11, a rule which presently requires market-makers to obtain certain basic information on the issuers of securities for which they publish price quotations in the over-the-counter markets. Paragraph (f)(4)(T) extends exemptive provisions of § 240.-15c2-11 to broker-dealers who submit quotations to weekly inter-dealer quotation systems on the basis of previous price quotations appearing regularly in such a system.

DATES: The expiration date of paragraph (f)(4)(T) of § 240.15c2-11 has been extended to January 31, 1978.

ADDRESSES: All communications on this matter should be directed in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Comments should refer to File No. S7-641 and will be available for public inspection.

FOR FURTHER INFORMATION CONTACT:

Richard M. Smith, Division of Market Regulation, Securities and Exchange Commission, Washington, D.C. 20549 (202-755-7918).

SUPPLEMENTARY INFORMATION: The Securities and Exchange Commission (the "Commission") announced today the extension of temporary paragraph (f)(4)(T) of § 240.15c2-11 [1] to January 31, 1978, pursuant to the Securities Exchange Act of 1934 (the "Act"),[2] particularly sections 2, 3, 11A, 15, and 23 of the Act.[3] Paragraph on July 15, 1976.[4] Its expiration date was later extended by the Commission to February 28, 1977,[5] to April 30, 1977,[6] and subsequently to July 31, 1977.[7] Temporary paragraph (f)(4)(T) of § 240.15c-11 exempts from the provisions of that Section the publication and submission of quotations respecting securities traded over the counter which have been the subject, at least once each fifth business day, of both bid and ask quotations at specified prices, reported to, and published by, an inter-dealer quotation system.

The staff of the Commission has continued to explore in discussions with those persons directly affected by § 240.15c2-11 and other interested persons the effectiveness of the temporary exemption and the operation of § 240.15c2-11 generally and has determined that a number of significant questions still remain as to the ultimate course which the Commission should take concerning those matters. Until such time as those questions are resolved, the Commission believes it is consistent with the public interest and the protection of investors to extend the expiration date of temporary paragraph (f)(4)(T) of § 240.15c2-11 to January 31, 1978.

The pertinent text of the rule, as amended temporarily, is as follows:

§ 240.15c2-11 Initiation or resumption of quotations without specific information.

* * * * *

(f) The provisions of this section shall not apply to:

* * * * *

(4)(T) The publication or submission of a quotation respecting a security which, at least once each fifth business day, has been the subject of both bid and ask quotations at specified prices reported to, and published by, an inter-dealer quotation system:

(i) Which has reported to the broker or dealer who wishes to submit such a quotation that records of the system reflect that at least one registered broker or dealer has made, or

(ii) To which a registered broker or dealer who wishes to submit such a quotation has reported or represented that he has made both bid and ask quotations at specified prices on each of at least 12 business days within the previous 30 calendar days, with no more than 4 business days in succession without a reflection of the existence of such a two-way quotation.

This temporary subsection shall expire on January 31, 1978.

* * * * *

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

JULY 28, 1977.

[FR Doc.77-22159 Filed 8-1-77;8:45 am]

[1] 17 CFR 240.15c2-11(f)(4).

[2] 15 U.S.C. 78a et seq., as amended by Pub. L. 94-29 (June 4, 1975).

[3] 15 U.S.C. 78 (b), (c), (k-1), (o), and (w).

[4] (f)(4)(T) was first temporarily adopted Exchange Act Release No. 34-12630 (July 15, 1976), 41 FR 30008 (July 21, 1976), 9 SEC Docket 1114 (July 28, 1976).

[5] Exchange Act Release No. 34-12969 (November 15, 1976), 41 FR 50646 (November 17, 1976), 10 SEC Docket 953 (November 30, 1976).

[6] Exchange Act Release No. 34-13310 (February 28, 1977), 42 FR 13109 (March 9, 1977) 11 SEC Docket 1880 (March 15, 1977).

[7] Exchange Act Release No. 34-13544 (May 16, 1977), 42 FR 27880 (June 1, 1977), 12 SEC Docket 431 (May 31, 1977).

Title 18—Conservation of Power and Water Resources

CHAPTER I—FEDERAL POWER COMMISSION

SUBCHAPTER E—REGULATIONS UNDER THE NATURAL GAS ACT

[Docket No. RM76-15; Order No. 568]

PART 157—APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY AND FOR ORDERS PERMITTING AND APPROVING ABANDONMENT UNDER SECTION 7 OF THE NATURAL GAS ACT

AGENCY: Federal Power Commission.

ACTION: Final rule.

SUMMARY: The Commission is amending its Regulations to reduce uncertainties, promote efficiency in the processing of applications, and reduce small producer filing requirements. A principal goal of the revised regulations is to make clear just who may be classified as a "small producer" and for how long. In addition to refining the definition of small producers and small producer reserves, this order:

(1) Includes emergency, limited-term, and optional procedure sales in computing a producer's total annual jurisdictional sales;

(2) Accords general and limited partners in limited partnerships treatment comparable to that given signatory operators and nonsignatory co-owners;

(3) Eliminates eligibility of large producer working interests for small producer rates;

(4) Permits sales other than small producer sales (with some exceptions to be made under small producer certificates, subject to large producer rate limitations;

(5) Includes a specific refund provision for any small producer rate differential collected for sales of gas which are ultimately determined not to be small producer sales;

(6) Terminates a small producer certificate simultaneously with loss of small producer status;

(7) Permit large producers to collect small producer rates where they acquire small producer reserves in place; and

(8) Requires semi-annual reports to be filed by pipeline and large producer purchasers in lieu of individual filings on cessations of service by small producers and new or additional purchases from small producers.

EFFECTIVE DATE: July 14, 1977

FOR FURTHER INFORMATION CONTACT:

Richard E. Kelly, Office of the General Counsel, 202-275-4236.

On May 25, 1976, the Commission issued a Notice of Proposed Rulemaking in Docket No. RM76-15 proposing to modify and clarify § 157.40 (18 CFR 157.40) of its Regulations in an effort to resolve certain problems which had arisen in the administration of the small producer program since the issuance of Order No. 428, 45 FPC 454 (1971). Com-

ments were filed in response to the notice by eighteen parties, including large and small producers, pipeline companies, and associations representing various producer and distributor interests. These parties are listed in Attachment A hereto. Some of the parties concur with the proposals while others object to certain of them or suggest modifications or clarifications thereof.

In addition, Texaco urges that the Commission eliminate differentials between small and large producer rates, as do Phillips and Sun. Texaco states that other changes should not be considered until all pricing issues have been resolved. APGA likewise objects to differentials between large and small producer rates, as it did in earlier proceedings in Docket No. R–393. The small producer pricing issues were fully addressed by the Commission in Opinion No. 742, as amended, and Order No. 553, as amended, and will not therefore be further dealt with here.

Having considered the comments submitted by the various parties to this proceeding, we conclude that the revised small producer regulations proposed in this rulemaking should be adopted with certain modifications. Some, but not all, of these changes were proposed by commenting parties. As we indicated in the May 25 notice, the modifications set forth herein will operate on a prospective basis only, and any cases pending before the Commission prior to the issuance of this order shall be decided on the merits under the regulations as they existed prior to the issuance of this order.

We think that the revised regulations adopted herein are in the public interest and will serve to reduce uncertainties, promote efficiency in the processing of applications, and reduce small producer filing requirements.

As stated in the rulemaking notice, a principal goal of the revised regulations is to make clear just who may be classified as a "small producer" and for how long. Classification of a producer as small or large based upon sales volumes in the immediately preceding calendar year does not represent a departure from past practice. The only real difference is the automatic loss of small producer status under the revised regulations. The same is true where merger, acquisition, affiliation, dissolution, divestiture or other similar occurrences are involved. For example, previously, we have relied, among other things, on a showing by the producer of its jurisdictional sales volumes for the preceding calendar year in determining whether the producer qualifies for a small producer certificate. Also, we have terminated small producer certificates as of April 1 of the calendar year following that in which a producer has exceeded the 10,000,000 Mcf limit [1] and as of the date of merger where the suriving corporation would not qualify as a small producer.[2]

United and Texas Gas question the Commission's proposal to provide for loss of small producer status (and consequent automatic termination of a small producer's certificate) as of the date of affiliation with a large producer or the end of the calendar year in which jurisdictional sales (including sales by affiliates) first exceed the 10,000,000 Mcf limitation. Since small producers are not required to submit annual statements (FPC Form 314–B) until April 1 of the following calendar year, United and Texas Gas state that there would be a three month period wherein the pipeline must enter into contracts without knowing the status of the producer. United and Texas Gas further state that during this interim, the pipeline might be unable to recoup any overpayments to a producer as a result of a small producer losing its status. United claims the same problem would exist when small producer status is lost due to merger, acquisition, etc.

United offers no solution to the problem other than to suggest that the regulations remain unchanged in this respect. Texas Gas on the other hand recommends that small producers be required to file their annual statements by April 1 not only with the Commission but also with affected purchasers, and that any producer failing to submit a timely report would be presumed to have lost its small producer status. In such event the purchaser would be justified in limiting the rate paid.

To avoid the uncertainty over which United and Texas Gas have expressed concern, we will provide that a small producer which exceeds the sales limit shall retain its small producer status until March 31 of the succeeding calendar year. The further recommendation by Texas Gas that failure to file a timely report trigger a temporary loss of small producer status, at least for rate purposes, could be disruptive and cause complications. However, we will specifically provide in § 157.40(c) that if a small producer collects a small producer rate differential for any gas sold which ultimately is determined not to qualify for such differential, the amounts attributable to the differential shall be subject to refund by the small producer.

Texas Gas' further suggestion that purchasers be served copies of small producers' annual reports would impose too great a burden on small producers. When a producer loses its small producer status, however, it will be required to give notice thereof to its purchasers and to the Commission within thirty days of the effective date of such occurrence. The annual statment would constitute notice to the Commission unless the loss of small producer status is due to merger, affiliation, etc.

IPAA objects to the automatic termination of small producer status at the end of the calendar year in which jurisdictional sales exceed 10,000,000 Mcf because of the possibility that sales during the following year might again fall below 10,000,000 Mcf due to variances in production from old, declining wells and newly developed wells. IPAA contends that this appears to be contrary to the spirit and intent of the small producer concept since the producer would have to treat all sales from reserves developed in that following year as large producer sales. IPAA therefore recommends that if a producer's jurisdictional sales do not exceed 10,000,000 Mcf for more than one consecutive year, reserves developed by a producer during such succeeding year retain the classification as "small producer reserves" and that sales therefrom continue to be eligible for the small producer rate. IPAA's recommendation is without merit, as severe slippage could occur. Furthermore, a producer is free to apply for reinstatement of its small producer certificate if it regains small producer status. It is also to be noted that IPAA's contention that the producer would have to treat all sales from reserves developed in the year following termination of small producer status as large producer sales is no longer true as a result of our addition of § 157.40(a)(4)(iii), discussed hereinafter, to the proposed regulations.

We will make two revisions to the definition of a small producer which can be accomplished within the scope of this proceeding. One of the revisions will permit producers affiliated with pipeline companies other than Class A natural gas companies to come within the definition of "small producer" if otherwise qualified. The principal reason for this is that such other pipeline companies have the "smallness" characteristic of small producers. The annual operating revenues of even a Class B pipeline do not exceed $2,500,000, by definition, which is well below the total revenues which a small producer could receive for sales of jurisdictional gas without losing its small producer status (10,000,000 Mcf at the new national base rate would result in revenues of $14,500,000). Moreover, in several instances we have waived the pipeline affiliation prohibition to permit a producer to obtain a small producer certificate due generally to the smallness or the isolated nature of the pipeline's operations.[3]

The other revision we make in the definition of a small producer is a change in the volumetric limit from 10,000,000

[1] *See e.g.*, Order Terminating Small Producer Certificate issued August 27, 1974, in Docket No. CS66–50, *E. G. Rodman*.

[2] *See e.g.*, order issued November 13, 1975, in Docket No. CI61–592, *et al.*, *Ladd Petroleum Corporation (successor to LVO Corporation)*, *and Order Denying Rehearing* issued October 1, 1976, in Docket No. CS76–82, *Mesa Petroleum Co.*

[3] *See e.g.*, orders issued February 29, 1972, in *Westrans Petroleum Inc.*, Docket No. CS71–470 (47 FPC 704), and August 28, 1972, in *Horizon Oil & Gas Co. of Texas (Operator)*, Docket No. CS72–456 (should have read CS72–458), and *Central Leduc Oils, Inc.*, Docket No. CS72–499 (48 FPC 415).

Mcf at 14.65 psia to 10,000,000 Mcf at 14.73 psia. The change involves a relatively small increase (54,608 Mcf at 14.65 psia) in the small producer sales limit and will conform to the standard pressure base prescribed by Office of Management and Budget Circular No. A-46, dated May 3, 1974.

APGA requests further modification of the Commission's rulemaking proposal to include nonjurisdictional as well as jurisdictional sales volumes as part of a producer's total annual sales in determining a small producer's status as this more properly determines the size of each producer. This would be a major change from the standard originally adopted by Order No. 308 in 1965, and was not contemplated in the instant rulemaking. Moreover, we considered proposed substantive revisions to the 10,000,000 Mcf limit in Opinion No. 742, as amended, and declined to adopt any such revisions. In addition, data is not available at this time which would indicate the impact of such a revision. For these reasons APGA's proposed modification will not be adopted.

United and Columbia strongly urge the Commission to exempt emergency sales volumes as part of a producer's total annual jurisdictional sales in determining a producer's status as a large or small producer. Under contends that the inclusion of emergency sales circumvents the intent behind which the emergency sales concept was developed. United, Columbia and Bel state that if emergency sales were exempted, producers would be encouraged to make these types of sales at a time when they are so urgently needed. IPAA states that this consideration is applicable to limited-term sales as well, and accordingly, urges the Commission to exempt both emergency and limited-term sales. Northern, on the other hand, believes that both emergency sales and limited-term sales should be counted as part of the producer's total annual jurisdictional sales in determining the producer's status as a large or small producer.

We believe it proper to include emergency sales as part of the producer's total sales since, as pointed out in the rulemaking notice, in many cases such sales extend well beyond the initial 60-day emergency period, pursuant to Opinion No. 699-B, and are followed immediately by certificated sales from the same properties. Moreover, although parties making emergency and limited-term sales are exempted from certain filing requirements, the sales are nevertheless jurisdictional and should therefore be part of a producer's total jurisdictional sales volume. By the same token, however, volumes sold pursuant to the Emergency Natural Gas Act of 1977 or other emergency legislation, which sales are not subject to the Commission's jurisdiction, should not be included. The definition of jurisdictional[4] sales we adopt reflects this exclusion by referring specifically to emergency volumes sold under the provisions of the Natural Gas Act and the Commission's Regulations. Further, it should be emphasized that the basic reason for giving small producers special treatment—their smallness—is absent if small producers are capable of making large volume emergency sales.[4]

It should be made clear that the amended language as to emergency and limited-term sales merely serves to clarify the Commission's intent and does not change the meaning of the definition. Because of the lack of clarity in the past as to emergency sales, however, small producer certificates previously issued should not be disturbed as a result of this interpretation unless emergency sales commenced after May 25, 1976 (the date of issuance of the rulemaking notice) caused a producer to exceed the limit in 1976, in which event the producer would be considered a large producer as of April 1, 1977.

We also conclude that limited-term sales and sales made under optional procedure certificates should be included in computing the producer's total annual jurisdictional sales. As to volumes of gas "paid for but not taken under prepayment clauses or otherwise," the words "or otherwise" are being deleted to make clear that volumes associated with advance payments are not to be included. In many cases, there are no specific volumes tied to advance payments.

IPAA and McCormick both argue that attribution of the entire volumes sold by a limited partnership to the general partner as proposed in the rulemaking notice is not logical. As a basis for their arguments they contend that it is inequitable to deny small producer status to a producer whose actual financial interest does not exceed 10,000,000 Mcf of annual jurisdictional sales and to do so would penalize the small producer who is seeking to maximize his effectiveness by entering into such arrangements. McCormick further contends that the Commission's premise that the general partner controls the sale in a limited partnership is based on a misconception of the nature of limited partnerships. McCormick states that the only "control" exercised by a general partner is the control of a fiduciary in making sales of another's interest, that the sales volumes and revenues are "controlled" by the general partner only as an agent, not as an owner, and that the actual relationship for Commission purposes is that of seller and nonsignatory co-owner. McCormick adds that a limited partnership is not intended to be perpetual, but is formed merely to carry out a series of ventures in which the general partner contributes exploratory skill and the limited partner contributes capital. McCormick states that in certain types of limited partnerships, such as those entered into by McCormick, the limited partner has a right to withdraw and take its specific share of the partnership oil and gas properties in its own name, free of the partnership, after a certain period of time of organization and exploration, and operate them as it wishes.[5] In most cases, according to McCormick, general partners own no more than a third of the partnership after payout so that combining their volumes with those of their partners could triple the general partner's volumes and hasten the day when it would lose its small producer status. McCormick states that the Commission's proposed interpretation will simply reduce the flow of funds available through the limited-partnership device for exploration.

Upon review we concur with McCormick and IPAA, and accordingly, we will provide that general and limited partners in limited partnerships shall be accorded treatment comparable to that given signatory operators and nonsignatory co-owners, respectively. Under this approach each partner (general or limited) need count only its own share of the partnership volumes. Consistent with this determination we shall revise the definition of "affiliated producers" proposed in the rulemaking notice by eliminating the reference to affiliation of general partners with their limited partnerships. It is also appropriate that the regulations provide that reserves developed by a limited partnershp shall be allocated as large or small producer reserves in proportion to the respective percentages of ownership of the partnership at the time the reserves are developed.

Clarification is likewise useful in connection with royalty and overriding royalty interests. Thus, we will specifically provide that reserves attributable to royalty and overriding royalty interests shall have the same classifications as the working interests to which they relate.[6]

Mesa, Bel and Aminoil (which adopts Mesa's comments) contend that the Commission's proposed changes in Section 157.40 as set forth in Docket No. RM76-15 are inequitable, unfair and unworkable if applied to small producer certificates in existence prior to the effective date of the revised regulations. Mesa,

[4] As noted in the rulemaking notice (footnote 5), Texas Oil & Gas Corp. and two of its affiliates, joint applicants in pending Docket No. CS75-470, had jurisdictional sales exceeding 9,000,000 Mcf in 1974 while in that same year its wholly-owned intrastate pipeline affiliate, Delhi Gas Pipeline Corporation, sold over 13,000,000 Mcf of emergency gas.

[5] See Commission order issued April 12, 1977, in Docket No. CS76-1068, *Ozoco*.

[6] Where there is a conversion of an overriding royalty interest into a working interest, if the prior working interest owner was a large producer, then the new working interest owner would also be limited to the large producer ceiling, regardless of whether the new interest owner is a large or small producer. The same is true where the prior interest owner is a small producer and the new interest owner is a large producer. But, where both the prior interest owner and the new interest owner are small producers, then the new interest owner would be entitled, where contractually authorized, to the small producer ceiling price. The same approach would apply where a lessor royalty interest owner elects subsequent to the commencement of a jurisdictional sale to take its gas in kind, as we held in *Jicarilla Apache Tribe, et al.*, Docket No. CS76-186, *et al.* orders issued October 4 and December 3, 1976.

now a larger producer, states that the proposed revised regulations would reduce the coverage of its existing small producer certificate from sales of reserves dedicated under contracts dated prior to loss of its small producer status (regardless of when the reserves were developed) to sales of only those reserves developed while in the status of a small producer.

Mesa further states that it is now conducting exploratory and development efforts on certain properties which are covered by contracts entered into when it qualified as a small producer, and that it undertook such efforts in reliance upon the existing provisions of Section 157.40 (d) entitling it to the small producer rate for any production developed. Mesa claims the proposed modification would improperly deprive it of such rate. Bel states that the proposal would be unworkable if applied to sales under existing certificates because it would be difficult, if not impossible, to determine what portion of reserves sold under a particular contract covered by an existing small producer certificate is developed by such produced before or after it loses its small producer status.

After further considering this matter, we conclude that a third category should be included in the definition of "small producer reserves", namely:

> (iii) reserves developed by a large producer which was formerly a small producer underlying acreage previously dedicated to the interstate market under that producer's small producer certificate pursuant to a contract dated while the producer was in small producer status.

Should a large producer other than the one who dedicated the acreage as a small producer develop reserves on such acreage, however, such reserves would not qualify as small producer reserves? The above addition to the definition of small producer reserves would also, we believe, respond to a concern expressed by United which claims that the proposed definition in the rulemaking notice is subjective and difficult in administration.

It is to be noted that much of the concern regarding newly developed reserves should now disappear since Opinion No. 742, as amended, provides for no differential in price between large producer and small producer sales from wells commenced on or after January 1, 1975.

The revised language in § 157.40(a) (4) and (5) should also dispel doubts of Northern which asks for clarification as to why the Commission has concluded that a large producer may become a "small producer" when the large producer's annual volumes decline below 10,000,000 Mcf per year and why that producer would then receive small producer rates for sales from reserves developed when it was a large producer. Northern has interpreted the proposed regulations to mean just the opposite of what is intended. The effect of the revised regulations is to make clear that sales from reserves developed by large producers who then become small producers do not qualify for small producer rate treatment, thereby avoiding situations like *Suburban*,[7] where the Commission did allow such small producer to collect small producer rates for sales from its large producer reserves.

Phillips and Sun each object to the Commission's proposal to eliminate that portion of the present definition of "small producer sales" in § 157.40(a)(3) which permits sales of all interests under a small producer's contract if producers not qualifying as small producers have interests which in the aggregate are no greater than 12½ percent. They contend that such change is likely to create greater administrative problems than it is intended to resolve. Phillips thinks it will require hundreds of certificate and rate filings to cover those large producers' minor interests which are presently covered by small producer certificates and that it will require large producers to enter into separate contracts with interstate purchasers. Sun contends that there is little cost to the consumer and the public is benefited by the greatly reduced workload on the Commission.

We feel that there is no apparent justification for allowing large producer working interests to be eligible for small producer rates. This is particularly true in view of the substantial price differentials between large producer and small producer rates, which substantial differentials did not exist when the Commission adopted the 12½ percent provision in Order No. 308.[8] We believe, as does APGA, that the definition of a small producer must be drawn very tightly so as to avoid permitting the larger companies to receive excess profits through the collection of small producer rates.

The fact that some large producers will have to file additional certificate and rate filings does not justify large producers collecting small producer rates. Moreover, this change will not require a large producer to enter into a separate contract where it would otherwise not be so required. Large producers currently must file to cover their interests in certain sales even though they are not signatory parties to the sales contracts (Order No. 428–B, mimeo. p. 9).

To alleviate a considerable portion of the additional filing burdens on large producers about which Phillips and Sun express concern, however, we are providing in § 157.40(b) that large producer interests may be covered by small producer certificates, provided that sales attributable to such interests are limited to the applicable large producer ceiling rates and, further, that the small producer is the operator of the producing properties involved and the total of all large producer working interests (including the royalty interests related thereto) in sales under the small producer's contract does not exceed 20 percent during a calendar year.

Previously, a new small producer application was filed in the name of each new limited partnership formed by a small producer, and a separate certificate was granted. A general partner which held a small producer certificate did have the option, however, of applying for amendment of that certificate to cover any newly-formed limited partnership.

Under the revised regulations we adopt herein, a general partner in a limited partnership is treated as an operator of producing properties, and need only make one application for a small producer certificate, to be issued in the general partner's name, rather than file a new application in the name of each new limited partnership it forms. This revision should substantially reduce the number of new small producer applications. However, the general partner will be required to list all limited partnerships in which it is a general partner, as well as the names of all partners in each partnership and, for those partners owning 10 percent or more, their percentages of ownership. Also, the percentage of ownership of each large producer must be shown.

As proposed in the notice of rulemaking, we will provide that sales other than small producer sales, except limited-term, optional procedure and percentage sales, may be made under small producer certificates, including sales attributable to large producers' interests, subject to the large producer or other applicable rate limitation. All of such other sales and interests must be clearly identified, however. Inclusion of sales other than small producer sales should substantially reduce the filing burden for both large and small producers, as well as the Commission's workload. Among other things, the small producer certificate holder will no longer need to obtain waiver of § 157.40(c) each time it acquires developed reserves in place from a large producer.

No parties have objected to the proposal to permit a small producer certificate holder to file a certification, to be acknowledged by the Secretary, to bring under the small producer certificate additional non-small producer sales or interests not identified in the original application. This proposed revision should have a substantial impact in reducing filing burdens and Commission workload and we will therefore adopt it.

Tesoro interprets the proposed language of § 157.40(b) as imposing a requirement on a producer to continue maintaining its large producer rate schedules in force after it becomes a small producer. This is not the case. The small producer has the option, under the revised regulations, of including its large producer sales under its small producer certificate. It will, however, be limited to the collection of rates for such sales comparable to those which a large producer could charge.

We will make one other revision to § 157.40(b). Instead of identifying all of the data required by FPC Form 314–A in the subject paragraph itself, § 157.40

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[7] *Suburban Propane Gas Corp.*, Docket No. CS75–396, order on rehearing amending order issuing certificate of public convenience and necessity, issued May 27, 1976.

[8] Issued October 29, 1965, in Docket No. R–279 (34 FPC 1202).

(b) will simply state that the small producer application must contain all of the information requested in such form.

Other than the objections previously noted to any differentials between large and small producer rates, no specific objections to proposed revisions of § 157.40 (c) have been raised. However, since the institution of this rulemaking proceeding we have issued Opinion No. 742, as amended, and Order No. 553, as amended, which substantially altered the rate provisions of the subject paragraph. These provisions are being incorporated with some rearrangement, but with no substantive change, into the completely restated § 157.40 adopted herein.

We will make one additional revision to alleviate the concern expressed by Texas Gas that it might not be able to recover any overpayments to a producer resulting from loss of small producer status. Section 157.40(c) will now include a specific provision for refund with respect to any small producer rate differential collected for sales of gas which are ultimately determined not to be small producer sales.

In the notice of rulemaking we proposed to modify § 157.40(d) to provide that the termination date of the small producer certificate would be the date that the producer lost its small producer status pursuant to § 157.40(a)(1). We will adopt this proposal, and consistent with our determination that small producer status be terminated as of March 31 of the calendar year following that in which a small producer's volumes exceeded 10,000,000 Mcf, we will provide that the small producer certificate shall terminate automatically as to new sales as of such March 31 date rather than the preceding December 31 date as previously proposed. The small producer certificate will continue, however, to remain effective as to sales covered thereunder prior to such termination.

We will also insert a new § 157.40(e) in the place left vacant by the Commission's elimination, by Order No. 553, of the paragraph dealing with indefinite pricing provisions. The new § 157.40(e) will provide that a small producer certificate becomes effective as of the filing date of the application. This policy is set forth in Order No. 428-B, mimeo. p. 11, but has not previously been stated in the regulations themselves. The new section will also specifically prescribe a method for reinstating a small producer certificate.

In our rulemaking notice we proposed to amend § 157.40(f) by providing that large producers would be permitted to charge small producer rates for sales from developed reserves acquired in place from a small producer.

APGA disagrees with the subject proposal and states that there is no basis for permitting a large producer to collect the small producer rate solely because it purchases the reserves from a small producer since the purported reasons for the higher small producer rate are the greater risks and greater need for capital peculiar to small producers. APGA further states that the Commission should do everything in its power to provide incentives for small producers to remain totally independent and to sell their gas directly to the interstate market without becoming involved with and falling under the control of large producers.

CIG agrees with the rationale behind the Commission's proposal and submits that this rationale is equally applicable where the entity acquiring the small producer reserves is the producing affiliate of a pipeline. CIG states that to treat pipeline affiliate production any differently from large producer production appears to be inconsistent with existing Commission policy which treats, for pricing purposes, pipeline affiliate production from leases acquired after October 7, 1969, in the same fashion as large producer production and makes no distinction based on lease acquisition date for pipeline affiliate production qualifying for the new national gas rate (18 CFR 2.66).

Upon consideration of these contentions, we adhere to the position in the proposed rulemaking. The small producer is given a higher rate in recognition of his higher risks and costs in the discovery and development of reserves. Any supposed differences in operating costs played no part in setting the small producer differential.

Once the small producer has risked and succeeded, no purpose is served by limiting his choice in recovering his investment over time or by a capital sale. No public interest is served by preventing the small producer from recovering his investment at once, even if he wishes to retire with it. And it would certainly be counterproductive to prevent a small producer from recovering his capital by sale of reserves, and thus financing more drilling.

For reserves sold in the future, with knowledge of these rules, there can be no doubt that gas that can be sold at a 30 percent premium will command an equivalently higher price when sold in place. Thus, the putative large producer purchaser will reap no windfall; rather, the small producer will simply be assisted in gaining the promised reward for his efforts. Accordingly, we will provide that a large producer which acquires small producer reserves in place on or after the date of this order may collect the applicable small producer rates for jurisdictional sales from such reserves. We will also provide, however, that a large producer may not receive small producer rate treatment for sales from small producer reserves acquired by conversion of an overriding royalty interest to a working interest, from certain behind-the-plant small producer reserves, and from small producer reserves held by a large producer on July 13, 1977. We believe these limitations are reasonable and will serve to prevent windfalls to large producers.

Overriding royalty agreements executed prior to the issuance of this order were presumably negotiated on the basis of the applicable large producer ceiling rates. Allowance of the small producer rates to the large producer would, therefore, result in a windfall to the large producer. In addition, permitting the large producer to charge small producer rates would tend to encourage conversions of overriding royalty interests to working interests by large producers to the detriment of small producers. Conversion rights negotiated subsequent to the issuance of this order will be based upon our action in Opinion No. 742, as amended, which permits no price differential between large producer and small producer sales from wells commenced on or before January 1, 1975.

Sales of gas made pursuant to percentage sales contracts are not eligible for small producer treatment. Thus, it is clearly not in the public interest to allow a large producer plant owner to collect small producer rates where it purchases a small producer's behind-the-plant reserves in place, unless sales from such reserves are being made as small producer sales under a fixed-price contract at the time this order issues.

Finally, there is no justification for permitting a large producer to charge small producer rates for sales from small producer reserves held by a large producer immediately prior to the issuance of this order. Since the large producer holding the small producer reserves on July 13, 1977, is not entitled to collect small producer rates, it obviously would make litttle sense to permit these small producer reserves to receive small producer rate treatment upon being sold to another large producer. Where, however, a large producer holding small producer reserves on July 13, 1977, had itself developed these small producer reserves (see, for example, Mesa's situation described hereinabove at pp. 10–11), a large producer purchaser of such reserves would be entitled to collect the applicable small producer rates.

There is no need for concern on the part of CIG with respect to its comments in connection with a producing affiliate of an interstate pipeline. Where the producing affiliate of a Class A pipeline acquires small producer reserves, it will be accorded the same treatment which would be accorded a large producer.

Phillips submits that a large producer processor should be permitted to utilize an area rate provision in its resale contract to obtain the rate it pays a small producer plus the historical differential between the large producer's purchase and resale prices. We will reject Phillips' proposal for the same reasons we rejected it in the rulemaking proceedings in Docket No. R–393."

No specific objections have been raised to the relatively minor additional data proposed in the rulemaking notice to be required from pipeline and large producer purchasers by the revisions of § 157.40(g), namely, a showing of the just and reasonable rate applicable to

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"See Opinion No. 742, pp. 9–10, issued August 28, 1975.

each sale involved and the docket number of the small producer certificate covering the sale. Upon re-evaluation, however, we think that purchasers should no longer be required to submit new contracts and amendatory agreements entered into with small producers. In lieu thereof, we will provide that such purchasers must submit semi-annual reports, by each April 1 and September 1, listing all contracts and contract amendments for new or additional purchases from small producers commenced during the respective periods July 1 through December 31 and January 1 through June 30 immediately preceding such report dates. The reports must show the exact names of the small producers, their small producer certificate docket numbers, dates of contracts and contract amendments, dates of commencement of purchases, initial contract rates, just and reasonable rates applicable when service commenced, sources of the gas, and estimated additional annual volumes.

Similarly, we will require the purchasers to file semi-annual reports of cessations of service by small producer suppliers, in lieu of a separate notification for each such cessation. The reports must show the exact names of the small producers, their small producer certificate docket numbers, the dates of the contracts under which the services had been rendered and also of any cancellation agreements (and whether partial or complete cancellation), the sources of the gas, and the reasons for the cessations of service.

The information we require herein is substantially that which may be expected to be included in the submittals previously required together with that which was proposed to be sought in the rulemaking notice herein. This revision should relieve the pipeline and large producer purchasers of the burden and cost of frequent submittals of contracts and amendments.

No objections were filed to the proposed revision to tie the interest rate on any refund amounts to that prescribed from time to time in § 154.102, in lieu of specifically stating an interest rate in § 157.40(h). As stated in the rulemaking notice, this change will help to eliminate any confusion which now exists and accordingly, we will adopt it.

In our rulemaking notice we also proposed to amend Part 250, Forms, in Sections 250.10 and 250.11, by substituting revised FPC Forms 314–A, Application for Small Producer Certificate, and 314–B, Annual Statement for Independent Producer Holding Small Producer Certificate, for those now in use. This matter is still under consideration and this proceeding will remain open with respect thereto.

The Commission finds: (1) The notice and opportunity to participate in this rulemaking proceeding through the submission, in writing, of data, views, comments, and suggestions are in accordance with all procedural requirements therefor as prescribed in section 554, Title 5 of the United States Code.

(2) The action taken herein is necessary and appropriate for the administration of the Natural Gas Act.

(3) Since the additional amendments to § 157.40 of the Commission's regulations under the Natural Gas Act prescribed herein are consistent with the prime purpose of the proposed rulemaking, further notice thereof is unnecessary.

(4) In view of the purpose, intent, and effect of the amendments herein ordered, good cause exists for making the amendments effective upon issuance of this order.

The Commission, acting pursuant to the provisions of the Natural Gas Act, as amended, particularly Section 4, 5, 7, and 16 (52 Stat. 822, 823, 824, 825, and 830; 56 Stat. 83, 84; 61 Stat. 459; 76 Stat. 72; 15 U.S.C. 717c, 717d, 717f, and 717o), orders:

(A) Section 157.40 in Part 157, Subchapter E, of Chapter I, Title 18 of the Code of Federal Regulations is amended to read as follows:

§ 157.40 Exemption of small producers from certain filing requirements.

(a) *Definitions.* (1) A "small producer" is an independent producer of natural gas as defined in § 154.91 of this chapter who is not affiliated with a Class A natural gas pipeline company and whose total "jurisdictional sales" on a nationwide basis, together with such sales by "affiliated producers," were not in excess of 10,000,000 Mcf at 14.73 psia during the preceding calendar year. A small producer as defined above will retain small producer status through March 31 of the calendar year following that in which its total jurisdictional sales (including sales by affiliates) first exceed the 10,000,000 Mcf limitation, except that if a small producer merges with, acquires, is acquired by, or otherwise becomes affiliated with (i) another producer or a jurisdictional pipeline company other than Class A and the total jurisdictional sales volumes of such parties exceeded 10,000,000 Mcf in the immediately preceding calendar year, or (ii) a jurisdictional Class A pipeline company, said small producer's status as such will terminate effective as of the date of such merger, acquisition or other type of affiliation.

Upon termination of small producer status, the producer or its survivor (successor) will be considered to be a large producer. When a producer loses its small producer status, it shall give notice thereof to its purchasers and to the Commission within 30 days of the effective date of such occurrence. The annual statement required by § 250.11 of this chapter shall constitute notice to the Commission unless the loss of small producer status is due to merger, affiliation, etc.

Where dissolution, divestiture or other severing of affiliation occurs involving large producers, a surviving producer will be considered as having small producer status as of the date of such occurrence provided that jurisdictional sales of natural gas during the preceding calendar year attributable to the reserves acquired or retained by such surviving producer as a result of such dissolution, divestiture or other severance, together with any other jurisdictional sales it made in that year, did not exceed 10,000,000 Mcf, and the producer meets the other qualifications also.

(2) As used in this section, the term "jurisdictional sales" includes: (i) Volumes sold under limited-term and optional procedure certificates (§§ 2.70 and 2.75, respectively, of this chapter), (ii) volumes sold under the emergency provisions of the Natural Gas Act and the Commission's regulations thereunder, (iii) volumes attributable to royalty and overriding royalty interests where such volumes were marketed with the related working interests of the producer in question, (iv) volumes of gas paid for but not taken under prepayment clauses and (v) volumes of gas sold by others in the proportion that the independent producer seeking to come within this section, or an affiliate, has an interest in such sales. However, sales made pursuant to percentage sales contracts (§ 154.91(e) of this chapter), even where jurisdictional, are not to be included. For the further purposes hereof, each partner in a limited partnership will be considered as the seller of that portion of the total volumes sold by the partnership which corresponds to that partner's interest in the partnership, whether such partner be a general or a limited partner.

(3) "Affiliated producers" are persons who, directly or indirectly, control, or are controlled by, or are under common control with, the applicant producer. Such control exists if the producer has the power to direct or cause the direction of, or as a matter of actual practice does direct, the management and policies of another producer, whether such power is exercised alone or through one or more intermediary companies, or pursuant to an agreement, and whether such power or practice is established through a majority or minority ownership or voting of securities, common directors, officers or stockholders, voting trusts, holding trusts, associated companies, relationship of blood or marriage, or any other direct or indirect means. For the further purposes of this section, the term "agreement" shall not include any agreement for the operation of a natural gas producing property or a plant processing natural gas or any joint venture, partnership, nominee, or other type of agreement pertaining to the joint exploration for and development and operation of oil and gas properties, unless such agreement otherwise establishes the power of one producer to direct or cause the direction of the management and policy of another producer. In limited partnerships, general partners shall be considered affiliated with each other, but limited partners shall not be considered affiliated with each other or with the general partners where no affiliations exist outside of the partnerships. Also, for the further purposes of this section, the existence of one

or more directors of a corporation in common with another corporation shall be deemed a conclusive presumption of affiliation and control.

(4) "Small producer reserves" are: (i) Reserves developed by a natural gas company while in the status of a "small producer" as defined in paragraph (a)(1) of this section; (ii) developed reserves held on March 17, 1971, by a small producer, regardless of whether such reserves were developed by a large or small producer, and (iii) reserves developed by a large producer which was formerly a small producer underlying acreage previously dedicated to the interstate market under that producer's small producer certificate pursuant to a contract dated while the producer was in small producer status. In the case of a limited partnership or joint venture having both large and small producers as partners or joint venturers, reserves developed by the partnership or joint venture shall be allocated as large producer and small producer reserves in proportion to their respective percentages of ownership of the partnership at the time the reserves are developed. Reserves attributable to royalty and overriding royalty interests shall have the same classifications as the working interests to which they relate.

(5) "Small producer sales" are sales of natural gas made pursuant to authorization granted under this section from small producer reserves, whether such sales are made under a small producer's or any other party's contract. Percentage sales and sales made under certificates issued pursuant to §§ 2.70 and 2.75 of this chapter are not considered small producer sales.

(b) *Procedure for securing blanket small producer certificate.* (1) A small producer may apply for a blanket certificate to cover all of its existing and future jurisdictional small producer sales, as well as small producer sales attributable to interests of small producer co-owners specifically identified by the applicant. Sales which do not qualify as small producer sales, including sales from certain large producer working interests but excluding percentage sales and sales authorized pursuant to §§ 2.70 and 2.75 of this chapter, may be covered by the small producer certificate, subject to the rate limitations applicable to comparable large producer sales or otherwise applicable, as set forth in paragraph (c) of this section, provided that the applicant clearly identifies any such other sales.

(2) With respect to sales under any contract of the small producer applicant of gas attributable to large producer working interests, such sales may only be covered by the small producer certificate if the small producer is the operator of the producing properties involved and the total of the sales attributable to all of such large producer working interests (including royalty interests related to such working interests) does not exceed 20 percent of the total sales under such contract during a calender year. Following any calendar year during which this limit is exceeded, all large producers involved shall be responsible for obtaining separate certificate authorization and filing a rate schedule for their working interests in the sale in question. Where large producer interests in a particular sale are to be covered by a small producer certificate, the application shall list all large producers who have committed their working interests under the contract in question, together with their respective percentages of ownership, and clearly specify which of such interests are to be considered covered by the small producer certificate.

(3) For the purposes hereof, interests in a limited partnership shall be treated as comparable to working interests in the properties of the partnership. General partners in limited partnerships shall be considered as comparable to operators of producing properties. Thus, if such a general partner already has a small producer certificate in its name when the limited partnership is formed, it need only file the certification provided for in subparagraph (6) of this paragraph in order to have such certificate cover the sales by the limited partnership, subject to the limitation set forth in subparagraph (2) of this paragraph as to coverage of large producer interests. Coverage of a limited partnership's sales under a general partner's certificate, however, shall not constitute authorization for other partners, limited or general, to make sales outside of the partnership.

(4) The application shall contain all of the information required by the form prescribed in § 250.10 of this chapter. A conformed copy shall be served upon each of the applicant's purchasers.

(5) Each applicant for a small producer certificate must file a separate application therefor. However, affiliated producers may file a joint application, but each such affiliate which is to be covered must be clearly identified. Coverage will not extend to affiliates not so identified.

(6) If after filing a small producer application the producer desires to have its small producer certificate cover additional sales which are other than small producer sales but which are not otherwise prohibited from being covered, it need only submit to the Commission a certification to that effect, under oath, and furnish copies of such certification to affected parties. The certification should clearly identify all interests to be covered and show the percentage of ownership for each large producer interest to be covered. No further action by the Commission will be necessary other than acknowledgement by the Secretary. Such coverage will be effective as of the date of filing of the aforesaid certification with the Commission.

(c) *Rate and certificate regulation under blanket certificate.* (1) Small producers certificated hereunder shall be authorized to make small producer sales nationwide pursuant to existing and future contracts at the following rate levels, to the extent contractually permitted:

(i) All sales of natural gas by small producers for resale in interstate commerce made in accordance with, and under the provisions of, Opinion Nos. 749, *et seq.*, shall be made at a maximum base rate of 35.0 cents per Mcf at 14.73 psia except as provided for below:

(A) For gas produced in the Permian Basin Area, as defined by Opinion Nos. 662 and 662–A, and sold pursuant to contracts dated on or after October 1, 1968, small producers shall be entitled to collect a maximum base rate of 40.5 cents per Mcf at 14.73 psia.

(B) For gas produced in the Rocky Mountain Area, as defined in § 154.109b of this chapter, and sold pursuant to contracts dated on or after October 1, 1968, small producers shall be entitled to collect a maximum base rate of 40.5 cents per Mcf at 14.73 psia.

(ii) All sales of natural gas by small producers for resale in interstate commerce that qualify for the base ceiling rate (52.0 cents per Mcf at 14.73 psia, with escalations of 1.0¢ per annum commencing January 1, 1977) set forth in § 2.56a(a)(5) of the Commission's Statements of General Policy and Interpretations, as prescribed by Opinion No. 770, *et seq.*, shall be made at a maximum base rate of 130 percent of that ceiling rate.

(iii) All sales of natural gas by small producers for resale in interstate commerce that qualify for the base ceiling rate (93.0 cents per Mcf at 14.73 psia, with escalations of 1.0 cent per annum commencing January 1, 1977) set forth in § 2.56a(a)(3) of the Commission's Statements of General Policy and Interpretations, as prescribed by Opinion No. 770, *et seq.*, shall be made at a maximum base rate of 130 percent of that ceiling rate.

(iv) All sales of natural gas by small producers for resale in interstate commerce that qualify for the base ceiling rate ($1.42 per Mcf at 14.73 psia, with escalations of 1.0 cent per quarter commencing October 1, 1976) set forth in § 2.56a(a)(1) of the Commission's Statements of General Policy and Interpretations, as prescribed by Opinion No. 770, *et seq.*, shall be made at a rate no higher than that ceiling rate.

Each of such small producer base rates is subject to the same adjustments as may be applicable from time to time to the corresponding base rates of large producers under Commission orders of general applicability. Each applicable rate may be charged and received by the small producer and paid by the purchaser as the lawful, just and reasonable rate approved by the Commission pursuant Sections 4, 5 and 7 of the Act.

(2) Rate regulation as prescribed herein shall not apply to any jurisdictional sales made by a small producer under its small producer certificate other than its small producer sales as defined in paragraph (a)(5) of this section. Any such other sales made under the small producer certificate shall be subject to the rate limitations applicable to comparable large producer sales or otherwise applicable.

(3) Any amounts collected attributable to the small producer rate differential for sales of gas which are ultimately de-

termined not to be small producer sales shall be subject to refund with interest at the rate prescribed in § 154.102 of this chapter.

(4) Nothing done hereunder shall be recognized by the Commission as triggering any escalation clause in an existing contract involving a producer not covered by a small producer certificate, except as provided in paragraph (f) of this section.

(5) No small producer shall be relieved from compliance with Section 7(b) of the Natural Gas Act with respect to any jurisdictional sales made by such producer (see §§ 157.30 and 157.39 of this part).

(d) *Duration of the exemption.* The exemption authorized hereunder shall remain in effect until the producer granted the exemption no longer qualifies as a small producer (i.e., through March 31 of the year immediately following the calendar year in which the producer's jurisdictional sales, including affiliates' sales, first exceed the 10,000,000 Mcf limitation, or until the producer otherwise loses its small producer status as set forth in paragraph (a)(1) of this section) or fails to comply with the terms of the exemption. The small producer certificate shall automatically terminate simultaneously with the loss of small producer status as to new sales under contracts dated on or after the termination date, but the exemption will still be effective as to those sales under contracts dated prior to the termination date which were previously covered by the small producer certificate (except as provided in paragraph (f) of this section), including sales which are other than small producer sales and which are made at rates limited to those allowed for comparable large producer sales or otherwise limited. Upon termination of the exemption, the producer will be required to file separate certificate applications and indiviual rate schedules for future sales.

(e) *Effective date and reinstatement of small producer certificate.* A small producer certificate issued pursuant to this section shall be effective as of the date of filing if the application therefor was filed after May 3, 1971. If the exemption is terminated pursuant to paragraph (d) of this section and the producer subsequently regains small producer status, it must file an application to reinstate its small producer certificate with respect to new small producer sales, which reinstatement, when approved, will be effective as of the filing date of the application therefor. The application for reinstatement shall contain the same information as is required for a new small producer certificate, but information previously filed may be incorporated by reference.

(f) *Filings by large producers with respect to related resales and sales from small producer reserves acquired in place.* (1) A large producer (including, for the purposes hereof, a producing affiliate of a Class A natural gas pipeline company) may file for the price specified in its related contract for the resale of any natural gas sold to it by a small producer pursuant to the exemption authorized hereunder. In determining whether to accept or suspend such a filing, the Commission shall be guided by the rate level sought and the size of the differential between the purchase and resale price. A large producer under an area rate clause in its resale contract may file for the rate paid by it for gas purchased from a small producer as long as the rate does not exceed the applicable just and reasonable rate prescribed in paragraph (c) of this section.

(2) A large producer which acquires small producer reserves in place on or after July 14, 1977, regardless of whether such acquisition is by assignment, merger, acquisition of the stock of a small producer entity or other means, may, if contractually authorized, charge the applicable small producer rates for any jurisdictional sales from such reserves; *Provided, however,* That a large producer shall not be entitled to small producer rates (i) for sales from small producer reserves acquired by conversion of an overriding royalty interest to a working interest or (ii) for sales from small producer reserves being made on July 13, 1977, which did not qualify as small producer sales on that date (e.g., percentage sales and sales from small producer reserves acquired in place by a large producer on or before that date).

(g) *Reports by purchasers from small producers.* (1) By April 1 and September 1 of each calendar year, all natural gas pipeline companies and large producers which commenced new or additional purchases of natural gas from small producers pursuant to small producer certificates held or applied for by the latter shall file reports covering the respective six-month periods July 1 through December 31 and January 1 through June 30 immediately preceding each such report date, showing the following information:

(i) In alphabetical order, the exact names of all small producers from whom new or additional purchases were commenced during the six-month period covered by the report.

(ii) The docket number of each producer's small producer certificate or application therefor.

(iii) The date of each contract or contract amendment covering the new or additional purchase of gas.

(iv) The date each purchase commenced.

(v) The initial contract rate for each purchase.

(vi) The just and reasonable rate applicable at the time service commenced.

(vii) The source of the gas (field or area, country or parish and state).

(viii) Estimated annual volumes for each new or additional purchase (include only those volumes to be covered by the small producer certificate listed).

(2) By April 1 and September 1 of each calendar year, natural gas pipeline companies and large producers shall also file reports of any cessations of service to them by small producers occurring during the respective six-month periods July 1 through December 31 and January 1 through June 30 immediately preceding each such report date, showing the following information:

(i) In alphabetical order, the exact names of all such small producers.

(ii) The docket number of the small producer certificate under which each terminated service had been rendered.

(iii) The date of the contract under which each service had been rendered and also of any cancellation agreement between the parties, designating whether the contract is cancelled in whole or in part.

(iv) The source of the gas (field or area, county or parish, and state).

(v) The date of each cessation of service.

(vi) The reasons for each cessation of service.

(h) *Resale authorization for large producer.* A large producer who has filed on or after July 15, 1971, an application for a certificate of public convenience and necessity for the resale of natural gas purchased from a small producer authorized to sell such gas pursuant to the blanket small producer certificate provisions in paragraph (c) of this section may resell such gas at any time after the filing of such certificate application pending final Commission action thereon. Any amounts collected by a large producer for resales made pursuant to this paragraph in excess of the rate finally determined to be required by the public convenience and necessity for such resales shall be subject to refund with interest at the rate prescribed in § 154.102 of this chapter.

(B) The amendments adopted herein shall be effective upon issuance of this order.

(C) This proceeding will remain open for the purpose of considering our proposal to amend Part 250, Forms, in §§ 250.10 and 250.11.

(D) The Secretary of the Commission shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

MEMORANDUM NO. IP77-159; ATTACHMENT A

Respondents to proposed rulemaking in Docket No. RM76-15:

PRODUCER GROUPS

Phillips Petroleum Co. (Phillips)
Independent Petroleum Association of America (IPAA)
Coquina Oil Corporation, et al. (Coquina) [1]
Tesoro Petroleum Corp. (Tesoro)
Mesa Petroleum Co. (Mesa)
Oil Investment Institute (OII) [1]
Texaco, Inc. (Texaco)
Bel Oil Corp., et al. (Bel)
McCormick Oil & Gas Corp. (McCormick)
Aminoil Development, Inc., et al. (Aminoil)
Sun Oil Co. (Sun)
John Schalk, et al. (Schalk)

[1] Requested extension of time for filing comments but never filed.

PIPELINE GROUPS

Colorado Interstate Gas Co. (CIG)
Northern Natural Gas Co. (Northern)
Consolidated Gas Supply Corp. (Consolidated)
United Gas Pipe Line Co. (United)
Texas Gas Transmission Corp. (Texas Gas)
Natural Gas Pipeline Co. of America (Natural)
The Columbia Gas System Cos. (Columbia)

OTHERS

American Public Gas Association (APGA)

[FR Doc.77-22109 Filed 8-1-77;8:45 am]

Title 20—Employees' Benefits

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

[Regs. No. 16]

PART 416—SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED (1974 .....)

Subpart C—Filing of Applications and Other Forms

Subpart G—Reporting Requirements

Subpart M—Suspensions and Terminations

REPORTING REQUIREMENTS OF APPLICANTS AND RECIPIENTS AND VOLUNTARY TERMINATION OF ELIGIBILITY FOR BENEFITS UNDER THE SUPPLEMENTAL SECURITY INCOME PROGRAM

AGENCY: Social Security Administration, HEW.

ACTION: Final rule.

SUMMARY: The amendments permit an eligible recipient (or his legal guardian or representative payee on his behalf) to request that his eligibility for supplemental security income benefits under title XVI of the Social Security Act be terminated. They also provide the Social Security Administration with specific authority to deny eligibility or to suspend eligibility for title XVI benefits where an applicant or a recipient refuses or fails to comply with a Social Security Administration request for information needed to determine initial eligibility, continuing eligibility, or the amount of payment.

EFFECTIVE DATE: August 2, 1977.

FOR FURTHER INFORMATION CONTACT:

Marvel Cazer, Legal Assistant, 6401 Security Blvd., Baltimore, Md. 21235, telephone 301-594-7463.

SUPPLEMENTARY INFORMATION: On February 11, 1976, a Notice of Proposed Rule Making and proposed amendments to Subparts C, G, and M of Regulations No. 16 was published in the FEDERAL REGISTER (41 FR 6074).

REQUEST FOR TERMINATION OF ELIGIBILITY

The major change made by these amendments is the addition of a provision to the regulations to permit an eligible recipient (his legal guardian or his representative payee) to request that his eligibility for supplemental security income (SSI) benefits under Title XVI of the Social Security Act be terminated. This provision is being added because there are situations in which an individual's eligibility for supplemental security income bars him from qualifying for other more advantageous benefits. The removal of this impediment to the receipt of other benefits is consistent with the underlying purpose of the supplemental security income program to meet the essential needs of those aged, blind, and disabled individuals with inadequate incomes. In addition, it promotes the maximum utilization of all available sources of income. Previously, an individual's only option in such a situation was to withdraw his claim for supplemental security income benefits, which requires repayment of all monies previously paid. Under the amendments a recipient may simply request that his eligibility for benefits be terminated. The termination will generally be effective with the month following the month the request is filed with the Social Security Administration, unless the recipient specifies some other month. To insure that no payment is retained after the effective month of termination, the Social Security Administration must be assured that repayment will be made by the recipient for any payment incorrectly received. This is necessary because benefits are not payable when eligibility has terminated.

REFUSAL OR FAILURE TO PRODUCE EVIDENCE

In addition, these amendments provide the Social Security Administration with authority to deny or suspend eligibility for supplemental security income benefits where an applicant or recipient refuses or fails to furnish information needed to determine initial eligibility, continuing eligibility, or the amount of benefits. This is necessary to assure that benefits are provided only to persons who are eligible and that the amounts of such benefits are correct. While the regulations have required the reporting of specified events or facts which may affect eligibility or the amount of benefits paid to an individual, there has heretofore existed no specific authority for the Social Security Administration to deny eligibility or to stop payment in the face of refusal by or failure of an applicant or recipient to furnish such information. A determination of ineligibility to receive payments because of an individual's failure to comply with a request for information would not be made with respect to any month for which a determination concerning eligibility or the amount of payment can be made based on information of record. Any adverse determination would be effectuated only after compliance with the applicable procedural safeguards provided in Subpart N of Regulation No. 16.

COMMENTS ON NOTICE OF PROPOSED RULE MAKING

Interested parties were given the opportunity to submit within 30 days data, comments, or arguments with regard to the proposed amendments.

The only comment relating to the new § 416.337 concerned an apparent lack of specificity as to the extent or kind of information to be required of an applicant and the inclusion of a "good cause" provision to permit an extension of time that would provide a safeguard where the applicant is unable to furnish the requested information within the required time. We believe, however, that existing regulations adequately provide the desired specificity. The issue of good cause becomes pertinent only in new claims situations after a notice of denial is received and in post eligibility situations after a notice of planned action is received. Should an individual get in touch with the Social Security Administration and supply the requested evidence after receiving an adverse notice, the rules of administrative finality in §§ 416.1475, 416.1477, and 416.1479 prevail and the adverse determination would be reopened and revised. Additionally, in post eligibility situations the claimant, upon appealing the adverse determination within the prescribed period as reflected in § 416.1336(c), will have his benefit payments continued until such time as the appellate decision on the appeal is made.

Two commenters suggested that the 15 day period provided in the new paragraph § 416.705(b) for recipients to respond to a Social Security Administration request for information was inadequate. As a result of these comments, the time within which the Social Security Administration may require an eligible individual, eligible spouse, or the representative payee of either to submit requested information has been changed from 15 to 30 days. Also, as a result of one commenter's suggestion, a cross-reference to § 416.1336—Notice of proposed adverse action affecting recipient's payment status—has been added to new § 416.1322.

One commenter expressed concern that the new § 416.1322 would permit the Social Security Administration to suspend an individual's payments for failure to furnish information requested by the Administration even where the information already on record is sufficient for a determination as to continuing eligibility or amount of payment. This should not occur because § 416.1322 provides that:

> "(a) Suspension of payment for this reason (failure to comply with a request for information) will not apply with respect to any month for which a determination as to eligibility for or amount of payment can be made based on information on record, whether or not furnished by * * *" an eligible individual, eligible spouse, or the representative payee of either.

Concern was expressed by one commenter over problems likely to arise where an individual furnishes the requested information subsequent to the notice of proposed suspension of payment of benefits but prior to the expiration of the appeal period. Where the requested information is received prior to the end of the appeal period, the pro-

posed suspension does not take place. Even where the appeal period has expired and payment has been suspended, reinstatement of payment from the month of suspension would be made so long as the individual is eligible for all such months, and the requested information is received prior to the end of 12 calendar months following the suspension month. After the 12 calendar months have elapsed, however, the payment would be terminated and a new application would be required, unless good cause is established (§ 416.1479), which would effect payment beginning with the month the new application is filed (§ 416.1335).

One commenter also suggested that provision be made in § 416.1333 enabling the representative payee to terminate an individual's eligibility for supplemental security income benefits. The regulations have, therefore, been revised to permit termination by a legal guardian or a representative payee in limited circumstances. An individual who has, by court appointment, the status of legal guardian may properly execute a request for termination of supplemental security income eligibility for the recipient, since that individual has legal authority to act in place of the recipient. However, a payee who is not also a legal guardian of the recipient, does not stand in the place of the recipient. He or she is selected only for the purpose of facilitating payment for the use and benefit of the incapable recipient. Therefore, where a payee who is not a legal guardian requests a termination, the Social Security Administration will honor the request only when such payee establishes that no hardship would result if eligibility of the recipient were terminated. This provision is incorporated into § 416.1333.

Two commenters were concerned that § 416.1333 will allow individuals to terminate supplemental security income benefits to their own detriment, such as loss of medical assistance under title XIX of the Social Security Act, because of a lack of full knowledge of the effects of the termination action. We believe that § 416.1333 adequately covers this point by providing that a recipient file a written request for the termination which reflects an understanding that such termination may extend to other benefits resulting from eligibility for Supplemental Security Income.

While agreeing with voluntary removal from the Supplemental Security Income program, another commenter expressed concern that § 416.1333, as written, will lead to massive defections from the Federal supplemental security income rolls to the general assistance rolls in those States where the general assistance benefit levels are higher than the supplemental security income benefit levels, thereby presenting serious fiscal and administrative problems for those jurisdictions. There is nothing in the law that expressly or impliedly indicates than an individual has no choice but to remain on the supplemental security income rolls for as long as he remains eligible. This same commenter recommended that the regulation covering voluntary termination be amended to either bar a recipient from terminating supplemental security income eligibility in order to apply for State general assistance or specifically authorize States to enact such legislation. There is no authority under title XVI of the Social Security Act to impose restrictions on the individual's right to apply for State benefits as a condition for voluntary termination of supplemental security income benefits. Similarly, with respect to the second alternative, there is no authority under title XVI of the Social Security Act which would permit the Federal government to specifically authorize or require a State to enact legislation governing such States' general assistance programs. Eligibility for such programs is a matter of State law.

A final commenter, while agreeing with the right of voluntary termination of supplemental security income benefits, expressed concern over the interruption of financial assistance that would occur where other benefits do not commence immediately with the month following the last month of supplemental security income benefits. Every effort will be made to insure against such occurrences where the new benefit is a Federal benefit. In addition, the recipient is given the ability to establish the month in which termination is effective, subject to certain limitations.

Accordingly, the proposed amendments are hereby adopted as revised and are set forth below.

(Secs. 1102 and 1631 of the Social Security Act as amended; 49 Stat. 647, as amended, 86 Stat. 1475, as amended; 42 U.S.C. 1302 and 1383.)

(Catalog of Federal Domestic Assistance Program No. 13.807, Supplemental Security Income Program)

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

Dated: June 11, 1977.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: July 25, 1977.

JOSEPH A. CALIFANO, Jr.,
Secretary of Health, Education, and Welfare.

Part 416 of Chapter III, Title 20 of the Code of Federal Regulations is amended as follows:

1. Section 416.337 is added to read as follows:

§ 416.337 Responsibility of claimant prior to final determination on application.

(a) Any applicant (as defined in § 416.301(b)) is responsible for reporting the events described in § 416.703 where a final determination has not been rendered upon such applicant's application.

(b) Any applicant, who is requested in writing by the Social Security Administration to submit evidence necessary to a final determination on his application and who fails to submit such evidence within 30 days from the date of request, may be found ineligible to receive benefits under this part and his application denied if the record does not contain sufficient information upon which a determination of eligibility for and the amount of payment can be made.

2. Section 416.340, paragraph (b)(2) is revised and a new paragraph (d) is added to read as follows:

§ 416.340 Withdrawal of application.

(a) * * *

(b) *After adjudication of the application.* An application may be withdrawn by a written request filed after the Social Security Administration makes a determination on the application provided that:

* * * * *

(2) Any other person whose eligibility would be rendered erroneous by such withdrawal consents in writing thereto (or such written consent is given on behalf of such other person by an individual authorized to execute an application on his behalf), and

* * * * *

(d) *Voluntary termination as an alternative to withdrawal after adjudication of the application.* As an alternative to withdrawal of an application after adjudication, the individual may request that his eligibility for benefits under this Part be terminated (see § 416.1333).

3. Section 416.705 is amended by revising and redesignating the first paragraph as (a) and by adding a new paragraph (b) to read as follows:

§ 416.705 Reports required.

(a) *Responsibility for reporting.* An eligible individual, an eligible spouse, or the representative payee of such individual or spouse, is responsible for reporting the events described in § 416.703. An eligible individual or eligible spouse who has been legally adjudged incompetent will not be held responsible for reporting the events described in § 416.703.

(b) *Failure of recipient to furnish required information.* The Social Security Administration may request an eligible individual, eligible spouse, or the representative payee of either to submit a written statement or report giving pertinent information necessary for a determination concerning the continuing eligibility for or amount of payment. If the record does not contain sufficient information upon which such a determination can be made, the failure of such individual to submit the necessary information within 30 days of the date the Social Security Administration makes written request for such information, may result in a determination of ineligibility to receive benefits under this part (see § 416.1322).

4. Sections 416.1322 and 416.1333 are added to read as follows:

§ 416.1322 Suspension due to failure to comply with request for information.

Suspension of benefit payments is required effective with the month fol-

lowing the month in which it is determined in accordance with § 416.705(b) that the individual is ineligible for payment due to his failure to comply with the Social Security Administration's request for necessary information. A suspension of payment for this reason will not apply with respect to any month for which a determination as to eligibility for or amount of payment can be made based on information on record, whether or not furnished by an individual specified in § 416.705(a). Where it is determined that the information of record does not permit a determination with respect to eligibility for or amount of payment, notice of a suspension of payment due to a recipient's failure to comply with a request for information will be sent in accordance with §§ 416.1336 and 416.1404.

§ 416.1333 Termination at the request of the recipient.

A recipient, his legal guardian, or his representative payee, may terminate his eligibility for benefits under this part by filing a written request for termination which shows an understanding that such termination may extend to other benefits resulting from eligibility under this part. In the case of a representative payee there must also be a showing which establishes that no hardship would result if an eligible recipient were not covered by the supplemental security income program. When such a request is filed, the recipient ceases to be an eligible individual, or eligible spouse, effective with the month following the month the request is filed with the Social Security Administration unless the recipient specifies some other month. However, the Social Security Administration will not effectuate the request for any month for which payment has been or will be made unless there is repayment, or assurance of repayment, of any amounts paid for those months (e.g., from special payments which would be payable for such months under section 228 of the Act). When the Social Security Administration effectuates a termination of eligibility at the request of the recipient, his legal guardian, or his representative payee, notice of the determination will be sent in accordance with § 416.1404, and eligibility, once terminated, can be reestablished, except as provided by § 416.1408, only upon the filing of a new application.

[FR Doc.77-21759 Filed 8-1-77;8:45 am]

Title 21—Food and Drugs

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

SUBCHAPTER A—GENERAL

[Docket No. 77N-0127]

PART 5—DELEGATIONS OF AUTHORITY AND ORGANIZATION

Subpart B—Redelegations of Authority From the Commissioner of Food and Drugs

MEDICAL DEVICE AMENDMENTS OF 1976

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: This document amends the regulations setting forth delegations of authority to provide new delegations under the Medical Device Amendments of 1976 to the Federal Food, Drug, and Cosmetic Act.

EFFECTIVE DATE: August 2, 1977.

FOR FURTHER INFORMATION CONTACT:

Robert L. Miller, Office of Administration (HFA-340), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, (301-443-4976).

SUPPLEMENTARY INFORMATION: The Medical Device Amendments of 1976 (21 U.S.C. 360c-360k) extensively broadened the Food and Drug Administration's (FDA) authority to assure the safety and effectiveness of medical devices. The delegations of certain authority, which are granted by these amendments to FDA field officials and the Director, Bureau of Medical Devices, will enable them to initiate FDA enforcement activities in an efficient and timely manner and to make certain decisions that need not be made by the Commissioner.

Further redelegation of the authority delegated by this amendment is not authorized. Authority redelegated to a position by title may be exercised by a person officially designated to serve in such position in an acting capacity or on a temporary basis, unless prohibited by a restriction written into the document designating him as "acting," or unless it is not legally permissible.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), Part 5 is amended as follows:

1. In § 5.45, by revising the section heading and adding new paragraph (e) to read as follows:

§ 5.45 Imports and exports.

* * * * *

(e) The Director of the Bureau of Medical Devices, Regional Food and Drug Directors, and District Directors are authorized to perform all of the functions of the Commissioner of Food and Drugs pertaining to exportation of medical devices under section 801(d) of the Federal Food, Drug, and Cosmetic Act.

2. By adding new §§ 5.47, 5.50, 5.52, 5.53, 5.54, 5.55, and 5.59 to read as follows:

§ 5.47 Detention of adulterated or misbranded medical devices.

The Director of the Bureau of Medical Devices, Regional Food and Drug Directors, and District Directors are authorized to perform all of the functions of the Commissioner of Food and Drugs pertaining to detention of possibly adultereated or misbranded medical devices under section 304(g) of the Federal Food, Drug, and Cosmetic Act.

§ 5.50 Notification to petitioners of determinations made on petitions for reclassifictaion of medical devices.

The Director of the Bureau of Medical Devices is authorized to notify petitioners of:

(a) Determinations made on petitions for reclassification of medical devices that are classified in class III (premarket approval) by section 513(f) and 520(l) of the Federal Food, Drug, and Cosmetic Act;

(b) Denials of petitions for reclassification of medical devices that are submitted under section 513(e) (except for petitions submitted in response to FEDERAL REGISTER notices initiating standard-setting under section 514(b) or premarket approval under section 515(b)).

§ 5.52 Notification to sponsors of deficiencies in petitions for reclassification of medical devices.

The Director of the Bureau of Medical Devices is authorized to notify sponsors of deficiencies in petitions for reclassification of medical devices submitted under sections 513(f) and 520(l) of the Federal Food, Drug, and Cosmetic Act.

§ 5.53 Approval, disapproval, or withdrawal of approval of applications for premarket approval for medical devices.

(a) The Director of the Bureau of Medical Devices is authorized to approve, disapprove, revoke, or declare as complete or incomplete product development protocols for medical devices submitted under section 515(f) of the Federal Food, Drug, and Cosmetic Act.

(b) The Director of the Bureau of Medical Devices is authorized to approve, disapprove, or withdraw approval of applications for premarket approval for medical devices submitted under section 515 and 520(l) of the Federal Food, Drug, and Cosmetic Act.

(c) The Director of the Bureau of Drugs is authorized to approve, disapprove, or withdraw approval of applications for premarket approval for medical devices submitted under section 515 of the Federal Food, Drug, and Cosmetic Act or which are subject to the provisions of section 520(l) of the act.

§ 5.54 Determinations that medical devices present unreasonable risk of substantial harm.

The Director of the Bureau of Medical Devices is authorized to determine that medical devices present unreasonable risk of substantial harm to the public health, and to order adequate notification thereof, under section 518(a) of the Federal Food, Drug, and Cosmetic Act.

§ 5.55 Orders to repair or replace, or make refunds for, medical devices.

The Director of the Bureau of Medical Devices is authorized to order repair or replacement of, or refund for, medical devices under sections 518 (b) and (c) of the Federal Food, Drug, and Cosmetic Act.

§ 5.59 Approval, disapproval, or termination of applications for investigational device exemptions.

The Director of the Bureau of Medical Devices is authorized to approve, disapprove, or terminate applications for investigational device exemptions under section 520(g) of the Federal Food, Drug, and Cosmetic Act.

3. By revising § 5.78 to read as follows:

§ 5.78 Issuance, amendment, or repeal of regulations pertaining to antibiotic drugs.

(a) The Director, Deputy Director, and Assistant Director for Regulatory Affairs of the Bureau of Drugs are authorized to perform all of the functions of the Commissioner of Food and Drugs under section 507 of the Federal Food, Drug, and Cosmetic Act regarding the issuance, amendment, or repeal of regulations pertaining to antibiotic drugs for human use.

(b) The Director of the Bureau of Medical Devices is authorized to perform all of the functions of the Commissioner of Food and Drugs under section 507 of the Federal Food, Drug, and Cosmetic Act regarding the issuance, amendment, or repeal of regulations pertaining to antibiotic drugs for human use contained in medical devices.

Effective date: This regulation shall be effective August 2, 1977.

(Sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371 (a)).)

Dated: July 26, 1977.

SHERWIN GARDNER,
Deputy Commissioner of Food and Drugs.

[FR Doc.77-22209 Filed 8-1-77;8:45 am]

SUBCHAPTER B—FOOD FOR HUMAN CONSUMPTION

[Docket No. 76P-0128]

PART 133—CHEESES AND RELATED CHEESE PRODUCTS

Provolone, Caciocavallo Siciliano, Mozzarella, and Low Moisture Mozzarella Cheeses; Standards of Identity

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: This rule amends the standards of identity for certain varieties of Italian cheeses. It is issued in response to a petition from the National Cheese Institute. It permits the addition of safe and suitable antimycotic agents (mold-inhibiting ingredients) during the manufacturing process and requires labeling of all optional ingredients.

DATES: Effective July 1, 1979 for all products initially introduced into interstate commerce on or after this date; voluntary compliance beginning October 3, 1977; objections by September 1, 1977.

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

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Commissioner of Food and Drugs issued a proposal in the FEDERAL REGISTER of May 20, 1976 (41 FR 20690) to amend the standards of identity for provolone cheese (21 CFR 133.181, formerly 21 CFR 19.590 prior to recodification published in the FEDERAL REGISTER of March 15, 1977 (42 FR 14302)), caciocavallo siciliano cheese (21 CFR 133.111, formerly 21 CFR 19.591 prior to recodification), mozzarella cheese (21 CFR 133.155, formerly 21 CFR 19.600 prior to recodification), low moisture mozzarella cheese (21 CFR 133.156, formerly 21 CFR 19.605 prior to recodification), and the cross-referenced cheeses, part-skim mozzarella cheese (21 CFR 133.157, formerly 21 CFR 19.601 prior to recodification), and low moisture part-skim mozzarella cheese (21 CFR 133.158, formerly 21 CFR 19.606 prior to recodification). The proposal was published in response to a petition from the National Cheese Institute (NCI), 110 N. Franklin St., Chicago, IL 60606. Interested persons had until July 19, 1976 to comment. The proposed amendment, slightly modified, is being adopted. Twenty comments were received from industry and consumers. Three representatives of two cheese companies supported the proposal as published. The remaining comments and the Commissioner's conclusions are as follows:

1. *Restrictiveness of proposal.* The petitioner, supported by two manufacturers, commented that the proposal is too restrictive in its provisions for use of safe and suitable antimycotics. The petitioner maintains that the proposal would not permit a manufacturer to use an antimycotic once in the cheese and again on the wrapper after the cheese is cut; the petitioner suggests that this restriction be removed by allowing the use of antimycotics in the manufacturing process and/or applied to the surface of cut forms.

Alternatively, it was suggested that all restrictions as to when antimycotics might be used be removed. If this latter suggestion were followed, paragraph (d) of each of the standards would read "Safe and suitable antimycotic agent(s) may be added to the cheese." One of the supporting comments from a manufacturer also suggested similar language.

It was not the Commissioner's intention to permit broader use of antimycotic agents than is provided for in the proposed amendments. Upon review of NCI's petition, the Commissioner found data to support only the amendments published in the proposal. The data submitted in support of this proposal showed the effectiveness of inhibiting microbial growth on the surface of various forms of stretched curd-type Italian cheeses when the antimycotics were added during the kneading and stretching process. The data further demonstrated that this procedure was just as effective, using less antimycotics per unit weight of the cheese, as when the maximum amount of antimycotics allowable under the previous standards was applied directly to the surface of these cheeses. No other data supporting the use of antimycotics during the manufacture of other varieties of cheese were submitted. The language suggested by NCI and the other comments would permit the use of antimycotics at any point in the manufacturing process as well as on the exterior of whole cheeses during ripening and aging. It was not the intention of the Commissioner to allow use of antimycotics in place of sanitary procedures and good manufacturing practices. The Commissioner intends to allow the broader use of antimycotics only where sanitary procedures and good manufacturing practice cannot assure mold-free cheese and only for cheeses where this is a serious problem. Because no data were provided to support the broadened use of antimycotic agents requested by the petitioner and the other comments, the requested change is not made.

2. *Use of additives.* Twelve comments opposed the use of antimycotic agents in Italian cheeses. The most common objection was to the addition of additives or chemicals to foods that do not naturally contain them. Three of these comments requested that the presence of additives, when added, be declared on the label. One comment said that this proposal could expand the addition of antimycotics to unpackaged cheeses, which have no label, and the consumer would no longer know whether the cheeses contain antimycotics.

The Commissioner points out that all the existing standards of identity for the cheeses included in the proposal, except mozzarella and the cross-referenced cheese, part-skim mozzarella, already allow the use of antimycotics on the surface of cuts or slices in consumer-size packages. Furthermore, their use must be declared on the label. The antimycotics currently allowed by the standards are known to migrate into the interior of the cheese when applied to the surface. A more efficient use of antimycotics, which results in use of smaller amounts, is the addition of antimycotic agents at a specific point in the manufacturing process. The point in the process when the antimycotic may be added is when the curd is brought together and kneaded and stretched under hot water (pasta filata step) as provided for in the proposal. The proposed regulations also provided that these ingredients must be declared in the label statement of ingredients when they are added to the cheese. This requirement applies whether the cheese is sold in consumer-size packages or in its bulk or wholesale form. When cheeses are bought in unpackaged form, the retailer should be able to provide the consumer with ingredient information. The Commissioner concludes that these comments do not offer adequate grounds for disallowing the use of safe and suitable antimycotics.

3. *Presence of antimycotics in whey.* Two comments supported the proposal, but pointed out that there may be problems with residual antimycotic agents in the whey. The first comment said it is likely that insignificant levels of antimycotic agents may appear in the hot water or whey used during the kneading and stretching (pasta filata) step. Because these antimycotic levels would be low, the comment requested that the antimycotics be recognized as incidental additives in accordance with 21 CFR 101.100(a)(3)(i) (formerly 21 CFR 1.10a(a)(3)(i) prior to recodification published in the FEDERAL REGISTER of March 15, 1977 (42 FR 14302)). The comment said that if this recognition is not granted the whey would be considered adulterated, and this could have a serious environmental and economic impact on processors and producers of whey products.

The second comment cited the same concerns as the first, but requested that the Commissioner amend the proposal to prohibit the pass-through of antimycotics to the whey.

The Commissioner intended to allow the addition of safe and suitable antimycotics to the cheese curd during the kneading and stretching (pasta filata) step of the make process. The rationale behind permitting this method of antimycotic addition to the cheeses is fully explained in the preamble to the May 20, 1976 proposal. At the pasta filata step the whey has already been drained from the curd. Some of the added antimycotic agent may leach out of the cheese and into the hot water used during kneading and stretching, but since this water is not added back to the whey, no antimycotic should enter the whey via this route. The Commissioner understands that hot whey may also be used for the same purpose as the hot water. Adherence to good manufacturing practices will provide the assurance that any whey that contains antimycotics as a result of the pasta filata step will not be used for human consumption. Because the amounts of whey that may contain antimycotics as a result of the pasta filata step are insignificant compared with the amounts of whey produced in the cheese-making process, the Commissioner is of the opinion that diverting such whey from human food use will not cause serious environmental or economic impact.

The Commissioner is of the opinion that a low residual amount of an antimycotic agent in whey cannot be considered an incidental additive in accordance with § 101.100(a)(3)(i). To be considered an incidental additive under § 101.100(a)(3)(i), the antimycotic agent would have to be introduced into the whey as a constituent of another food added to the whey as an ingredient. Since whey does not contain other foods as ingredients, the comment's suggested interpretation of § 101.100(a)(3)(i) is not proper. Furthermore, the antimycotic does not meet any of the other criteria in § 101.100(a)(3), which would qualify an ingredient as an incidental additive. If antimycotics are present in any amount, their presence must be declared on the label, or the whey may be subject to regulatory action as a misbranded food in accordance with section 403(k) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 343(k)). The Commissioner also points out that the presence of antimycotics in whey would preclude that whey from meeting the USDA grade standards for dry whey (7 CFR 58.2601).

In an effort to clarify his intent, the Commissioner is amending paragraph (d) of each of the cheese standards to state that the antimycotic agent may only be added to the cheese either during the kneading and stretching step, or to the surface of cut, sliced, diced, and/or shredded forms. The Commissioner believes that this change, as set forth in the final regulation, is more in keeping with the original intent of the proposal than is strictly prohibiting the pass-through of antimycotic agents into whey as requested by the second comment.

4. *Meaning of the term "antimycotic."* The second comment in item 3 above also expressed concern that the group of substances referred to as antimycotics includes antibiotics.

The Commissioner believes that clarification of the meaning of the term "antimycotic" would be appropriate. The term "antimycotic" is used to refer to the specific group of antimicrobial agents that inhibit primarily the growth of molds and yeasts. Some of the substances included in this group may have bactericidal, as well as antimycotic, properties under certain circumstances. Regarding this final regulation, the use of any of the generally recognized as safe (GRAS) substances under 21 CFR 182.1 (formerly 21 CFR 121.101 prior to recodification published in the FEDERAL REGISTER of March 15, 1977 (42 FR 14302)) or any of the food additives contained in 21 CFR Part 170 that perform a safe and suitable antimycotic function in or on the surfaces of the cheeses is permitted. Safeness and suitability of an antimycotic agent are determined in accordance with 21 CFR 130.3(d) (formerly 21 CFR 10.1(d) prior to recodification). At this time, FDA regards antibiotics primarily as drugs for clinical health use. It has been FDA policy to prohibit the general use of antibiotics in foods in order to prevent allergic reactions in antibiotic-sensitive consumers and to avoid the possible development of antibiotic-resistant pathogenic bacteria.

Accordingly, having considered the comments received, the Commissioner concludes that it will promote honesty and fair dealing in the interest of consumers to revise the identity standards for provolone, caciocavallo siciliano, mozzarella, and low moisture mozzarella cheeses, as set forth below.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 401, 701 (e), 52 Stat. 1046 as amended, 70 Stat. 919 as amended (21 U.S.C. 341, 371(e))) and under authority delegated to the Commissioner (21 CFR 5.1), Part 133 is amended as follows:

1. In § 133.111 by revising paragraphs (d) and (e) and by adding new paragraph (f) to read as follows:

§ 133.111 Caciocavallo siciliano cheese. identity; label statement of optional ingredients.

* * * * *

(d) Safe and suitable antimycotic agent(s) may be added to the cheese during the kneading and stretching process or applied to the surface of cut, sliced, diced, and/or shredded forms.

(e) When caciocavallo siciliano cheese is made solely from cow's milk, the name of such cheese is "Caciocavallo siciliano cheese." When made from sheep's milk or goat's milk or mixtures of these, or one or both of these with cow's milk, the name is followed by the words "made from _____," the blank being filled in with the name or names of the milks used, in order of predominance by weight.

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

2. In § 133.155 by adding new paragraphs (d), (e), and (f) to read as follows:

§ 133.155 Mozzarella cheese and scamorza cheese.

* * * * *

(d) Safe and suitable antimycotic agent(s) may be added to the cheese during the kneading and stretching process or applied to the surface of cut, sliced, diced, and/or shredded forms.

(e) Nomenclature: The name of the food is "mozzarella cheese" or alternatively "scamorza cheese".

(f) Label declaration of ingredients: Each of the ingredients used in the food shall be declared on the label as require by applicable sections of Part 101 of this chapter.

3. In § 133.156 by revising paragraphs (d) and (e) and adding new paragraph (f) to read as follows:

§ 133.156 Low moisture mozzarella and scamorza cheese.

* * * * *

(d) Safe and suitable antimycotic agent(s) may be added to the cheese during the kneading and stretching process or applied to the surface of cut, sliced, diced, and/or shredded forms.

(e) Nomenclature: The name of the food is "low moisture mozzarella cheese" or alternatively, "low moisture scamorza cheese".

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

4. In § 133.181 by revising paragraphs (d) and (e) and by adding new paragraph (f) to read as follows:

§ 133.181 Provolone and pasta filata cheese.

* * * * *

(d) Safe and suitable antimycotic agent(s) may be added to the cheese during the kneading and stretching

process or applied to the surface of cut, sliced, diced and/or shredded forms.

(e) The name "provolone cheese" ("pasta filata cheese") may include the common name of the shape of the cheese, such as "salami provolone." If provolone cheese is not smoked, the name includes the words "not smoked." If a clear aqueous solution prepared by condensing or precipitating wood smoke in water is added to the provolone cheese, the name is immediately followed by the words "with added smoke flavoring" with all words in this phrase of the same type size, style, and color without intervening written, printed, or graphic matter.

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

Any person who will be adversely affected by the foregoing regulation may at any time on or before September 1, 1977 submit to the Hearing Clerk (HFC-20), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857, written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be separately numbered and each numbered objection shall specify with particularity the provision of the regulation to which objection is made. Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held; failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Four copies of all documents shall be submitted and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this regulation. Received objections may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

Effective date: Except as to any provisions that may be stayed by the filing of proper objections, compliance with this final regulation, including any required labeling changes, may begin October 3, 1977, and all products initially introduced into interstate commerce on or after July 1, 1979 shall fully comply. Notice of the filing of objections or lack thereof will be published in the FEDERAL REGISTER.

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

Dated: July 26, 1977.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.77-22210 Filed 8-1-77;8:45 am]

SUBCHAPTER E—ANIMAL DRUGS, FEEDS, AND RELATED PRODUCTS

PART 522—IMPLANTATION OR INJECTABLE DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

Flunixin Meglumine Solution

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The animal drug regulations are amended to reflect approval of a new animal drug application (NADA). The Schering Corp. filed the NADA. The new regulation provides for safe and effective use of flunixin meglumine solution for lessening inflammation and pain from certain disorders in horses.

EFFECTIVE DATE: August 2, 1977.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Schering Corp., Galloping Hill Road, Kenilworth, N.J. 07033, filed an NADA (101-479V) for safe and effective use of flunixin meglumine solution for alleviating inflammation and pain associated with musculoskeletal disorders and pain associated with colic in horses.

The Commissioner of Food and Drugs, having evaluated the application and other relevant material, concludes that the application should be approved and that the animal drug regulations should be amended as set forth below.

In accordance with the Freedom of Information regulations and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of the safety and effectiveness data and information submitted to support approval of this application is released publicly. The summary is available for public examination at the office of the Hearing Clerk (HFC-20), Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857, between 9 a.m. and 4 p.m., Monday through Friday, except holidays.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)) and authority delegated to the Commissioner (21 CFR 5.1), Part 522 is amended by adding new § 522.970 to read as follows:

§ 522.970 Flunixin meglumine solution.

(a) *Specifications.* The drug contains 50 milligrams of flunixin per milliliter of aqueous solution.

(b) *Sponsor.* No. 000085 in § 510.600(c) of this chapter.

(c) *Conditions of use.*—(1) *Amount.* 0.5 milligram of flunixin per pound of body weight (1 milliliter per 100 pounds) per day.

(2) *Indications for use.* Horses: For alleviation of inflammation and pain associated with musculoskeletal disorders, and alleviation of pain associated with colic.

(3) *Limitations.* For musculoskeletal disorders, administer intravenously or intramuscularly for up to 5 days. For colic, administer a single dose intravenously—the single dose may be repeated if signs of colic recur. Caution: The effect of this drug on pregnancy has not been determined. Not for use in horses intended for food. Federal law restricts this drug to use by or on the order of a licensed veterinarian.

Effective date: August 2, 1977.

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

Dated: July 25, 1977.

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

[FR Doc.77-22106 Filed 8-2-77;8:45 am]

Title 22—Foreign Relations

CHAPTER I—DEPARTMENT OF STATE

SUBCHAPTER M—INTERNATIONAL TRAFFIC IN ARMS

[Dept. Reg. 108.742]

PART 123—LICENSES FOR UNCLASSIFIED ARMS, AMMUNITION, AND IMPLEMENTS OF WAR

Licenses for Export of Firearms

AGENCY: Department of State.

ACTION: Final rule.

SUMMARY: This document revises a rule under the International Traffic in Arms Regulations allowing United States citizens and persons permanently resident in the United States, temporarily leaving the United States, to export three or fewer firearms and accompanying ammunition, without an export license, provided the firearms and ammunition are with the individual's accompanied or unaccompanied baggage and are not intended for resale.

EFFECTIVE DATE: August 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Clyde G. Bryant, Jr., 703-235-9758.

SUPPLEMENTARY INFORMATION: On June 28, 1977 the State Department published in the FEDERAL REGISTER (42 FR 32770) a rule temporarily suspending 22 CFR 123.31. Simultaneously, the State Department published a proposed rule (42 FR 32806, June 28, 1977) which suggested a permanent revocation of 22 CFR 123.31.

The State Department has received a number of comments opposing the revocation of 22 CFR 123.31 and suggesting that the exemption contained therein continue to apply to United States citizens. In view of these comments, the State Department has decided to reinstate this exemption for United States citizens and persons permanently resident in the United States. These persons may export three or fewer firearms and 1,000 cartridges therefor without a license provided they are with

the individual's baggage and are exclusively for his personal use. The regulation, however, does not permit an export for resale without a license even if the firearms and ammunition are with the traveller's baggage.

Persons who are not United States citizens or permanently resident in the United States are not eligible to export these firearms without a license. Nevertheless, all persons, regardless of residence and citizenship, are permitted to export such firearms and ammunition which they brough into the United States under the provisions of 27 CFR 178.115(d).

Finally, since this action constitutes the completion of the rulemaking procedure, the rule for the temporary suspension of 22 CFR 123.31 published in the FEDERAL REGISTER on June 28 is revoked.

Accordingly, § 123.31 of Title 22 of the Code of Federal Regulations is revised to read as set forth below.

§ 123.31 Arms and ammunition for personal use.

(a) Subject to § 126.01, district directors of customs are authorized to permit a United States citizen or a permanent resident of the United States, after declaration by the individual and inspection by a customs officer, to export temporarily from the United States without a license not more than three non-automatic firearms and not more than 1,000 cartridges therefor. The firearms and accompanying ammunition must be with the individuals baggage or effects, whether accompanied or unaccompanied (but not mailed), and must be intended exclusively for that person's use for legitimate hunting or lawful sporting purposes, scientific purposes, or personal protection and not for resale. Accordingly, this exemption does not apply to firearms being exported permanently from the United States. This exemption also extends to one tear gas gun or other type hand dispenser and not more than 25 tear gas cartridges therefor. The foregoing exemption is not applicable (1) to crew-members of vessels or aircraft unless they personally declare the firearms to a customs officer upon each departure from the United States, and declare the intention to return them on each return to the United States, and (2) to the personnel referred to in § 123.32.

(b) District directors of customs are authorized to permit a nonresident of the United States to export such firearms and ammunition as the nonresident brought into the United States under the provisions of 27 CFR 178.115 (d), which specifically excludes from the definition of importation, the bringing into the United States of firearms and ammunition by certain nonresidents for specified purposes.

(c) Subject to the provisions of § 126.01 of this subchapter, district directors of customs are authorized to permit United States citizens and persons permanently resident in the United States to export ammunition for firearms, without a license, provided the quantity does not exceed 1,000 cartridges (or rounds) in any shipment, and the ammunition is for their personal use and not for resale. The foregoing exemption is not applicable to the personnel referred to in § 123.32.

(Sec. 38 of the Arms Export Control Act (22 U.S.C. 2778) and Executive Order 11958.)

Dated: July 28, 1977.

WILLIAM B. ROBINSON,
Director,
Office of Munitions Control.

[FR Doc.77-22236 Filed 8-1-77;8:45 am]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER A—INCOME TAX

[T.D. 7500]

PART 7—TEMPORARY INCOME TAX REGULATIONS UNDER THE TAX REFORM ACT OF 1976

Adjustment to the Basis of Certain Carryover Basis Property to Reflect Appreciation Occurring Before January 1, 1977

AGENCY: Internal Revenue Service, Treasury.

ACTION: Temporary regulations.

SUMMARY: This document provides temporary regulations for computing an adjustment to the basis of certain carryover basis property. The adjustment, made to carryover basis property which reflects the basis of marketable bonds and securities on December 31, 1976, will reflect the appreciation in value occurring before January 1, 1977. The regulations are necessary because of changes that were made in the applicable tax laws by the Tax Reform Act of 1976. The regulations provide guidance for compliance with the law. They affect executors of estates of decedents dying after December 31, 1976, and persons who receive carryover basis property from those decedents.

DATE: The regulations apply to estates of decedents who die after December 31, 1976.

FOR FURTHER INFORMATION CONTACT:

William D. Gibbs of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, D.C. 20224, Attention: CC:LR: T, 202-566-3293.

BACKGROUND

This document contains temporary regulations relating to the adjustment to be made to carryover basis property which reflects the adjusted basis of any marketable bond or security on December 31, 1976. This adjustment is contained in section 1023(h)(1) of the Internal Revenue Code of 1954, as added by section 2005(a)(2) of the Tax Reform Act of 1976 (Pub. L. 94-455, 90 Stat. 1875). The temporary regulations provided by this document will remain in effect until superseded by final regulations.

DRAFTING INFORMATION

The principal author of this regulation was William D. Gibbs of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulation, both on matters of substance and style.

ADOPTION OF AMENDMENTS TO THE REGULATIONS

Accordingly, the Temporary Income Tax Regulations under the Tax Reform Act of 1976 (26 CFR Part 7 are amended by adding the following new section in the appropriate place:

§ 7.1023(h)-1 Adjustment to basis of marketable bonds and securities acquired from a decedent dying after December 31, 1976, for appreciation occurring before January 1, 1977.

(a) *In general.* For purposes of determining gain (but not loss), the adjusted basis of carryover basis property, as defined in section 1023(b), which reflects the adjusted basis of any marketable bond or security on December 31, 1976, and which is acquired from a decedent dying after December 31, 1976, is increased by the amount of any excess of the fair market value of such bond or security on December 31, 1976, over its adjusted basis on December 31, 1976. Thereafter, this adjusted carryover basis is further adjusted as provided in section 10 (c), (d) and (e) (relating to adjustments for estate and inheritance taxes paid and the $60,000 minimum basis). However, under section 1023(f)(1), the adjustments under section 1023 (c), (d), and (e) may not increase the basis of property above its fair market value as of the date of the decedent's death (or, if the executor elects to determine the value of the gross estate as of the alternate valuation date, the value of the property determined under section 2032).

(b) *Basis for loss purposes.* For purposes of determining loss with respect to such property, its adjusted basis is the same as computed under paragraph (a), except that it is reduced by the amount of the excess described in the first sentence in paragraph (a).

(c) *Basis that reflects basis on December 31, 1976.* The adjusted basis of carryover basis property reflects the adjusted basis of any marketable bond or security on December 31, 1976, if the carryover basis property acquired from the decedent—

(1) Is the same marketable bond or security that was held by the decedent on December 31, 1976, or

(2) Has a basis that is determined in whole or in part by reference to the basis of a marketable bond or security on December 31, 1976.

(d) *Marketable bonds and securities.* For purposes of this section, marketable bonds or securities are—

(1) Bonds (including municipal bonds) or securities which are—

(i) Listed on the New York Stock Exchange, the American Stock Exchange, or any regional exchange for which quotations are published on a regular basis, including foreign securities listed on a recognized foreign national or regional exchange;

(ii) Regularly traded in the national or regional over-the-counter market, for which published quotations are available; or

(iii) Locally traded for which published quotations representing bona fide bid and asked prices are available from a registered broker or dealer;

(2) Units in a common trust fund; or

(3) Shares in a mutual fund.

(e) *Value on December 31, 1976.* The fair market value of a marketable bond or security on December 31, 1976, will be its fair market value as determined under § 20.2031–2 or § 20.2031–8(b), including the provisions relating to large blocks of securities and to securities traded sporadically at or near the valuation date. For purposes of this section, the term "reasonable period" (before or after the valuation date), as used in § 20.2031–2, will generally be 30 days. However, where it is established that the value of any bond or share of stock determined on the basis of selling or bid and asked prices as provided under paragraphs (b), (c), and (d) of § 20.2031–2 does not reflect the fair market value thereof, the principles of paragraph (e) of § 20.2031–2 will be applicable.

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

Example (1). The adjusted basis of marketable securities in the hands of D, the decedent, on December 31, 1976, and on the date of his death was $75,000. The fair market value of the securities on December 31, 1976, was $90,000. D dies on July 28, 1978, when the securities are worth $80,000, and bequeaths them to his son. D's executor does not elect alternate valuation as provided in section 2032. For purposes of determining gain, if the son thereafter sells the securities, their carryover basis of $75,000 is increased by $15,000 ($90,000 —$75,000) to $90,000 under paragraph (a) of this section. Because the adjustment under section 1023(h)(1) increased the adjusted basis of the securities above the fair market value for estate tax purposes, no further adjustment is made to their basis under section 1023 (c), (d) or (e), pursuant to section 1023(f)(1). For purposes of determining loss, the adjusted carryover basis of the securities, as computed under the preceding two sentences ($90,000), is reduced by the excess ($15,000) to $75,000. Therefore, if D's son realizes $100,000 on the sale of such securities, he realizes a gain of $10,000 ($100,000 —$90,000). If he realizes only $60,000 on their sale, he realizes a loss of $15,000 ($75,000 —$60,000). If he realizes between $75,000 and $90,000 on their sale, he realizes neither a gain nor a loss on them.

Example (2). The facts are the same as in Example (1) except that D received the securities on July 1, 1977, in a nontaxable distribution of principal from a trust that held such securities on December 31, 1976. In addition, the value of the securities on the date of D's death is $105,000, and the adjustment for estate taxes paid under section 1023(c), based on the remaining net appreciation of $15,000 ($105,000 —$90,000) in the securities, is $1,000. There are no other adjustments to the basis of the securities. The adjusted carryover basis of the securities for purposes of determining gain is $91,000 ($75,000+$15,000+$1,000). For purposes of determining loss, the adjusted carryover basis of the securities is $76,000 ($91,000 —$15,000).

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

(Sec. 7805 and sec. 1023 (i), Internal Revenue Code of 1954 (68A Stat. 917, 90 Stat. 1876; 26 U.S.C. 7805, 1023 (i)).)

JEROME KURTZ,
Commissioner of Internal Revenue.

Approved: July 27, 1977.

LAURENCE N. WOODWORTH,
Assistant Secretary of the Treasury.

[FR Doc.77-22200 Filed 8-1-77;8:45 am]

Title 29—Labor

CHAPTER IV—OFFICE OF LABOR-MANAGEMENT STANDARDS ENFORCEMENT, DEPARTMENT OF LABOR

PART 452—GENERAL STATEMENT CONCERNING THE ELECTION PROVISIONS OF THE LABOR-MANAGEMENT REPORTING AND DISCLOSURE ACT OF 1959

Subpart E—Candidacy for Office; Reasonable Qualifications

AGENCY: Labor-Management Services Administration, Department of Labor.

ACTION: Final amendment to an interpretative rule.

SUMMARY: Meeting attendance requirements as a qualification for candidacy for union office were discussed in recent decisions of the Supreme Court and of the Court of Appeals for the First Circuit. The amendments in this document incorporate these decisions with the Department of Labor's regulations.

EFFECTIVE DATE: Since this amendment revises an interpretative rule and reflects the policy expressed in a Supreme Court and a circuit court decision, it is effective on August 2, 1977.

FOR FURTHER INFORMATION CONTACT:

Herbert Raskin, Chief, Branch of Interpretations and Standards, Division of Program Standards, Office of Labor-Management Standards Enforcement, Labor-Management Services Administration, Department of Labor, Washington, D.C. 20216 (202–523–7373).

SUPPLEMENTARY INFORMATION: This amendment concerning meeting attendance requirements as a qualification for candidacy for union office incorporates for the guidance of affected unions and union members the ruling of the United States Supreme Court in *Steelworkers, Local 3489* v. *Usery*. In that case, the Court held that a rule which required attendance at fifty percent of the meetings for three years preceding an election with the result that 96.5 percent of the members were ineligible was not a reasonable qualification for candidacy within the meaning of section 401 (e) of the Labor-Management Reporting and Disclosure Act of 1959, as Amended. This amendment also incorporates the decision of the United States Court of Appeals for the First Circuit in *Usery* v. *Local Division 1205, Amalgamated Transit Union*, which held to be unreasonable a rule which required attendance at fifty percent of the meetings in each of the two years preceding an election.

This document was prepared under the direction and control of Carl Rolnick, Director, Office of Labor Standards Enforcement, Room N5408, New Department of Labor Building, 200 Constitution Avenue NW., Washington, D.C. 20210, telephone 202–523–8388.

29 CFR Part 452 is amended by amending § 452.38 to read as follows:

§ 452.38 Meeting attendance requirements.

* * * * *

(a) In *Steelworkers, Local 3489* v. *Usery*, 429 U.S. 305, 94 LRRM 2203, 70 L.C. ¶ 11,806 (1977), the Supreme Court found that this standard for determining validity of meeting attendance qualifications was the type of flexible result that Congress contemplated when it used the word "reasonable." The Court concluded that Congress, in guaranteeing every union member the opportunity to hold office, subject only to "reasonable qualifications," disabled unions from establishing eligibility qualifications as sharply restrictive of the openness of the union political process as the Steelworkers' attendance rule. The rule required attendance at fifty percent of the meetings for three years preceding the election unless prevented by union activities or working hours, with the result that 96.5 percent of the members were ineligible.

(b) Other guidance is furnished by lower court decisions which have held particular meeting attendance requirements to be unreasonable under the following circumstances: One meeting during each quarter for the three years preceding nomination, where the effect was to disqualify 99 percent of the membership (*Wirtz* v. *Independent Workers Union of Florida*, 65 LRRM 2104, 55 L.C. § 11,857 (M.D. Fla., 1967)); 75 percent of the meetings held over a two-year period, with absence excused only for work or illness, where over 97 percent of the members were ineligible (*Wirtz* v. *Local 153, Glass Bottle Blowers Ass'n*, 244 F. Supp. 745 (W.D. Pa., 1965), order vacating decision was mott, 372 F. 2d 86 (C.A. 3 1966), reversed 389 U.S. 463; decision on remand, 405 F.2d 176 (C.A. 3 1968)); *Wirtz* v. *Local 262, Glass Bottle Blowers Ass'n.*; 290 F. Supp. 985 (N.D. Cal., 1968)); attendance at each of eight meetings in the two months between

nomination and election, where the meetings were held at widely scattered locations within the state (*Hodgson* v. *Local Union No. 624 A-B, International Union of Operating Engineers*, 80 LRRM 3049, 68 L.C. 12.816 (S.D. Miss. Feb. 19, 1972)); attendance at not less than six regular meetings each year during the twenty-four months prior to an election which has the effect of requiring attendance for a period that must begin no later than eighteen months before a biennial election (*Usery* v. *Local Division 1205, Amalgamated Transit Union*, 545 F. 2d 1300 (C.A. 1, 1976)).

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

FRANCIS X. BURKHARDT,
Assistant Secretary of Labor.

[FR Doc.77-22076 Filed 8-1-77;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—UNITED STATES FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

SUBCHAPTER B—TAKING, POSSESSION, TRANSPORTATION, SALE, PURCHASE, BARTER, EXPORTATION, AND IMPORTATION OF WILDLIFE

PART 20—MIGRATORY BIRD HUNTING

Possession of Shotshells Loaded With Toxic Shot While Taking Waterfowl in Areas Designated as Nontoxic Shot Zones.

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The Service is amending waterfowl hunting regulations on the use of toxic shot in nontoxic shot zones. Presently section 20.21(j) permits the use of toxic shot in guns with bores smaller than 12 gauge in zones designated for nontoxic shot. Also, the wording allows possession of illegal shells provided they are not placed in the gun. This amendment will allow toxic shot of any gauge other than 12 gauge to be used in nontoxic shot zones, and make possession of 12 gauge shells loaded with toxic shot illegal while hunting waterfowl in the zones.

DATES: Effective on August 2, 1977.

FOR FURTHER INFORMATION CONTACT:

Robert I. Smith, Special Projects Coordinator, Office of Migratory Bird Management, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240, telephone 202-343-8827.

SUPPLEMENTARY INFORMATION: On December 23, 1976 the Service proposed for public comment an amendment to 50 CFR 20.21(j), which would have permitted shotshells loaded with toxic shot in gauges smaller than 12 gauge to be used in the nontoxic shot zones during waterfowl hunting seasons commencing in 1977 (41 FR 55903). Public comment on that proposal dealt primarily with two issues. Waterfowl hunters who use 10 gauge guns requested that they be allowed to use shotshells loaded with toxic shot until such time as 10 gauge shells loaded with steel shot are manufactured. Wildlife law enforcement officers suggested that illegal shotshells should not be permitted in possession of the hunter while hunting waterfowl in a nontoxic shot zone. The present wording of § 20.21(j) specifies that a gun loaded with illegal shells constitutes a violation, but possession of illegal shells does not.

Further public comment on these two suggested changes in § 20.21(j) were requested by the Service in a proposed amendment published on June 30, 1977 (42 FR 33354). Public comment was received on this second proposal until July 21, 1977. Eighteen letters were received in response to the proposal published on June 30, 1977. One letter expressed agreement with the proposal. Three letters requested a delay in implementation of the steel-shot regulations until all gauges of steel-shot ammunition have been produced. Three letters requested no exceptions be made and steel shot only should be permitted in the zones. Eleven letters contained requests that no steel shot be required for waterfowl hunting. One person commented that a strict interpretation of the proposal could result in the arrest of a person who lives within a non-toxic shot zone and has 12 gauge shells loaded with toxic shot in possession when leaving home to hunt waterfowl outside the zone. In response to this point, the Service does not believe the ruling can be interpreted in this manner. The proposal applies only to the taking of waterfowl, not to the possession of 12 gauge shells loaded with toxic shot in a variety of other situations that might occur within a nontoxic zone.

Points of view expressed in the eighteen letters ranged beyond the scope of the proposed amendment in most cases. Responses to similar comments were published on April 28, 1977 (42 FR 21614) and will not be repeated at this time. The Service believes that the proposed regulation published on June 30, 1977 (42 FR 33354) represents a reasonable compromise among all views expressed, and the Service has decided to adopt such wording.

This final rulemaking was authored by Robert I. Smith, Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240 (202-343-8827).

Accordingly, the Service amends 50 CFR 20 by deleting the present wording of § 20.21(j) and replacing it with the following:

§ 20.21 Hunting methods.

* * * * *

(j) While possessing 12 gauge shotshells loaded with any metal other than steel or such material as may be approved by the Director pursuant to the procedures set forth in § 20.134: *Provided*, That this restriction applies only to the taking of ducks, geese, and swans (*Anatidae*), and coots (*Fulica americana*) in areas described in § 20.108 as nontoxic shot zones during waterfowl hunting seasons commencing in 1977 and terminating in 1978.

NOTE.—The Fish and Wildlife Service has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11949 and OMB Circular A-107.

Dated: July 28, 1977.

LYNN A. GREENWALT,
Director, U.S. Fish and Wildlife Service.

[FR Doc.77-22134 Filed 8-1-77;8:45 am]

CHAPTER VI—FISHERY CONSERVATION AND MANAGEMENT, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 611—FOREIGN FISHING

Allocations for Short-Finned Squid and Long-Finned Squid

AGENCY: National Oceanic and Atmospheric Administration/Commerce.

ACTION: Amendment to final regulations.

SUMMARY: This document amends the total allowable level of foreign fishing for short-finned squid and long-finned squid in the Atlantic Ocean and provides for an increased allocation of short-finned squid and long-finned squid to certain of those nations that have been provided an initial allocation of squid. This amendment is consistent with the commitment in the Preliminary Management Plan for the Squid Fisheries of the Northwest Atlantic (PMP) to reevaluate the surplus of short-finned squid and long-finned squid on or about June 1, 1977, 42 FR 9626.

EFFECTIVE DATE: July 29, 1977.

FOR FURTHER INFORMATION CONTACT:

Richard Schaefer, Fishery Management Operations Division, National Marine Fisheries Service, Washington, D.C. 20235 (202-634-7454).

SUPPLEMENTARY INFORMATION: On February 11, 1977, the National Marine Fisheries Service published Foreign Fishing regulations (42 FR 8813) that included under Subpart B, Surpluses, the total allowable level of foreign fishing for a variety of fisheries. The regulations further stated that the total allowable level of foreign fishing for short-finned squid and long-finned squid would be reevaluated if it were determined by June 1, 1977, that the U.S. fleet would not take its estimated harvest. An evaluation of the estimated capacity of the U.S. fleet has been completed, and it has been determined that the level of foreign fishing for short-finned squid can be increased by 1,500 metric tons from 23,500 metric tons to 25,000 metric tons and the long-finned squid increased by 11,000 metric tons from 19,000 metric tons to 30,000

metric tons. Allocation by country of this additional squid has been made by the Secretary of State in cooperation with the Secretary of Commerce.

The following amendment changes the previously established "surpluses for foreign fishing" for squid, and in effect adds the newly-allocated amounts of squid to the previously-established 1977 allocation of squid to the indicated countries (subject to adjustment by subtracting catches taken during January and February 1977, as provided in 50 CFR 611.-20(d)). Foreign nations may not commence fishing for these newly allocated squid until they have paid the appropriate fees to the Department of Commerce.

This amendment does not modify the optimum yield level established in the PMP, nor does it adversely affect the conservation of the resource.

The Director finds that notice of proposed rulemaking is unnecessary because this action involves a foreign affairs function excepted from the requirments of the Administrative Procedure Act.

Signed at Washington, D.C., on July 27, 1977.

WINFRED H. MEIBOHM,
Associate Director, National Marine Fisheries Service.

§ 611.20 [Amended]

Therefore, the amendments to § 611.20 are as follows:

1. Paragraph (b) of § 611.20 is amended by increasing the quantity (metric tons) of short-finned squid and long-finned squid as follows:

* * * * *

(b) * * *

Fishery	Ocean area	Quantity metric tons
Short-finned squid	Atlantic	25,000
Long-finned squid	do	30,000

2. Section 611.20(c) is amended by changing the 1977 allocations of squid to certain foreign nations, as follows:

* * * * *

(c)(1) The allocation (tonnage and vessel days) among foreign nations are presented in the following tables:

TABLE 1.—*Atlantic coast allocation*

Country	Fishery	1977 allocation (metric tons)
*	* * *	*
Poland	Long-finned squid	1,351
	Short-finned squid	5,270
*	* * *	*
Japan	Long-finned squid	12,540
	Short-finned squid	3,718
Spain	Long-finned squid	7,275
	Short-finned squid	5,500
*	* * *	*
Soviet Union	Long-finned squid	1,586
	Short-finned squid	7,395
*	* * *	*
Italy	Long-finned squid	2,640
	Short-finned squid	1,127
*	* * *	*

§ 611.51 [Amended]

3. Section 611.51(b) catch quotas are amended as follows:

In subparagraph (1) strike the number "23,500"; substitute "25,000", and in subparagraph (2) strike the number "19,-000", substitute "30,000".

[FR Doc.77-22085 Filed 7-29-77;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

Agricultural Marketing Service

[7 CFR Part 967]

[Amdt. 2]

CELERY GROWN IN FLORIDA

Notice of Proposed Eligibility Requirements and Nomination Procedures for Public Members of the Florida Celery Committee

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: A recent amendment of the Florida Celery Marketing Order provides that a public member and alternate be added to the Florida Celery Committee, the local administrative agency for the program. The proposed rule would specify the eligibility requirements of the persons to be nominated and procedures for nominating public members.

DATE: Comments due August 16, 1977.

ADDRESSES: Comments may be addressed to the Hearing Clerk, Room 1077, South Building, U.S. Department of Agriculture, Washington, D.C. 20250. Two copies of all written comments shall be submitted. Comments will be made avaliable for inspection at the office of the Hearing Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: Marketing Agreement No. 149 and Order 967, both as amended, regulate the handling of celery grown in Florida. It is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The Florida Celery Committee established under the order is responsible for its local administration. The Secretary's Decision (42 FR 25872) specifies that the Secretary will issue rules or regulations which set forth the eligibility requirements for public member nominees and the nomination procedures to be followed.

The proposals are as follows: Amend Subpart—Rules and Regulations (7 CFR 967.100–967.166) by adding a new § 967.140 and § 967.141 to read as follows:

PUBLIC MEMBERS

§ 967.140 Eligibility requirements.

(a) Public members shall be neither producers nor handlers of celery and shall have no direct financial interest in the production or marketing of celery except as consumers of agricultural products.

(b) Public members should be able to devote sufficient time and express a willingness to attend committee activities regularly and to familiarize themselves with the background and economics of the industry.

(c) Public members must be residents of Florida.

(d) Public members shall be nominated by the Florida Celery Committee and shall serve a one-year term which coincides with the term of office of producer or handler members of the committee.

§ 967.141 Nomination procedures.

(a) Names of candidates together with evidence of qualification for public membership on the Florida Celery Committee shall be submitted to the committee at its business office, 4401 East Colonial Drive, or P.O. Box 20067, Orlando, Fla. 32814, no later than April 15.

(b) Questionnaires may be sent by the committee to those persons submitted as candidates, to determine their eligibility and interest in becoming a public member.

(c) The names of persons nominated for the public member and alternate positions shall be submitted by the incumbent committee to the Secretary by July 1 with such information as deemed pertinent by the committee or as requested by the Secretary.

(d) Nomination of the initial public member may be made later than July 1 but as soon as practical thereafter. Such member's term shall end July 31, 1978.

Dated: July 27, 1977.

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

[FR Doc.77-22132 Filed 8-1-77;8:45 am]

[7 CFR Part 1011]

[Docket No. AO-251-A20]

MILK IN THE TENNESSEE VALLEY MARKETING AREA

Decision on Proposed Amendments to Marketing Agreement and to Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This decision would amend the order based on a cooperative association's proposals considered at a public hearing on March 24, 1977. The proposed amendments provide for a "base-excess" plan for paying producers. Under the plan, each producer's average daily delivery of milk in September through December would be his "base." In the following March through June, each producer would be paid the order's higher uniform base price for milk deliveries up to his base and a lower price for any excess milk. The plan is aimed at providing an incentive to producers to even out their milk production through the year.

Dairy farmer cooperatives will be polled to determine whether producers favor issuance of the proposed amended order.

FOR FURTHER INFORMATION CONTACT:

Irving E. Sutin, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250 (202–447–4829).

SUPPLEMENTAL INFORMATION: Prior documents in this proceeding:

Notice of hearing, issued February 28, 1977; published March 3, 1977 (42 FR 12184).

Recommended decision, issued June 20, 1977; published June 23, 1977 (42 FR 31797).

PRELIMINARY STATEMENT

A public hearing was held upon proposed amendments to the marketing agreement and the order regulating the handling of milk in the Tennessee Valley marketing area. The hearing was held, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice (7 CFR Part 900), at Knoxville, Tenn., on March 24, 1977, pursuant to notice thereof issued on February 28, 1977 (42 FR 12184).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Acting Administrator, on June 20, 1977, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision are hereby approved and adopted and are set forth in full herein, subject to the addition of eight paragraphs immediately following the last paragraph in "Findings and Conclusions."

The material issue on the record of the hearing relates to using a base-excess plan for paying producers.

FINDINGS AND CONCLUSIONS

The following findings and conclusions on the material issue are based on evidence presented at the hearing and the record thereof:

Base-excess plan. A base-excess plan should be included in the order.

The purpose of a base-excess plan is to provide an incentive to producers to even out their production through the year. Such a plan is designed to encourage production in the fall months of seasonally low production and discourage excess production in the spring months of seasonally high production.

The base-excess plan adopted in this decision would establish a base for each producer by dividing his total pounds of producer milk in September through December (the base-forming period) by the number of days' production represented by such producer milk or by 100, whichever is more. A single delivery by a producer on every-other-day delivery would be considered two days' production in computing a base.

Producers would establish new bases every year. They would be computed by the market administrator to be effective in the following March through June (the base-paying period). By February 1 of each year, the market administrator would notify each producer and the handler receiving his milk of the producer's base. The market administrator would also notify a cooperative, if requested, of each producer-member's base.

"Base milk" would mean the producer milk of a producer in each month of March through June that is not in excess of the producer's base multiplied by the number of days in the month. "Excess milk" would mean the producer milk of a producer in each month of March through June in excess of the producer's base milk for the month. Excess milk would also include all the producer milk in March through June of a producer who has no base.

In computing the uniform prices for base milk and excess milk in the base-paying months, producer milk allocated to Class I would first be assigned to base milk. If the producer milk allocated to Class I is more than the base milk received from producers in any month, such additional Class I milk would be allocated to excess milk and the excess milk price increased accordingly. If the base milk received from producers in any month exceeds the producer milk allocated to Class I, the producer milk allocated to Class II and Class III would be assigned, in that sequence, to the difference.

Since excess milk would represent basically producer milk classified in Class III (milk for manufacturing uses) to which no location adjustment is applicable, the uniform price for excess milk should not be subject to a location adjustment. There is practically no difference in the location value of milk for Class III uses. The Class III price under the Tennessee Valley order and other orders is equal to the average price per hundredweight for the month of manufacturing grade milk f.o.b. plants in Minnesota and Wisconsin. If a location adjustment were applied to the excess price, it would result in applying an excess price to the producer milk at various plant locations that is less than the value of manufacturing grade milk delivered to those same plant locations.

Producers whose milk was delivered to a nonpool plant that became a pool plant after the beginning of the base-forming period should be assigned bases in the same manner as if they had been producers during the base-forming period. Their bases would be calculated from their deliveries to that plant in the preceding September–December period.

To acquire pool plant status under the order a plant must dispose of a specified percentage of its receipts on routes in the marketing area or to other pool plants. It is expected that when such a plant becomes a pool plant it will add Class I sales to the pool comparable to such sales in prior periods when it was a nonpool plant. It is appropriate, therefore, that those dairymen who have been supplying the plant have bases computed for them according to their deliveries to the plant in the base-forming period.

Bases assigned to producers who supplied a nonpool plant in the base-forming period that became a pool plant in the following base-paying period should not be transferable. If such a plant did not retain its pool plant status in the base-paying period and its producers had been permitted to transfer their bases, inequities could result. This is because the Class I milk in the pool would then be diminished by the plant's Class I sales in the month the plant lost its pool plant status while the aggregate producer bases for the month would be inflated by the bases that had been assigned its producers. This would have enabled these producers to sell their bases to producers still on the market and for the latter to obtain the benefit of a greater share of the market's Class I sales at the expense of other producers on the market.

The base earned by any producer who supplied the market in the preceding base-forming period should be transferable. This will facilitate the transfer of property when a baseholder dies or when the farm of a baseholder is sold. It will also facilitate adjustments by those producers desiring to expand or contract their operations. However, proper safeguards should be provided so that the transfer provisions may not be exploited at the expense of producers regularly supplying the market.

The amount of a base transferred could be in its entirety or an amount of not less than 300 pounds. These limits, which were proposed at the hearing, are administratively practicable and should be adequate under conditions in the Tennessee Valley market.

A base could be transferred to be effective on the first day of the month following the date on which an application for such transfer is received by the market administrator. Such application would be required to be on a form approved by the market administrator and signed by a baseholder or his heirs and the person to whom the base is to be transferred. If a base is held jointly, it would be required that the application be signed by all joint holders or their heirs. These provisions would insure that there will be no misunderstanding between the parties involved concerning transfers.

The base established by a partnership may be divided between partners on any basis agreed on in writing by them if written notification of the agreed upon division, signed by each partner, is received by the market administrator prior to the first day of the month in which the division is to be effective. This will facilitate the division of the assets of a partnership that is dissolved during the base-paying period. On the other hand, it will in no way affect the total quantity of base milk in the pool, irrespective of the manner in which the division of the base is made between the partners.

A producer who transferred all or part of his base on or after February 1 would not then be permitted to receive other base by transfer that would be applicable within the March–June period of the same year. Also, a producer who received base by transfer on or after February 1 would not be permitted to transfer a portion of his base to be applicable within the March–June period of the same year, but would be permitted to transfer his entire base. Adoption of these provisions will tend to insure that the exchange of bases between producers are bona fide transfers. Absent such provisions, the transferring of bases back and forth by two or more producers throughout the base-paying period could result in unwarrantedly increasing their share of the total payments under the order for producer milk at the expense of all of the other producers.

The base a producer receives would be determined by the quantity of milk shipped in the base-forming months. Thus, he would have an incentive to maximize his shipments in these months (September–December) when production for the market is normally shortest relative to its Class I needs. This would not be the case in the base-paying months (March–June) when production for the market is substantially more than its requirements. In these months a producer would receive, in effect, only the manufacturing milk value for his production in excess of his base milk for the month. Therefore, no purpose would be served by specifying that a producer must ship a minimum quantity of milk or on a minimum number of days during any base-paying month as a prerequisite to receiving the uniform price for base milk up to the total quantity of his base milk for the month. The base milk of the producer as provided herein would be his base times the number of days in the month, irrespective of the number of days of production his milk was pooled. Thus, a producer would be free, if he so elected, to sell outside the market to nonpool plants any milk in excess of his base milk for the month.

Proponent cooperative and handlers supported the adoption of September

through December as the base-forming months. However, one handler proposed that all or a part of August be substituted for all or a part of December in the base-forming period. In support of this, he noted that the Class I utilization for August was slightly higher than the Class I utilization for December. In the five years of 1972 through 1976, Class I utilization for the market was 83 percent in August and 81.6 percent in December.

For the months as a whole there is relatively little difference in the Class I utilization for August and for December. However, the demand for milk relative to supply in the Tennessee Valley market during the first two-thirds of December is relatively high. It is comparable to the Class I utilization (87 percent) in the three months of lowest production (September, October and November). During the last third of December, due to school closings and the holidays, the demand for milk falls off sharply. In view of the relatively higher Class I utilization in the greater part of the month of December, it is appropriate that December be included with September, October and November as the base-forming months.

In the eight months of July through February each producer supplying the market would receive the uniform price for all his deliveries. Payment at this rate would be made to each producer, irrespective of the number of days he delivered during the month. In the other four months of the year, March through June, the total of his producer milk deliveries in the preceding base-forming months would determine the proportions of his March-June milk to be paid for at the base milk price and the excess milk price. A producer who delivered continuously throughout the base-forming period will have delivered 122 days' production in the four-month period.

A producer generally would deliver continuously throughout the base-forming period. However, because of various circumstances (e.g., storm damage at his farm or to roads, temporary suspension of a health permit, or temporary loss of market when cut off by a buying handler) a producer may be off the market for a limited number of days in the base-forming period. In recognition of this, it was proposed that a producer who delivered at least 100 days' production during the base-forming period receive a base computed on the same basis as a producer who delivered continuously throughout the entire period, i.e., by dividing his total producer milk during the four-month period by his number of days of production.

The requirement that a producer supply the market in the base-forming months in order to earn a base provides an incentive for him to ship to the Tennessee Valley market instead of to other markets in the months when production is lowest relative to the demand for Class I milk. A producer who ships at least 100 days' production during the four-month base-forming period can reasonably be considered as being fully associated with the market. A producer who delivered less than 100 days' production should have his base determined by dividing his total production in the base-forming period by 100. Thus, such a producer, who may have been supplying the Class I needs of another market for a substantial part of the base-forming period, will receive a base that appropriately reflects his contribution as a producer supplying the needs of the Tennessee Valley market in such period.

The milk of producers who come on the market in the base-paying months is not needed to supply the fluid milk market. Thus, the amount of milk pooled at the Class III price, which usually would also be the excess milk price, would be increased.

New producers coming on the market in the base-paying period would generally be dairy farmers who had supplied the fluid milk needs of another order market or an unregulated market in the base-forming period. Milk produced on their farms in the base-paying months would represent substantially milk that is surplus to the Class I needs of the market with which they had been previously associated. It is appropriate, therefore, as provided herein, that the deliveries of such producer milk under the Tennessee Valley order in the base-paying months be paid for at the excess milk price.

In some instances the milk of persons who have not previously supplied a Class I market may come to the Tennessee Valley market through new producers. Included in this category would be dairy farmers who had previously been shipping manufacturing grade milk and persons starting new dairy farm operations. Before coming on as a new producer, such a person would be expected to have anticipated reasonably in advance when he would begin shipping. Hence, he could elect to start shipping in a base-paying month or in any of the other eight months of the year. Therefore, if he elected to begin delivering as a new producer in one of the four base-paying months, he would have made that decision in recognition of the fact that he would receive the excess price for milk he delivered to the market in those months.

In some instances a "natural disaster" may cause a producer to suffer a significantly reduced rate of production or force him to discontinue temporarily the production of milk on his farm. Unless provision is made in the order to give consideration to such occurrences in computing a producer's base, he would suffer an undue hardship. It is appropriate, therefore, that the order specify the conditions under which relief may be granted to a producer whose production was adversely affected in the base-forming period as the result of an occurrence beyond his control.

This can be achieved by providing that the base assigned a person who was a producer within the preceding base-forming period may be increased to 90 percent of his average daily producer milk deliveries in the month immediately preceding the month during which his production was adversely affected by an allowable "hardship" condition. Such relief would be granted only after the producer submitted to the market administrator by March 1 a written statement that established to the satisfaction of the market administrator that the amount of milk produced on his farm in the preceding base-forming period was substantially reduced because of a condition beyond his control, which resulted from:

(1) Loss by fire or windstorm of a farm building used in the production of milk on his farm;

(2) Brucellosis, bovine tuberculosis or other infectious diseases in his milking herd, as certified by a licensed veterinarian; or

(3) A quarantine by a Federal or State authority that prevents him from supplying milk from his farm to a plant.

The conditions under which hardship relief (in the form of an increased base) may be granted a producer encompass most natural disasters that could result in reduced production or in the temporary discontinuance of production on a dairy farm. Such a standard will provide the market administrator the guidance necessary for applying the provision in an objective manner.

Allowing hardship relief by assigning a producer a base of 90 percent of his average daily producer milk deliveries in the month immediately preceding the month during which the hardship occurred provides an equitable standard for this purpose. Such a producer generally would not have shipped enough days' production in the base-forming period to have earned a base equal to his average daily deliveries. To assign him a base equal to his average daily deliveries in a single month could result giving the producer more base than he would have earned if he had not suffered the hardship and had shipped throughout the full base-forming period. In this circumstance, 90 percent of a producer's average daily deliveries in the month immediately preceding the month during which a hardship occurred is a reasonable allowance for providing relief in hardship cases under conditions in this market.

At the hearing, the proponent cooperative proposed assigning a base of up to 80 percent of a producer's first full month's average daily production in the base-paying period in hardship cases. Granting hardship relief based on a producer's deliveries during a month associated with the base-forming period, as adopted herein, will relate the relief to a period when bases are normally established for all producers. On the other hand, determining a "hardship" base on the basis of a producer's deliveries during a month in the base-paying period would tend to encourage him to maximize his deliveries when production for the market is highest relative to its needs. Accordingly, the proposal to base hardship relief on a percentage of a producer's deliveries during a month in the base-paying period is denied.

Dairymen, Inc. (DI), which represented 93 percent of the order's 1,810 producers in February 1977, proposed the base-excess plan. Its member-producers

in the region have historically operated under base-excess plans. Currently, DI operates a base-excess plan outside the order.

For many years before DI operated its own base-excess plan, orders now merged into the Tennessee Valley order had base-excess plans. The Knoxville order had a base-excess plan from 1954 to 1968 and the Appalachian order from 1954 to 1971. When the plans were terminated under these orders in 1968 and 1971, at the request of producers, all but a relatively few of these orders' producers were not members of the cooperative.

The base-excess plan under the Chattanooga order was effective from that order's inception in 1956 until the order was merged into the Tennessee Valley order October 1, 1976. Although a substantial majority of Chattanooga order producers were DI members, a significant proportion were nonmembers.

When the Knoxville base-excess plan was terminated in December 1968, all but 10 of the 703 producers on the market were DI members. In March 1971, when the Appalachian base-excess plan was terminated, only three of the 920 producers under that order were not DI members. Of the 504 Chattanooga order producers in September 1976, the final month of that order, 92 were not DI members.

In recent years, the number of nonmember producers in the market has been increasing. In the final month of the Appalachian order, September 1976, 27 of the 956 producers were nonmembers compared to three in March 1971, the last month of the base-excess plan in the order. When DI operated its base-excess plan outside the order, and there were few nonmember producers under the Appalachian and Knoxville orders (and the Chattanooga order had a base-excess plan), the cooperative apparently felt no need to have a base-excess plan under the Appalachian and Knoxville orders.

DI contended that a base-excess plan is needed as an incentive to producers to feed, breed and manage their herds for fall production. Its spokesman claimed that without any base-excess plan the seasonal production pattern for the market would change dramatically. The complete absence of a plan, he claimed, would result in requiring increasing imports of supplemental supplies in the fall months to meet the market's needs.

According to DI, continuing to operate a base-excess plan for its producers outside the order could result in placing them at a disadvantage compared to other producers. That is, the cooperative's member-producers would have the order uniform price value reblended to them individually via a base-excess plan in the spring months. At the same time, nonmember producers would receive the full uniform price, irrespective of their excess production (relative to their fall production) in the spring months. Also, producers who were not on the market in the fall months could, absent a base-excess plan, dispose of their excess production in the spring months under the order at the uniform price. The DI producers operating under the cooperative's base-excess plan would in the same months receive only the excess price for their excess production in the seasonally high production months.

There was no opposition to the DI proposal for a base-excess plan. The major proprietary handlers in the market supported it. However, they opposed including in the order a provision for establishing a producer hardship committee. DI proposed such a committee to act on requests for additional base from producers who claimed that their deliveries during the base-forming period were adversely affected because of a natural disaster, diseased animals, or a toxic residue in their milk.

Handlers took the position that a hardship provision should be included in the order but should be administered by the market administrator, as are other order provisions. They emphasized that a hardship provision should clearly specify the conditions under which relief could be granted. Handlers argued that the Secretary could not legally delegate to producers the authority to administer any provision of the order. A handler attorney made a motion that the DI proposal for a hardship committee be dismissed. His motion stated that there is no authority in the Act whereby the Secretary may delegate to producers the authority to establish or determine the base of any producer.

As proposed by DI, a hardship committee composed of five producers would be appointed by the market administrator. The committee would meet at the beginning of each base-paying period to hear persons presenting hardship cases. All hardship adjustments voted by the committee would be subject to the approval by the market administrator. In effect, the market administrator would make the final determination under the DI proposal.

The money returns for each producer's milk is affected by the amount of base held by each of the other producers. The various circumstances under which a producer hardship committee would function would create a situation wherein the adjudicator would have a private interest in the matter to be adjudicated. Such a situation would place an undue responsibility on the committee members and could result in creating distrust among petitioners for hardship.

Having the market administrator alone decide whether or not relief should be granted in hardship cases will provide, in effect, essentially the same results as under the procedure urged by the proponent cooperative. Under the DI proposal, the market administrator would make the final determination regarding hardship relief. In this case, it is questionable if a producer hardship committee actually would be needed. As provided herein, the order would set forth definitive guidelines for the market administrator in determining what constitutes a hardship situation.

Since the proposal for a hardship committee is not adopted in this decision, no action is taken on the motion to dismiss the proposal.

The base-excess plan adopted in this decision, which would be applicable to all producers, would benefit consumers, processors and producers by encouraging a seasonally desirable level of milk production. Absent the proposed plan, a DI operated base-excess plan outside the order could not be expected to equitably achieve the intended purpose of a base-excess plan in the order. A plan applicable only to DI producers would have the effect of enabling the significant number of nonmember producers to produce milk under conditions that are conducive to more spring production and less fall production. The base-excess plan provided herein will tend to insure that the excess production on the part of some producers (both cooperative members and nonmembers) will not affect adversely the returns to all producers on the market. Such a plan will be equitable to all producers in providing each of them an incentive to maintain a seasonal pattern of production commensurate with the needs of the market.

In its exceptions, DI urged that when a base is transferred only the baseholder or his heirs be required to sign the application for such transfer. In support of its position it stated "there is no need whatsoever to require the person receiving base by transfer to sign the application sent to the market administrator".

Unless the baseholder or his heirs and the person to whom the base is to be transferred sign the application for such transfer, the market administrator cannot confirm that a valid agreement to transfer base has been made. Requiring that both parties to the transaction sign the application will insure that it is a bona fide transfer.

DI also took exception to the recommended decision's providing that the effective date of transfer of a full base shall be the first day of the month following the date on which an application for such transfer is received by the market administrator. As proposed by DI, such a transfer would be effective on the date of transfer if the market administrator were notified within three days of the date of transfer. Unless such a provision were provided, the cooperative contended, a producer who purchased an entire base would suffer an economic hardship in that he could receive the excess price for all his production until the first day of the month following the date of transfer.

It would not be practicable to provide that the transfer of a base be effective on other than the first day of the month. The base milk of each producer for each base-paying month, March through June, is the amount of milk delivered by him during the month that is not in excess of his assigned daily base multiplied by the number of days in the month. That is, the base milk for each producer is computed according to his deliveries for the whole month. Under this arrangement, which was proposed by DI and adopted in this decision, it would be impracticable to have the transfer of

bases take place other than on the first of the month to be effective for a full month.

The operator of a number of fluid milk plants regulated under nearby orders, who apparently has no distribution in the marketing area, urged "the Secretary to reverse his recommended decision and deny the adoption of a base-excess plan for the Tennessee Valley marketing area." His exception argued that because a cooperative may reblend the proceeds from the sale of its members' milk in paying them for their deliveries, a base-excess plan gives the cooperative's member-producers an advantage over nonmember producers.

The handler exception has no merit. The reblending of the proceeds from the sale of its member-prdoucers' milk under an order with a base-excess plan provides no special advantage to a cooperative's members. Whether or not an order provides for a base-excess plan a cooperative may reblend the proceeds from the sale of its members' milk. Any advantage a producer may obtain under a base-excess plan is equally available to both a cooperative's member-producers and to nonmember producers.

Rulings on Proposed Findings and Conclusions

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General Findings

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the tentative marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on Exceptions

In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing Agreement and Order

Annexed hereto and made a part hereof are two documents, a Marketing Agreement regulating the handling of milk, and an Order amending the order regulating the handling of milk in the Tennessee Valley marketing area which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That this entire decision, except the attached marketing agreement, be published in the Federal Register. The regulatory provisions of the marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which is published with this decision.

Determination of Producer Approval and Representative Period

May 1977 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the order, as amended and as hereby proposed to be amended, regulating the handling of milk in the Tennessee Valley marketing area is approved or favored by producers, as defined under the terms of the order (as amended and as hereby proposed to be amended), who during such representative period were engaged in the production of milk for sale within the aforesaid marketing area.

Signed at Washingtn, D.C., on July 27, 1977.

Robert H. Meyer,
Assistant Secretary for Marketing Services.

Order[1] Amending the Order, Regulating the Handling of Milk in the Tennessee Valley Marketing Area

Finding and Determinations

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings.* A public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Tennessee Valley marketing area. The hearing was held pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure (7 CFR Part 900).

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act.

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and ther economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Tennessee Valley marketing area shall be in conformity to and in compliance with the terms and conditions of the order, as amended, and as hereby amended, as follows:

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Acting Administrator on June 20, 1977, and published in the Federal Register on June 23, 1977 (42 FR 31797) shall be and are the terms and provisions of this order, amending the order, and are set forth in full herein:

1. A heading and five new sections (§§ 1011.90, 1011.91, 1011.92, 1011.93 and 1011.94) are added as follows:

Base-Excess Plan

§ 1011.90 Base milk.

"Base milk" means the producer milk of a producer in each month of March through June that is not in excess of the producer's base multiplied by the number of days in the month.

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

§ 1011.91 Excess milk.

"Excess milk" means the producer milk of a producer in each month of March through June in excess of the producer's base milk for the month, and shall include all the producer milk in such months of a producer who has no base.

§ 1011.92 Computation of base for each producer.

(a) Subject to § 1011.93, the base for each producer shall be an amount obtained by dividing the total pounds of his producer milk during the immediately preceding months of September through December by the number of days' production represented by such producer milk or by 100, whichever is more.

(b) The base for a producer whose milk was delivered to a nonpool plant that became a pool plant after the beginning of the base-forming period (September-December) shall be calculated as if the plant were a pool plant for the entire base-forming period. A base thus assigned shall not be transferable.

§ 1011.93 Base rules.

(a) Except as provided in § 1011.92(b) and in paragraph (b) of this section, a base may be transferred in its entirety or in amounts of not less than 300 pounds effective on the first day of the month following the date on which an application for such transfer is received by the market administrator. Such application shall be on a form approved by the market administrator and signed by the baseholder or his heirs and the person to whom the base is to be transferred. If a base is held jointly, the application shall be signed by all joint holders or their heirs.

(b) A producer who transferred base on or after February 1 may not receive by transfer additional base that would be applicable during March through June of the same year. A producer who received base by transfer on or after February 1 may not transfer a portion of his base to be applicable during March through June of the same year, but may transfer his entire base.

(c) The base established by a partnership may be divided between the partners on any basis agreed to in writing by them if written notification of the agreed-upon division of base signed by each partner is received by the market administrator prior to the first day of the month in which such division is to be effective.

(d) The base assigned a person who was a producer during any of the immediately preceding months of September through December may be increased to 90 percent of his average daily producer milk deliveries in the month immediately preceding the month during which a condition described in paragraph (d) (1), (2) or (3) of this section occurred, providing such producer submitted to the market administrator in writing on or before March 1 a statement that established to the satisfaction of the market administrator that in the immediately preceding September through December base-forming period the amount of milk produced on his farm was substantially reduced because of conditions beyond his control, which resulted from:

(1) The loss by fire or windstorm of a farm building used in the production of milk on his farm;

(2) Brucellosis, bovine tuberculosis or other infectious diseases in his milking herd, as certified by a licensed veterinarian; or

(3) A quarantine by a Federal or State authority that prevents him from supplying milk from his farm to a plant.

§ 1011.94 Announcement of established bases.

On or before February 1 of each year, the market administrator shall calculate a base for each person who was a producer during any of the immediately preceding months of September through December and shall notify each producer and the handler receiving milk from him of the base established by the producer. If requested by a cooperative association, the market administrator shall notify the cooperative association of each producer-member's base.

2. Section 1011.32 is revised as follows:

§ 1011.32 Other reports.

(a) Each handler described in § 1011.9 (a), (b) and (c) shall report to the market administrator on or before the 6th day after the end of each month of March through June the aggregate quantity of base milk received from producers during the month, and on or before the 20th day after the end of each month of March through June the pounds of base milk received from each producer during the month.

(b) In addition to the reports required pursuant to paragraph (a) of this section and §§ 1011.30 and 1011.31, each handler shall report such other information as the market administrator deems necessary to verify or establish each handler's obligation under the order.

3. Section 1011.61 is revised as follows:

§ 1011.61 Computation of uniform price (including weighted average price and uniform prices for base and excess milk).

(a) The market administrator shall compute the weighted average price for each month and the uniform price for each month of July through February per hundredweight for milk of 3.5 percent butterfat content as follows:

(1) Combine into one total the values computed pursuant to § 1011.60 for all handlers who filed the reports prescribed in § 1011.30 for the month and who made the payments pursuant to § 1011.71 for the preceding month;

(2) Add one-half the unobligated balance in the producer-settlement fund;

(3) Add an amount equal to the total value of the location adjustments computed pursuant to § 1011.75;

(4) Divide the resulting amount by the sum of the following for all handlers included in these computations:

(i) The total hundredweight of producer milk; and

(ii) The total hundredweight for which a value is computed pursuant to § 1011.60 (f); and

(5) Subtract not less than 4 cents nor more than 5 cents per hundredweight. The resulting figure, rounded to the nearest cent, shall be the weighted average price for each month and the uniform price for the months of July through February.

(b) For each month of March through June, the market administrator shall compute the uniform prices per hundredweight for base milk and for excess milk, each of 3.5 percent butterfat content, as follows:

(1) Compute the total value of excess milk for all handlers included in the computations pursuant to paragraph (a) (1) of this section as follows:

(i) Multiply the hundredweight quantity of excess milk that does not exceed the total quantity of such handlers' producer milk assigned to Class III milk by the Class III price;

(ii) Multiply the remaining hundredweight quantity of excess milk that does not exceed the total quantity of such handlers' producer milk assigned to Class II milk by the Class II price;

(iii) Multiply the remaining hundredweight quantity of excess milk by the Class I price; and

(iv) Add together the resulting amounts;

(2) Divide the total value of excess milk obtained in paragraph (b) (1) of this section by the total hundredweight of such milk and adjust to the nearest cent. The resulting figure shall be the uniform price for excess milk;

(3) From the amount resulting from the computations pursuant to paragraph (a) (1) through (3) of this section, subtract an amount computed by multiplying the hundredweight of milk specified in paragraph (a) (4) (ii) of this section by the weighted average price;

(4) Subtract the total value of excess milk determined by multiplying the uniform price obtained in paragraph (b) (2) of this section times the hundredweight of excess milk from the amount computed pursuant to paragraph (b) (3) of this section;

(5) Divide the amount calculated pursuant to paragraph (b) (4) of this section by the total hundredweight of base milk included in these computations; and

(6) Subtract not less than 4 cents nor more than 5 cents from the price computed pursuant to paragraph (b) (5) of this section. The resulting figure, rounded to the nearest cent, shall be the uniform price for base milk.

4. Section 1011.62 is revised as follows:

§ 1011.62 Announcement of uniform prices and butterfat differential.

The market administrator shall announce publicly on or before:

(a) The fifth day after the end of each month the butterfat differential for such month; and

(b) The 10th day after the end of each month the applicable uniform prices pursuant to § 1011.61 for such month.

§ 1011.71 [Amended]

5. In § 1011.71, paragraph (a)(2)(i) is amended by replacing the word "price" with the word "prices" and paragraph (a)(2)(ii) is amended by replacing the words "uniform price" with the words "weighted average price."

6. In § 1011.73, paragraph (a)(1), the introductory text of paragraph (a)(2), paragraph (c) (1) and (2), and paragraph (d) are revised as follows:

§ 1011.73 Payments to producers and to cooperative associations.

(a) * * *

(1) On or before the last day of each month, for milk received during the first 15 days of the month from such producer who has not discontinued delivery of milk to such handler before the 25th day of the month, at not less than the Class III price for the preceding month or 90 percent of the weighted average price for the preceding month, whichever is higher, less proper deductions authorized in writing by the producer; and

(2) On or before the 15th day of the following month, an amount equal to not less than the uniform price(s), as adjusted pursuant to §§ 1011.74 and 1011.75, multiplied by the hundredweight of milk or base milk and excess milk received from such producer during the month, subject to the following adjustments:

* * * * *

(c) * * *

(1) On or before two days prior to the last day of the month for milk received during the first 15 days of the month, not less than the Class III price for the preceding month or 90 percent of the weighted average price for the preceding month, whichever is higher; and

(2) On or before the 13th day of the following month for milk received during the month, not less than the appropriate uniform price(s) as adjusted pursuant to §§ 1011.74 and 1011.75, less any payments made pursuant to paragraph (c)(1) of this section.

(d) In making payments for producer milk pursuant to this section, each handler shall furnish each producer or cooperative association from whom he has received milk a supporting statement in such form that it may be retained by the recipient which shall show:

(1) The month and identity of the producer;

(2) The daily and total pounds and the average butterfat content of producer milk;

(3) For the months of March through June the total pounds of base milk received from the producer;

(4) The minimum rate(s) at which payment to the producer is required pursuant to this order;

(5) The rate(s) used in making the payment if such rate(s) is other than the applicable minimum rate(s);

(6) The amount, or the rate per hundredweight, and nature of each deduction claimed by the handler; and

(7) The net amount of payment to such producer or cooperative association.

§ 1011.74 [Amended]

7. Section 1011.74 is amended by replacing the words "uniform price" with the words "uniform price(s)."

8. Section 1011.75 is revised as follows:

§ 1011.75 Plant location adjustments for producers and on nonpool milk.

(a) In making payments required pursuant to § 1011.73, the uniform price and the uniform price for base milk pursuant to § 1011.61 for the month shall be adjusted by the amounts set forth in § 1011.52 according to the location of the plant where the milk being priced was received.

(b) For purposes of computing the value of other source milk pursuant to § 1011.71, the weighted average price shall be adjusted by the amount set forth in § 1011.52 that is applicable at the location of the nonpool plant from which the milk was received, except that the adjusted weighted average price shall not be less than the Class III price.

§ 1011.76 [Amended]

9. In § 1011.76, paragraph (a)(4) is amended by replacing the words "uniform price" with the words "weighted average price" in the two places they appear in paragraph (a)(4).

[FR Doc.77-22195 Filed 8-1-77;8:45 am]

FEDERAL ENERGY ADMINISTRATION

[10 CFR Parts 211, 212]

REVISION OF CRUDE OIL BUY/SELL PROGRAM

Change of Hearing Location

AGENCY: Federal Energy Administration.

ACTION: Notice of change of hearing location.

SUMMARY: The Federal Energy Administration (FEA) hereby gives notice that the public hearing on the proposed revision of the Mandatory Crude Oil Allocation Program (the "buy/sell program") will be held in Room 3000A, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C., rather than Room 2105, 2000 M Street NW., Washington, D.C. as previously announced in the Notice of Proposed Rulemaking and Public Hearing issued on July 18, 1977 (42 FR 37406, July 21, 1977). The public hearing will commence at 9:30 a.m. on August 9, 1977, and, if necessary, will be continued to 9:30 a.m. on August 10, as previously announced.

FOR FURTHER INFORMATION CONTACT:

Samuel M. Bradley (Office of General Counsel), Federal Building, 12th and Pennsylvania Avenue NW., Room 5134, Washington, D.C. 20461 (202-566-9565).

Issued in Washington, D.C., July 29, 1977.

J. PETER LUEDTKE,
Acting General Counsel.

[FR Doc.77-22234 Filed 8-1-77;8:45 am]

[10 CFR Part 430]

ENERGY CONSERVATION PROGRAM FOR APPLIANCES

Economic Briefing

AGENCY: Federal Energy Administration.

ACTION: Notice of economic briefing.

SUMMARY: The Federal Energy Administration hereby announces that an economic briefing will be held on August 8, 1977. This briefing will outline the methodology behind the economic feasibility analysis of the proposed energy efficiency improvement targets for ten appliances.

DATE: August 8, 1977.

BRIEFING TO BE HELD AT: Federal Energy Administration, 12th and Pennsylvania Avenue NW., Room 3000A, Washington, D.C. 20461.

FOR FURTHER INFORMATION CONTACT:

Arthur S. Roemer, Room 311, Old Post Office Bldg., Federal Energy Administration, Washington, D.C. 20461 (202-566-4661).

SUPPLEMENTARY INFORMATION: The proposed rulemaking and public hearings regarding energy efficiency improvement targets issued July 8, 1977 (42 FR 36648, July 15, 1977), announced that an economic briefing would be held if sufficient interest in such a briefing were indicated to the Federal Energy Administration (FEA). The briefing will be held on August 8, 1977, at the address indicated above. All parties who expressed interest in attending have already been directly notified of FEA's decision to hold the briefing. Notice is hereby given to any other interested persons who wish to attend. The briefing will proceed according to the following schedule:

OUTLINE OF SCHEDULE

9 a.m.-11 a.m.—Presentation of economic analysis: I—Overview of economic environment. II—Conceptual framework. III—Key variables.
11 a.m.-12 p.m.—Open discussion on presentation.
12 p.m.-1 p.m.—Lunch.
1 p.m.-2 p.m.—Background data and microeconomic analysis for products 1-5.
2 p.m.-3 p.m.—Background data and microeconomic analysis for products 6-10.

3 p.m.–4 p.m.—Aggregate analysis and impact statement.

Issued in Washington, D.C., July 27, 1977.

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

[FR Doc.77-22152 Filed 8-1-77;8:45 am]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Part 564]

[No. 77-475]

FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

Proposed Amendment Regarding Insurance of IRA's and Keogh Retirement Plans

JULY 27, 1977.

AGENCY: Federal Home Loan Bank Board.

ACTION: Proposed regulation.

SUMMARY: This proposed regulatory change is intended to clarify insurance coverage of IRA's and Keogh retirement plan accounts and is needed because existing regulations do not expressly define such coverage. The proposal would expressly provide separate insurance up to $40,000 in the aggregate for the beneficial interests in such accounts. The reader may be interested in a final rule affecting these accounts which is being published concurrently with this proposal. Board Resolution No. 77-474 implements Pub. L. 94-60, which authorized Federal savings and loan associations to serve as custodians of IRA's and Keogh Plans.

DATE: Comments must be received on or before September 2, 1977.

ADDRESS: Send comments to the Office of the Secretary, Federal Home Loan Bank Board, 320 First Street NW., Washington, D.C. 20552. Comments available for public inspection at the above address.

FOR FURTHER INFORMATION CONTACT:

Harry W. Quillian, Associate General Counsel, Federal Home Loan Bank Board (202-376-3556) at the above address.

SUPPLEMENTARY INFORMATION: The Federal Home Loan Bank Board considers it desirable to propose an amendment to Part 564 of the Rules and Regulations for the Federal Savings and Loan Insurance Corporation (12 CFR Part 564) by adding a new § 564.10a thereto. This proposed change, which concerns Individual Retirement Accounts (IRA's) and Keogh (H.R. 10) plans (Keogh's) offered by institutions insured by the Federal Savings and Loan Insurance Corporation, is intended to clarify insurance coverage on such accounts.

Since present regulations do not separately address insurance of IRA's and Keogh's, the Board continues to receive inquiries regarding their coverage. Although the Board's Office of General Counsel has ruled that such accounts are insured under § 564.10 (along with interests in other types of pension plans) due to their statutory origin and liability for a substantial tax penalty if withdrawn prior to conditions specified in the tax laws, the Board believes that adoption of a new provision to expressly define the insurance coverage of such accounts is desirable.

This proposal would add a new § 564.10a to the insurance regulations to specifically provide separate insurance coverage up to $40,000 in the aggregate for each beneficial interest in a Keogh or IRA.

Accordingly, the Board proposes to amend Part 564 of the Rules and Regulations for the Federal Savings and Loan Insurance Corporation by adding a new § 564.10a thereto to read as set forth below.

§ 564.10a Certain pension accounts.

The interest of each beneficiary in a savings account established pursuant to §§ 401(d) or 408(a) of the Internal Revenue Code, and in conformance therewith, shall be deemed a trust estate for the purposes of this Part 564, and insured up to $40,000 in the aggregate, separately from any other accounts of the fiduciary or beneficiary or beneficiaries of any such account.

(Secs. 402, 403, 407, 48 Stat. 1256, 1257, 1260, as amended (12 U.S.C. 1725, 1726, 1730); Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR 1943-48 Comp., 1071.)

By the Federal Home Loan Bank Board.

J. J. FINN,
Secretary.

[FR Doc.77-22162 Filed 8-1-77;8:45 am]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 241, 245, 246]

[EDR-331; Docket 31205; Dated: July 28, 1977]

MODEL CORPORATE DISCLOSURE REGULATIONS

Advance Notice of Proposed Rulemaking

AGENCY: Civil Aeronautics Board.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: This advance notice asks for comments from the public on whether the Board can and should adopt the Model Corporate Disclosure Regulations developed by the Interagency Steering Committee on Uniform Corporate Reporting. This advance notice is being issued in response to requests from Senator Lee Metcalf and the General Accounting Office.

DATES: Comments by August 22, 1977. Reply comments by September 12, 1977. Requests to be placed on the service list by August 12, 1977.

ADDRESSES: Comments should be sent to: Docket 31205, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. Comments may be examined at the Docket Section, Civil Aeronautics Board, Room 711, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., as soon as they are received.

FOR FURTHER INFORMATION CONTACT:

Stephen L. Babcock, Rules Division, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washingtn, D.C. 20428 (202-673-5442).

SUPPLEMENTARY INFORMATION: The Model Corporate Disclosure Regulations were developed in 1974 and 1975 by an Interagency Steering Committee composed of representatives of nine regulatory agencies and the U.S. General Accounting Office. The model rules would provide increased disclosure of the underlying beneficial ownership of the voting stock of companies regulated by agencies adopting them, and would also provide increased disclosure of corporate structure, affiliations of officers and directors, and debt holdings. The text of the Model Corporate Disclosure Regulations is set forth in Appendix A, attached hereto.[1] The Board's existing regulations on these subjects, applicable to certificated air carriers, are contained in 14 CFR Parts 241 (specifically, 14 CFR 241.03, 241.23, 241.26, 241.33 and 241.36) 245 and 246.

In a pending case entitled the Institutional Control of Air Carriers Investigation, Docket 26348,[2] the Board is now conducting an informal investigation which includes many of the issues addressed by the Model Corporate Disclosure Regulations, and the Board will not, of course, permit any proceedings which may result from this advance notice to prejudge or prejudice that pending investigation. As its active participation in the work of the Interagency Steering Committee will attest, however, the Board is sympathetic to the goals of the model rules, and therefore wishes to elicit comment from the public on the desirability of adopting them, in whole or in part, at the present time on an interim basis, or as permanent rules following the conclusion of the Institutional Control of Air Carriers Investigation, supra.

In response to this advance notice, the Board is especially interested in receiving the views of the public on the extent of the regulatory need for the information which the model rules would produce and on whether the public interest in obtaining this information is sufficient to justify the added reporting burdens which the model rules would entail. Additionally, views are solicited on whether the Board's statutory authority (note particularly sections 204 and 407 of the Federal Aviation Act of 1958, as

[1] The Model Corporate Disclosure Regulations have also been the subject of consideration by the Interstate Commerce Commission (40 FR 15402 (1975)), the Federal Communications Commission (40 FR 26543, 26557 (1975)), and the Securities and Exchange Commission (40 FR 42212 (1975), 42 FR 12342 (March 3, 1977)).

[2] See Orders 74-1-132, 75-1-35, 77-2-87 and 77-4-103.

amended, 49 U.S.C. 1324 and 1377) is sufficient to support promulgation of the model rules.

Interested persons may take part in this rulemaking by submitting 20 copies of written data, views, or arguments on the subject discussed. All relevant material received by the dates shown at the beginning of this notice will be considered by the Board before taking further action.

Those persons planning to file comments or reply comments who wish to be served with such comments filed by others, and are willing to serve their own comments on others, shall file with the Docket Section, at the address and by the date shown at the beginning of this notice, a request to be placed on the Service List. The Service List will be prepared by the Docket Section and sent to the persons named on it. Those persons are to serve each other with comments or reply comments at the time of filing, and are to include proof of service (Rule 8(e), 14 CFR 302.8(e)) with each filing.

Individual members of the general public who wish to express their interest as consumers by informally taking part in this proceeding may do so by submitting comments in letter form to the Docket Section, without having to file additional copies.

(Sec. 204, 407, Federal Aviation Act of 1958, as amened, 72 Stat. 743, 766, as amended, 49 U.S.C. 1324, 1377.)

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

APPENDIX A—MODEL CORPORATE DISCLOSURE REGULATIONS

DEFINITIONS

Annual Reporting. The term "annual reporting" means as of December 31 of each calendar year.

Control. The term "control" (including the terms "controlling," "controlled by" and "under common control with") means the possession, direct or indirect, of the power to direct or cause the direction of the management or policies of a person, natural or artificial. Sources of power may include, but are not limited to: Equity security ownership; debtholdings; sole or partial voting arrangements; common directors, officers, or stockholders; or lease, purchase, lines of credit, supply, distribution, or operating agreements.

Financing Lease. The term "financing lease" shall refer to any lease which during the noncancelable lease period, either (1) covers 75 percent or more of the economic life of the property or (2) has terms which assure the lessor of a full recovery of the fair market value (which would normally be represented by his investment) of the property at the inception of the lease plus a reasonable return on the use of the assets invested subject only to limited risk in the realization of the residual interest in the property and the credit risks generally associated with secured loans.

Parent of Respondent. "Parent of respondent" shall refer to every firm, holding company or other person or combination of persons who ultimately control the respondent, as well as any intermediary controlling entity

ANNUAL REPORTING REQUIREMENTS

I. Corporate Structure. A. For each respondent, parent of respondent, subsidiaries (and or organizations controlled) of the respondent, joint ventures involved in by the respondent, and subsidiaries (and/or organizations controlled) of joint ventures involved in by the respondent, the following information shall be submitted:

1. Name and address.
2. Basis of control.
3. Principal business activities. a. List and describe by 4-digit SIC Code and short title each industry in which the respondent's activities generated 10% of gross revenues or $5 million dollars (during the reporting year). 4-digit industry SIC codes & short titles are listed in the most recent Standard Industrial Classification Manual as published by the Executive Office of the President, Office of Management & Budget.

b. 4-digit SIC Codes and short titles should be listed in order of significance relative to the total activities of respondent, based upon the percentage of gross revenues generated within each 4-digit industry.

4. Copy of the latest balance sheet and income statement and consolidated balance sheet and income statement, if available.
5. A copy of any chart or other graphic material showing the relationship of the respondent to such parents, subsidiaries, and other organizations listed.

B. In addition to subparagraph (A) above, list every corporation, partnership, or other business organization in which the respondent owns more than five percent of the outstanding voting securities or other ownership interests and indicate the percentage so owned.

II. Voting Stock Ownership. A. In descending order, the 30 largest holders of voting shares (not to include any holder with less than one-tenth of the one percent of the outstanding shares) in the respondent, identified as to

1. Name.
2. Address.
3. Type (bank, broker, holding company, individual or other specified category.
4. The number of voting shares held (as of the end of the calendar year) and its percentage relationship to total outstanding shares. (If some shares—such as preferred issues—carry limited voting rights describe the limitation and the number of shares affected.)

(In determining the number of shares held, all nominee and other accounts of each shareholder, including accounts held by depository trust companies (Cede & Co., SICOVAM, Pacific Coast Stock Exchange Clearing Corp., Midwest Stock Exchange Clearing Corp.) shall be aggregated and reported as one account in the name of the bank, broker, holding company, individual or other identified shareholder.)

B. With respect to each of the 30 largest holders, the number of shares (and percentage relationship to total outstanding voting shares) over which the holder has:

1. Sole voting power.
2. Shared voting power (if voting power is shared with any of the thirty largest shareholders, identify the shareholder and the number of shares held).
3. No voting power under any circumstances.

C. With respect to shares over which the stockholder has no voting power, the name and address of the person(s) empowered to vote the ten largest blocks of stock, the number of shares and the percentage of stock in relation to the total outstanding voting shares

D. With respect to the 30 largest holders of voting shares in any parent, holding company or other organization or person controlling the respondent, provide the information required in subparagraphs (A), (B) and (C) above.

III. Affiliations of Officers and Directors. A. The name, address and social security number of each of the principal officers and each director, trustee, partner or person exercising similar functions, of the respondent and parent together with his title and position with the respondent and with any parent, holding company, person, or combination of persons, controlling the respondent, and with any subsidiary of the respondent and any other company, firm or organization which the respondent controls.

B. For each of the officials named under subparagraph (A) above, list the principal occupation or business affiliation if other than listed in subparagrap (A), and all affiliations with any other business or financial organizations, firm or partnership.

C. A list of each contract, agreement or other business arrangement exceeding an aggregate value of one million dollars entered into between the respondent and any business or financial organizations, firm or partnership named in subparagraph (B) above, identifying the parties, amounts, dates and product or service involved.

D. A list of each contract, agreement or other business arrangement in excess of $600 entered into during the calendar year (other than compensation related to position with respondent) between the respondent and each officer and director listed in subparagraph (A), identifying the parties, amounts, dates and product or service involved. In addition, provide the same information with respect to professional services for each firm, partnership or organization with which the officer or director is affiliated.

IV. Debt Holdings. A. A description of each long-term debt (debt due after one year) of the respondent in excess of one million dollars, including the name and address of the creditor, the character of the debt, nature of the security, if any, the date of origin, the date of maturity, the total amount of the debt, the rate of interest, the total amount of interest to be paid, and a copy of any and all restrictive covenants attached to the indebtedness (where such indebtedness is widely held, such as bonds and debentures, provide the name of the trustee in place of the creditor).

1. With respect to each holder of more than five percent of each issue reported provide the name, address, and type of holder—bank, broker, holding company, individual or other specified category and amount of debt held.

B. A description of each short-term debt (under one year) excluding accounts payable of the respondent, including the name and address of the creditor, nature and character of the liability, period of the debt, rate of interest, total amount of such short-term debt, nature of the security, and date when debt was paid, or date when such debt must be paid, and a copy of any and all resetrictive covenants attached to the indebtedness.

C. A description of each financing lease arrangement, equipment trust, conditional sales contract, or major liability with respect to the capital assets of the respondent and involving aggregate payments in excess of one million dollars and a copy of any and all restrictive covenants attached to the indebtedness.

[FR Doc.77-22194 Filed 8-1-77;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Parts 182 and 184]

[Docket No. 77N-0034]

LICORICE, GLYCYRRHIZA AND AMMONIATED GLYCYRRHIZIN

Proposed Affirmation of GRAS Status With Special Limitations as Direct Human Food Ingredients

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: This is a proposal to affirm as generally recognized as safe (GRAS) licorice, glycyrrhiza and ammoniated glycyrrhizin as direct human food ingredients with specific limitations. The safety of these ingredients has been evaluated under the comprehensive safety review being conducted by the agency. The proposal would list the ingredients as direct food substances affirmed as GRAS.

DATE: Comments by October 3, 1977.

ADDRESS: Written comments to the Hearing Clerk (HFC-20), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT:

Corbin Miles, Bureau of Foods (HFF-335), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St., SW., Washington, DC 20204, 202-472-4750.

SUPPLEMENTARY INFORMATION: The Food and Drug Administration is conducting a comprehensive safety review of direct and indirect human food ingredients classified as generally recognized as safe (GRAS) or subject to a prior sanction. The Commissioner of Food and Drugs has issued several notices and proposed regulations, published in the FEDERAL REGISTER of July 26, 1973 (38 FR 20040), initiating this review. Pursuant to this review, the safety of licorice, glycyrrhiza and ammoniated glycyrrhizin has been evaluated. In accordance with the provisions of § 170.35 (formerly § 121.40, prior to recodification published in the FEDERAL REGISTER of March 15, 1977 (42 FR 14302)), the Commissioner proposes to affirm the GRAS status of these ingredients with specific limitations.

Commercially available licorice (glycyrrhiza) is an extract prepared from the roots and rhizomes of *Glycyrrhiza glabra* L., a leguminous shrub that grows wild or is cultivated in numerous temperate or semitropical regions of Europe and Asia. *Glandulifera* and *typica* are two varieties of *C. glabra* and are known as Russian licorice and Spanish licorice, respectively. A commercial preparation of licorice extract is prepared by macerating the roots of the licorice plant, extracting with hot water and filtering. The extract is concentrated to about 20 percent moisture, and yields a crude product (block licorice) that is 30 to 40 percent of the root.

The commercially important ammoniated glycyrrhizin is prepared from a hot water extract of licorice root by sulfuric acid precipitation, followed by neutralization with dilute ammonia. It is reported to be 50 times as sweet as sucrose, to synergize the sweetness of sucrose, and to potentiate the flavor of chocolate.

Licorice and glycyrrhiza are listed in § 182.10 (formerly § 121.101(e)(1), prior to recodification published in the FEDERAL REGISTER of March 15, 1977 (42 FR 14302)), as GRAS for use in food as spices and other natural seasonings and flavorings, pursuant to a regulation published in the FEDERAL REGISTER of January 19, 1960 (25 FR 404), and subsequently recodified. Licorice, glycyrrhiza and ammoniated glycyrrhizin are listed in § 182.20 (formerly § 121.101(e)(2), prior to recodification published in the FEDERAL REGISTER of March 15, 1977 (42 FR 14302)), as GRAS for use in food as essential oils, oleoresins and natural extractives, pursuant to a regulation published in the FEDERAL REGISTER of January 19, 1960 (25 FR 404) and subsequently recodified.

A representative cross-section of food manufacturers was surveyed to determine the specific foods in which these substances were used and the levels of usage. Information from surveys of consumer consumption was obtained and combined with the manufacturing information to obtain an estimate of consumer exposure to licorice, glycyrrhiza and ammoniated glycyrrhizin. No data were obtained which would show how the food use of licorice has changed in the past decade. However, survey data indicate that about 16 thousand pounds of licorice root, 74 thousands pounds of licorice extract, 300 thousand pounds of licorice extract powder, and 19 thousand pounds of ammoniated glycyrrhizin were used in foods in 1970.

Licorice, glycyrrhiza, and ammoniated glycyrrhizin have been the subject of a search of the scientific literature from 1920 to the present. The parameters used in the search were chosen to discover any articles that considered (1) chemical toxicity, (2) occupational hazards, (3) metabolism, (4) reaction products, (5) degradation products, (6) any reported carcinogenicity, teratogenicity, or mutagenicity, (7) dose response, (8) reproductive effects, (9) histology, (10) embryology, (11) behavioral effects, (12) detection, and (13) processing. A total of 143 abstracts was reviewed and 39 particularly pertinent reports have been summarized in a scientific literature review.

The scientific literature review shows, among other studies, the following information as summarized in the report of the Select Committee on GRAS Substances (hereinafter referred to as the Select Committee), selected by the Life Sciences Research Office of the Federation of American Societies for Experimental Biology:

On oral administration of tritium-labelled monoammonium glycyrrhizinate to human subjects, Carlat et al. determined that the substance was only slightly absorbed from the gastrointestinal tract, and was mainly hydrolyzed to form glycyrrhetic acid, which was excreted unchanged in feces. Oral administration of labelled glycyrrhetic acid produced essentially the same results. However, when tritium-labelled β-glycyrrhetic acid was administered intraperitoneally (25 mg per kg of body weight) to male and female albino rats, an average of 100 percent of the label was absorbed and then excreted within 12 hours through the bile into the feces. The rate of excretion was slower when the substance was orally administered at a level of 60 mg per kg, an average of 83 percent of the label was excreted in the feces and one percent in the urine in one to three days. The bile contained three unidentified metabolites of glycyrrhetic acid. Parke et al. suggested that Carlat et al. might have made similar observations had they collected bile over a longer period than 4 hours.

Oral administration of ammoniated glycyrrhizin (about 7 g per kg), monoammonium glycyrrhizinate (about 2 g per kg), and glycyrrhetic acid (about 1.5 g per kg), to bilaterally adrenalectomized rats, significantly decreased sodium output and caused retention of urine. The first two compounds had little or no effect on potassium output, but glycyrrhetic acid increased potassium retention. When given by any route to male albino rats, glycyrrhetic acid exhibits a strong antidiuretic effect and, when given orally (about 500 mg per kg), delays water absorption from the alimentary tract. Cats and rats administered glycyrrhetic acid intraperitoneally (200 mg and 125 mg per kg, respectively), exhibited a marked antidiuretic action; however, there was an increase in urinary potassium excretion. Following oral administration of as much as 1.5 g of glycyrrhetic acid per kg of body weight to male albino rats daily for 8 days, Linko and Vasama noted an increase in excretion of potassium, while the body weight of the rats increased.

In vitro experiments by Whitehouse et al. have shown that glycyrrhetic acid is a potent uncoupler of oxidative phosphorylation in rat liver mitochondria. Kraus reported that when rats received 0.4 percent ammoniated glycyrrhizin in drinking water (about 500 mg per kg per day) for a week, their ability to mobilize glucose was decreased. The ability of mice, receiving drinking water containing 0.4 percent ammoniated glycyrrhizin (about 800 mg per kg per day), to withstand cold temperatures was decreased. These results led the investigator to suggest that glycyrrhizin decreases the output of ACTH. Evdokimova and Kamilov found that potassium glycyrrhizinate (15 mg per kg daily), "injected internally" for two months, decreased experimental atherosclerosis in rabbits by decreasing the amount of cholesterol in the blood and reducing the cholesterol-licithinic coefficient.

Gujral et al. found that oral glycyrrhizin (200 mg per kg per day) exhibits antiarthritic and anti-inflammatory effects in adrenalectomised rates with Brownlee's formaldehyde-induced arthritis. Elmadjian et al. found that monoammonium glycyrrhizinate and hydrocortisone have synergistic effects in the adrenalectomized patient. Sasano et al. reported that simultaneous intravenous administration to rats of glycyrrhizin with dexamethasone inhibits the dexamethasone-induced strophy of the adrenals, indicating adrenocortical stimulation by the glycyrrhizin. Asanuma found that glycyrrhizin can either suppress or intensify the action of

cortisone in adrenalectomized rats, depending on the immediate conditions, and can suppress the inhibitory action of dexamethasone on the pituitary.

Van Katwijk et al. gave glycyrrhetic acid to two human subjects (one with Addison's disease and one with a jejunal ulcer) in amounts up to 2.5 g per day for unspecified periods. The urine of these patients showed no traces of glycyrrhetic acid. No data on fecal excretion were reported. However, the investigators isolated an apparent metabolite of the acid in the urine which was unidentified except for its red color and absorption maximum (555–560 mμ) when treated with sulfuric acid.

The LD_{50} of various glycyrrihizin salts administered to mice has been determined by Fujimura, and Klosa, with results as shown in [the table below].

TABLE IV

Route	Glycyrrhizin salt	LD_{50} (milligram per kilogram)
Oral	Ammonium (crude)	12,700
	Diammonium	9,600
	Potassium (crude)	12,400
	Monopotassium	1,220
	Dipotassium	8,100
Intravenous	Monopotassium	412
Intraperitoneal.	Ammonium (crude)	1,050
	Monoammonium	1,070
	Diammonium	1,250
	Potassium (crude)	1,260
	Dipotassium	1,400
Intramuscular.	Monopotassium	695
Subcutaneous.	Monopotassium	697

Finney using albino mice of both sexes, reported an intraperitoneal LD_{50} of 308 mg per kg for glycyrrhetic acid. Upon oral or subcutaneous administration, no deaths occurred with single doses as high as 610 mg per kg.

Tocco observed that when pigeons received subcutaneous doses of glycyrrhizin of from 450 to 500 mg per kg body weight, they became diarrhetic within an hour, and showed depression lasting about 24 hours. Guinea pigs receiving glycyrrhizin subcutaneously in doses of 1,000 mg per kg rapidly became depressed and diarrhetic, showed decreased urinary volume, and died within 24 hours. In dogs, intravenous doses of glycyrrhizin of about 500 mg per kg were fatal. The same dose given subcutaneously produced only a slight depression for up to 3 hours; by the oral route, this dose produced almost no adverse reaction.

Over a 50-day period, Girerd et al. gave oral doses, to male Sprague-Dawley rats, of (a) 10 g of licorice per kg per day and (b) 1 g of ammoniated glycyrrhizin per kg per day. The experimental animals showed a progressive increase in blood pressure to about 190 mm as compared to 125 mm for a control group. They also showed a significant depression of growth, which was greater in the licorice-treated rats than in the animals fed ammoniated glycyrrhizin. Both absolute and relative weight increases were noted in kidneys, adrenals, and hearts of treated animals, and weight losses in hypophyses and testes. Severe renal and cardiovascular lesions were found in the licorice-treated rats; milder lesions were noted in the ammoniated glycyrrhizin group. The survival rate, after 50 days, was 36 percent for licorice-treated rats and 77 percent for those receiving ammoniated glycyrrhizin, as compared to 100 percent for controls.

Macabies et al. administered glycyrrhizin orally to rats, at a level of 160 mg per rat per day, on the following schedule: 70 days of treatment; 50 days without treatment; another 35 days of treatment; and a final 20 days without treatment. There was no effect on weight, but a 25 percent increase in blood pressure during glycyrrhizin administration was observed; blood pressure returned to normal when the treatment was discontinued. In another study, the same workers determined the hypertensive action of several licorice-related substances administered as shown below to male Wistar rats over a period of 10 to 25 days:

Route	Substance	Daily dose (milligram per kilogram)
Intraperitoneal.	Ammoniated glycyrrhizin.	150 to 300
Intraperitoneal.	Tripotassium glycyrrhizinate.	150 and 300
Subcutaneous.	Ammoniated glycyrrhizin.	300
Oral	Deglycyrrhizinated licorice extract.[1]	800
Route unstated.	Glycyrrhetic acid (and isomers).	300

[1] Extract containing 3 to 4 pct glycyrrhizin, as compared to 20 to 25 pct in the original extract.

All of the glycyrrhizin salts increased the blood pressure which returned to normal when the treatment was ended. The glycyrrhetic acid isomers also had a strong hypertensive effect, but the duration of action was shorter; the beta isomer particularly appeared to be more effective in this respect than the salts. The "deglycyrrhizinated" licorice extract had only a very weak hypertensive action.

An extensive study of the effect of ammonium glycyrrhizinate on blood pressure, electrolytes, and corticosterone was conducted by Gordon. Dosing with technical ammonium glycerrhizinate at 1000 and 2000 mg per kg per day produced significant increases in the blood pressure of Sprague-Dawley rats within 2 to 3 weeks, but not in Osborne-Mendel rats over a 20 week period. There was a decrease in plasma corticosterone and increased kidney and heart weights at the 1000 mg per kg level. However, when the compound was fed at 4 percent of the diet (2000 mg per kg per day) for 5 weeks, plasma corticosterone, blood pressure, and organ weights all were increased.

Fujimura and Okamoto fed diammonium and dipotassium glycyrrhizinates at dietary levels of 0.1 (approximately 100 mg per kg per day) and 0.5 percent to rats for 90 days. At the higher level the male animals showed a slower rate of weight gain than did the controls; at autopsy, no gross or histological abnormalities were noted in the organs. Klosa observed no untoward effects when rats were given potassium glycyrrhizinate (route unstated) at a level of 60 mg per kg per day for 8 months.

No reports of long-term studies on licorice-related substances have been found.

Tests of the teratogenicity of ammonium glycyrrhizinate have been conducted on laboratory animals that were given daily doses, by oral intubation, of up to 1000 mg per kg of the test substance, under the following schedule:

109 albino CD–1 outbred *mice*. Dosed for 10 days (6th through 15th day of gestation). Caesarian section performed on the 17th day.

106 *rats* of Wistar-derived stock. Dosed for 10 days (6th through 15th day of gestation). Caesarian section performed on 20th day.

111 golden *hamsters*. Dosed for 5 days (6th through 10th day of gestation). Caesarian section performed on 15th day.

53 Dutch-belted *rabbits*. Dosed for 13 days (6th through 18th day of gestation). Caesarian section performed on 29th day.

It was concluded that the indicated dosages of ammonium glycyrrhizinate had no teratological effect and did not unfavorably influence maternal or fetal survival.

Mutagenicity screening studies have been conducted on ammoniated glycyrrhizin. It was found to be non-mutagenic in rats in the dominant lethal assay at oral doses up to 5000 mg per kg. It produced no detectable aberrations in rat bone marrow methaphase chromosomes when administered orally in doses up to 5,000 mg per kg. It produced no significant aberrations in the anaphase chromosomes of human embryonic lung cells in tissue culture when tested at levels of up to 1000 g per ml. Results in the host-mediated assay in mice at oral levels of ammoniated glycyrrhizin up to 5000 mg per kg and using two Salmonella strains and one Saccharomyces strain were generally negative. Dose levels in all of these mutagenic studies greatly exceed estimated current dietary consumption levels.

The Select Committee is not aware of any studies on the possibile carcinogenic properties of glycyrrhizinates.

Consumption of large amounts of candy or beverages containing licorice has caused untoward effects in human subjects. An adult male developed shortness of breath, ankle edema, headache, weakness, elevated blood pressure and "apparent hypokalemia" attributed to eating 700 g of licorice candy within 9 days. The symptoms disappeared when he stopped eating the candy. Another adult male consumed a 35 g licorice bar every day for about 6 months and developed a hypertension with "unpleasant cardiac sensations." After two weeks on a salt-free diet, bed rest, mild sedation and discontinuance of the candy he returned to normal. A 19-year-old girl developed a chronic edema of the legs and ankles and an elevated blood pressure after prolonged eating of large amounts of licorice candy. Abstinence from licorice caused the symptoms to disappear.

Five persons (age unstated) experienced intoxication after drinking an unknown amount of "antesite", an alcoholic drink flavored with licorice extract. The chief symptoms were hypertension and polydipsia. One subject was found to have hypokalemia. Recovery followed when the antesite was no longer consumed. Two men over 50 years old who were chronic users of licorice were treated by Potton et al. because they developed arterial hypertension and severe neuromuscular symptoms with episodes of hypokalemia and hypernatremia. In both cases there was a total regression of symptoms within 20 days after abstinence from licorice was instituted.

Three planned studies on feeding licorice-related substances to human subjects have been reported. Molhuysen administered daily, to ten persons for periods up to 3 weeks, 20 to 45 g of licorice extract. Hemoglobin and total serum protein decreased, and venous pressure, blood pressure, and pulse pressure rose considerably. Louis and Conn fed ammonium glycyrrhizinate to 10 persons, up to 6 g per day for 3 days or 4 g per day for 5 to 10 days. They noted a significant decrease in 17-ketosteroids, indicating inhibition of the pituitary-adrenal system, and a decrease in release of MSH (melanocyte-stimulating hormone) from the pituitary. Card et al. fed block juice (dried licorice extract) to two adult males for two periods of four days each, at levels of 20 and 36 g daily. They noted a gain in body weight and a slight rise of systolic and diastolic blood pressures.

Nishiyama has reported on the use of licorice substances in the treatment of ulcers. He found that favorable results were evident in 44 patients with peptic ulcers. The administration of licorice extract to rats

rendered ulcer-prone by ligation of the pylorus (Shay rats) was found to check the growth of ulcers, while crude glycyrrhizin was without effect.

Revers investigated the effectiveness of licorice extract in treating gastric ulcers in 45 patients. Three times daily, patients were treated with one teaspoon per person of a preparation consisting of 100 g of powdered extract and 50 g of water; progress was checked with X-rays every two or three weeks. In nearly two-thirds of the cases, the ulcers disappeared. This treatment of duodenal ulcers with licorice extract was not as effective as it was in the treatment of gastric ulcers. Edema occurred in some patients but ceased to occur when dosage was lowered or discontinued.

All of the available safety information on licorice, glycyrrhiza and ammoniated glycyrrhizin has been carefully evaluated by qualified scientists of the Select Committee. It is the opinion of the Select Committee that:

Orally administered licorice and licorice derivatives are absorbed to some extent and the principal metabolic products are excreted through the bile, but most of an ingested dose is hydrolyzed in the digestive tract and the products excreted through the feces. Acute and short-term animal studies on licorice and licorice derivatives reveal that they are substances of a very low order of toxicity, capable of eliciting a variety of pharmacological effects but only at levels considerably higher than are likely to be achieved in usual diets. None of these effects suggests cause for concern at current or foreseeable dietary levels of consumption. However, the capacity of licorice and licorice derivatives to elicit transitory hypertensive effects, at higher dosage levels in animals and man, requires more definitive clarification as far as its practical implications are concerned. This would be particularly important for the unknown number but probably few individuals who may indulge themselves with excessive intakes of licorice-containing candies and/or beverages. The Select Committee has found no long-term toxicological data on licorice-related products administered to animals or man. Until the long-term as well as the acute dose relationships of the hypertensive effect are clarified, it appears inappropriate to conclude that unrestricted use of licorice and licorice derivatives in food would be without hazard to consumers in general.

It is the conclusion of the Select Committee that there is no evidence in the available information on licorice, glycyrrhiza, and ammoniated glycyrrhizin that demonstrates or suggests reasonable grounds to suspect, a hazard to the public when they are used at levels that are now current and in the manner now practiced. However, it is not possible to determine, without additional data, whether a significant increase in consumption would constitute a dietary hazard. Based upon his own evaluation of all available information on licorice, glycyrrhiza and ammoniated glycyrrhizin, the Commissioner concurs with this conclusion. He therefore concludes that they may be affirmed as GRAS with specific limitations placed upon their use. The levels of use adopted in this proposal, for the various categories of food, are the maximum levels reported to the National Academy of Sciences/National Research Council in their survey of food manufacturers. Use of the ingredients in any manner not permitted by the proposed regulations would result in their becoming unlawful food additives.

Copies of the scientific literature review on licorice, glycyrrhiza, and ammoniated glycyrrhizin, reports of mutagenic and teratogenic tests on ammoniated glycyrrhizin and the report of the Select Committee are available for review at the office of the Hearing Clerk, Food and Drug Administration, Room 4–65, 5600 Fishers Lane, Rockville, MD 20857, and may be purchased from the National Technical Information Service, 5285 Port Royal Rd., Springfield, VA 22151, as follows:

Title	Order No.	Price code	Price [1]
Glycyrrhiza (scientific literature review).	PB–221–230	A03	$4.00
Ammonium glycyrrhizinate (teratology tests).	PB–221–793	A03	4.00
Ammoniated glycyrrhizin (mutagenic tests).	PB–245–454/AS	A06	5.50
Licorice, glycyrrhiza, and ammoniated glycyrrhizin (select committee report).	Pb–254–529/AS	A03	4.00

[1] Price subject to change.

This proposed action does not affect the present use of licorice, glycyrrhiza, and ammoniated glycyrrhizin for pet food or animal feed.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 348, 371(a))), and under authority delegated to him (21 CFR 5.1), the Commissioner proposes that Parts 182 and 184 be amended as follows:

PART 182—SUBSTANCES GENERALLY RECOGNIZED AS SAFE

1. In Part 182:

§ 182.10 [Amended]

(a) In § 182.10 *Spices and other natural seasonings and flavorings* by deleting the entries for "Glycyrrhiza" and "Licorice".

§ 182.20 [Amended]

(b) In § 182.20 *Essential oils, oleoresins (solvent-free), and natural extractives (including distillates)* by deleting the entries for "Glycyrrhiza", "Licorice", and "Ammoniated glycyrrhizin".

PART 184—DIRECT FOOD SUBSTANCES AFFIRMED AS GENERALLY RECOGNIZED AS SAFE

2. By adding new § 184.1408 to read as follows:

§ 184.1408 Licorice.

(a) *Licoric (glycyrrhiza).* (1) Licorice (glycyrrhiza) root is the dried and ground rhizome and root portions of *Glycyrrhiza glabra* and other species of Glycyrrhiza. Licorice extract (glycyrrhiza) is that portion of the licorice root which is, after maceration, extracted by boiling water. The extract can be further purified by filtration and by treatment with acids and ethyl alcohol. Licorice extract powder is obtained by grinding the concentrated extract solids.

(2) The Food and Drug Administration has determined that these ingredients shall meet the following specifications when analyzed by the proposed methods.

(i) *Assay.* The glycyrrhizin content of each flavoring ingredient shall be within the range stated by the vendor as determined by a validated method based on the procedure in Analytical Chemistry 36, 1871–1873 (1964) for glycyrrhizic acid.

(ii) *Ash.* Not more than 8 percent on an anhydrous basis as determined by the method in the Food Chemicals Codex, 2d Ed. (1972), pp. 868–869.[1]

(iii) *Acid insoluble ash.* Not more than 2.5 percent on an anhydrous basis as determined by the method in the Food Chemicals Codex, 2d Ed. (1972), p. 869.[1]

(iv) *Heavy metals (as Pb).* Not more than 40 ppm as determined by method II in the Food Chemicals Codex, 2d Ed. (1972), p. 920.[1]

(v) *Arsenic (As).* Not more than 3 ppm as determined by the method in the Food Chemicals Codex, 2d Ed. (1972), p. 865.[1]

(3) The ingredients are used in food under the following conditions:

Maximum usage levels permitted

Food (as served)	Percent	Function
Licorice root:		
Baked goods and baking mixes, sec. 170.3(n)(1) of this chapter.	0.02	Flavoring agent, sec. 170.3(o)(12) of this chapter.
Beverages, alcoholic, sec. 170.3(n)(2) of this chapter.	.015	Do.
Hard candy, sec. 170.3(n)(25) of this chapter.	24.0	Do.
Meat products, sec. 170.3(n)(29) of this chapter.	.25	Do.
Soft candy, sec. 170.3(n)(38) of this chapter.	.5	Do.
All other food categories.	.07	Do.
Licorice extract powder:		
Baked goods and baking mixes, sec. 170.3(n)(1) of this chapter.	.2	Do.
Beverages, alcoholic, sec. 170.3(n)(2) of this chapter.	.2	Do.
Chewing gum, sec. 170.3(n)(6) of this chapter.	.6	Do.
Hard candy, sec. 170.3(n)(25) of this chapter.	1.0	Do.
Meat products, sec. 170.3(n)(29) of this chapter.	.25	Do.
Soft candy, sec. 170.3(n)(38) of this chapter.	4.2	Do.
All other food categories.	.04	Do.
Licorice extract:		
Chewing gum, sec. 170.3(n)(6) of this chapter.	2.9	Do.
Hard candy, sec. 170.3(n)(25) of this chapter.	37.0	Do.
Soft candy, sec. 170.3(n)(38) of this chapter.	2.9	Do.
All other food categories.	.17	Do.

[1] Copies may be obtained from: National Academy of Sciences, 2101 Constitution Avenue NW., Washington, D.C. 20037.

(b) *Ammoniated glycyrrhizin.* (1) Monoammonium glycyrrhizinate ($C_{42}H_{65}O_{19}NH_4 \cdot 5H_2O$, CAS Reg. No. 001407-03-0) is prepared from the hot water extract of licorice root by sulfuric acid precipitation followed by neutralization with dilute ammonia.

(2) The Food and Drug Administration has determined that this ingredient shall meet the following specifications when analyzed by the proposed methods.

(i) *Assay.* The ammoniated glycyrrhizin content of the ingredient shall be within the range stated by the vendor as determined by a validated method based on the procedure in Analytical Chemistry 36, 1871–1873 (1964) for glycyrrhizic acid.

(ii) *Ash.* Not mores than 0.5 percent on an anhydrous basis as determined by the method in the Food Chemicals Codex, 2d Ed. (1972), pp. 868–869.[1]

(iii) *Heavy metals (as Pb).* Not more than 40 ppm as determined by method II in the Food Chemicals Codex, 2d Ed. (1972), p. 920.[1]

(iv) *Arsenic (As).* Not more than 3 ppm as determined by the method in the Food Chemicals Codex, 2d Ed. (1972), p. 865.[1]

(3) The ingredient is used in food under the following conditions:

Maximum usage levels permitted

Food (as served)	Percent	Function
Chewing gum, sec. 170.3 (n)(6) of this chapter.	0.4	Flavor agent, sec. 170.3(o)(12) of this chapter.
Soft candy, sec. 170.3(n) (38) of this chapter.	.24	Do.
All other food categories..	.17	Flavor agent, sec. 170.3(o)(12) of this chapter; surface active agent, sec. 170.3 (o)(29) of this chapter.

The Commissioner hereby gives notice that he is unaware of any prior sanction for the use of these ingredients in food under conditions different from those proposed herein. Any person who intends to assert or rely on such a sanction shall submit proof of its existence in response to this proposal. The regulation proposed above will constitute a determination that excluded uses would result in adulteration of the food in violation of section 402 of the act, and the failure of any person to come forward with proof of such an applicable prior sanction in response to this proposal constitutes a waiver of the right to assert or rely on such sanction at any later time. This notice also constitutes a proposal to establish a regulation under Part 181 (21 CFR Part 181), incorporating the same provisions, in the event that such a regulation is determined to be appropriate as a result of submission of proof of such an applicable prior sanction in response to this proposal.

Interested persons may, on or before October 3, 1977, submit to the Hearing Clerk, Food and Drug Administration, Room 4–65, 5600 Fishers Lane, Rockville, Md. 20857, written comments (in quadruplicate and identified with the Hearing Clerk docket number found in brackets in the heading of this document) regarding this proposal. Received comments may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

NOTE.—The Food and Drug Administration has determined that this document does not contain a major proposal requiring preparation of an inflation impact statement under Executive Order 11821 and OMB Circular A–107.

Dated: July 25, 1977.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.77–21969 Filed 8–1–77;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[29 CFR Part 1910]

[Docket No. H–052]

OCCUPATIONAL EXPOSURE TO COTTON DUST

Receipt of Additional Data; Extension of Time to File Post-Hearing Comments Thereon

AGENCY: The Occupational Safety and Health Administration, Department of Labor.

ACTION: Notice of receipt of additional data and extension of post-hearing comment period for opportunity to comment upon said data.

SUMMARY: This notice acknowledges the receipt by OSHA on July 28, 1977, of data compiled by ATMI survey, containing medical and technological information from their members. In order to enable the public to review and comment upon this data, the filing of post-hearing comments on this data only shall be permitted through September 2, 1977.

DATES: All post-hearing comments on this additional data must be filed by September 2, 1977.

FOR FURTHER INFORMATION CONTACT: All comments should be submitted to:

Thomas Hall, Docket H–052, Occupational Safety and Health Administration, Division of Consumer Affairs, Room N–3635, U.S. Department of Labor, 200 Constitution Ave., NW., Washington, D.C. 20210.

SUPPLEMENTARY INFORMATION: On December 28, 1976, a Proposed Standard for Occupational Exposure to Cotton Dust was published in the FEDERAL REGISTER 41 FR 56498). An informal rulemaking hearing was held on this proposal commencing April 5, 1977. One of the participants at this hearing, the American Textile Manufacturers Institute, presented testimony on surveys conducted by them of their membership. Certain underlying data has now been submitted for the record by ATMI.

The data supplied by ATMI consists of approximately 50 pages of medical survey results and approximately 2,500 pages of responses to questionnaires sent by ATMI to its members for the purpose of evaluating the economic impact of the proposed cotton dust standard.

This additional data is available for inspection and copying at the Technical Data Center, Room S–6212, 200 Constitution Ave. NW., Washington, D.C. 20210; Tel. No. 202–523–7894. Interested parties may submit comments on this data only, no later than September 2, 1977.

(Sec. 6, 84 Stat. 1593 (29 U.S.C. 655); 29 CFR Part 1911.)

Signed at Washington, D.C., this 29th day of July 1977.

EULA BINGHAM,
Assistant Secretary of Labor.

[FR Doc.77–22270 Filed 8–1–77;8:45 am]

PENSION BENEFIT GUARANTY CORPORATION

[29 CFR Part 2608]

ALLOCATION OF ASSETS

Proposed Amendment To Allow Special Allocation Class for Plan Mergers

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Proposed regulation.

SUMMARY: This is a proposed amendment to the Pension Benefit Guaranty Corporation's Interim Regulation on Allocation of Assets. If adopted, the amendment would allow plans that merge to provide a special schedule for allocating assets if the merged plan terminated. The special schedule is necessary to allow merging plans that are not equally funded to satisfy the requirements of an Internal Revenue Service proposed regulation. The effect of both the IRS proposal and this proposed amendment is to protect certain benefits of participants by making sure that if a plan terminates after a merger, benefits that were funded prior to the merger are paid before plan assets are used to pay other benefits that were not funded prior to the merger.

DATES: Comments due by September 16, 1977.

ADDRESSES: Send comments to: Office of the General Counsel, Pension Benefit Guaranty Corporation, 2020 K Street NW., Washington, D.C. 20006. Written comments will be available for public inspection in the PBGC's Office of Communications, at the same address, between 9 a.m. and 4 p.m.

FOR FURTHER INFORMATION CONTACT:

Gerald E. Cole, Jr., Special Counsel, Pension Benefit Guaranty Corporation, 2020 K Street NW., Washington, D.C. 20006; telephone 202–254–4895.

SUPPLEMENTARY INFORMATION: Section 208 of the Employee Retirement

Income Security Act of 1974 ("Act") and section 414(1) of the Internal Revenue Code ("Code") require that, when two or more pension plans merge, the benefits participants would receive if the plan was terminated immediately after the merger must be at least equal to the benefits participants would have received if the predecessor plans had terminated immediately before the merger.

The IRS has issued a proposed regulation for implementing the benefit equivalence test for purposes of section 414(1) of the Code. The proposal requires, except in certain cases, that when two or more unequally funded plans merge, a special schedule be created for use in allocating assets upon termination. (42 FR 33770, July 1, 1977.) The special schedule is composed of certain benefits in the better funded plan which would be funded if assets were allocated as required by section 4044 of the Act before the merger. For example, two plans merge and one plan has sufficient assets to satisfy all benefits through priority category 5 of the allocation, but the other plan has only sufficient assets to satisfy all benefits through 10 percent of priority category 4. The special schedule would be inserted at the 10 percent level in priority category 4 of the merged plan and would be composed of the remaining 90 percent of the priority category 4 and all of the priority category 5 benefits contained in the better funded plan on the date of merger. If the better funded plan had $10,000 of benefits in priority category 4 and $20,000 in priority category 5, the special schedule would contain $29,000 of benefits (90 percent of priority category 4 and all of the priority category 5 benefits). If the merged plan terminated, assets would be allocated through 10 percent of priority category 4 and then to benefits in the special schedule. Remaining assets would then be allocated to the rest of the benefits in priority category 4 and the benefits in priority categories 5 and 6 of the merged plan in accordance with the normal allocation rules.

If the special schedule were not established, the funding of benefits in the better funded plan would be diluted if a termination occurred after the merger. Thus, the priority category 4 benefits from the lower funded plan, not funded before the merger, would draw assets away from the priority category 4 and 5 benefits of the better funded plan that were funded before the merger. Moreover, priority category 5 benefits from the lower funded plan would share in the allocation of assets with the priority category 5 benefits from the better funded plan, further drawing assets away from those benefits in the better funded plan that would have been satisfied if the merger had not occurred.

Because section 4044 of the Act is contained in Title IV of the Act, an allocation of assets using the special schedule is not permissible until PBGC amends the allocation regulation (29 CFR Part 2608).

Accordingly, PBGC proposes to amend its Allocation of Assets regulation by adding a new § 2608.13 which would (1) allow plans to establish a special schedule in accordance with the requirements of the IRS proposal and (2) provide for allocation of assets upon termination using the special schedule.

Paragraph (a) of proposed § 2608.13 allows establishment of the special schedule for allocation purposes, if the merger is allowable under section 208 of the Act. Paragraph (b) provides for allocation using the special schedule. Under paragraph (b), assets are to be allocated as if there were no special schedule up to the point in the allocation procedure where the IRS proposal requires that the special schedule be inserted. Assets are then allocated to benefits in accordance with the IRS rule requiring the special schedule. If the assets remaining are not sufficient to satify all benefits in the special schedule, assets are allocated to benefits within the special schedule in the order of the priorities for allocation within the special schedule established in the IRS proposal.

Finally, paragraph (c) of proposed § 2608.13 makes it clear that the special schedule is only used for allocation if the plan terminates during the period the special schedule is required under the IRS proposal to be in effect to satisfy the requirements of 414(1) of the Code.

Data Maintenance Alternative

Under the IRS proposal, the special schedule need not be created upon the merger, if the merged plan maintains the data necessary to create the special schedule in the event the merged plan terminates. The necessary data will differ from case to case depending on the relative levels of funding, the benefit structure and the participant census of the merging plans.

Each person submitting comments should include his or her name and address, identify this notice and give reasons for any recommendations. The proposal may be changed in light of the comments received.

In consideration of the foregoing, the Pension Benefit Guaranty Corporation proposes to amend Part 2608 of Chapter XXVI, Title 29, of the Code of Federal Regulations to add a new § 2608.13 to read as follows:

§ 2608.13 - Special categories for mergers or consolidations.

(a) *Authority to use special schedule.* A plan may establish a special schedule of benefits within any of the priority categories for use in allocating assets upon plan termination, if the special schedule is required as a condition of a merger or consolidation of plans under rules, regulations, interpretations or opinions implementing section 414(1) of the Internal Revenue Code of 1954, as amended, and the merger or consolidation is allowable under section 208 of the Act (and any rules, regulations, interpretations or opinions implementing that section). The special schedule may contain only those benefits required to be placed in the special schedule by the rules, regulations, interpretations or opinions implementing section 414(1) of the Internal Revenue Code of 1954, as amended.

(b) *Allocation upon termination.* Upon termination of a plan, assets are allocated to benefits in accordance with §§ 2608.1 through 2608.12 up to the point in the priority categories where the special schedule has been inserted. Assets are then allocated to remaining benefits in accordance with the rule, regulation, interpretation or opinion requiring establishment of the special schedule.

(c) *Expiration of authority.* The authority to use a special schedule for allocating assets expires at the end of the period that the special schedule is required to be in effect to satisfy the rule, regulation, interpretation, or opinion requiring its establishment.

(Secs. 4002(b)(3), 4044, Pub. L. 93-406, 88 Stat. 1004, 1025-27 (29 U.S.C. 1302(b)(3), 1344 (Supp. V, 1975)).)

Issued on this 27th day of July 1977.

RAY MARSHALL,
Chairman, Board of Directors, Pension Benefit Guaranty Corporation.

Issued on the date set forth above pursuant to a resolution of the Board of Directors authorizing its Chairman to issue this Notice of Proposed Rulemaking.

HENRY ROSE,
Secretary, Board of Directors, Pension Benefit Guaranty Corporation.

[FR Doc.77-22094 Filed 8-1-77;8:45 am]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 17]

ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Review of the Status of 10 Species of Amphibians

AGENCY: U.S. Fish and Wildlife Service.

ACTION: Review of the status of 10 species of amphibians.

SUMMARY: Notice is hereby given that the Department of the Interior has evidence on hand to warrant a review of the species of amphibians listed below to determine whether they should be proposed for listing as endangered or threatened species.

DATES: Information regarding the status of these species should be submitted on or before November 1, 1977, to the Director, U.S. Fish and Wildlife Service.

ADDRESSES: Comments on this Notice of Review should be submitted to the Director (FWS/OES), U.S. Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT:

Mr. Keith M. Schreiner, Associate Director—Federal Assistance, Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240; Phone 202–343–4646.

SUPPLEMENTARY INFORMATION: The species of amphibians for which this notice of review is issued are as follows:

Scientific name	Common name	Where found
Bufo lemur	Puerto Rican toad	Puerto Rico.
Bufo nelsoni	Amargosa toad	Nevada.
Hyla andersonii	Pine Barrens treefrog	New Jersey, North Carolina, South Carolina.
Rana onca	Vegas Valley leopard frog	Arizona, Nevada, Utah.
Necturus lewisi	Neuse River waterdog	North Carolina.
Eurycea nana	San Marcos salamander	Texas.
Eurycea troglodytes	Valdina Farms salamander	Do.
Plethodon larselli	Larch Mountain salamander	Oregon, Washington.
Plethodon stormi	Siskiyou Mountain salamander	California, Oregon.
Typhlomolge tridentifera	Honey Creek Cave blind salamander.	Texas.

The Department is seeking the views of the Governors of Arizona, California, Nevada, New Jersey, North Carolina, Oregon, Puerto Rico, South Carolina, Texas, Utah, and Washington where the species of amphibians occur. Other interested parties are hereby invited to submit any factual information, including publications and written reports, which is germane to this status review.

This notice of review was prepared by Dr. C. Kenneth Dodd, Jr., Office of Endangered Species.

Dated: July 26, 1977.

LYNN A. GREENWALT,
Director,
Fish and Wildlife Service.

[FR Doc.77-22110 Filed 8-1-77;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

Food Safety and Quality Service

EXPERT PANEL ON NITRITES AND NITROSAMINES

Meeting and Agenda

Notice is hereby given of a meeting of the Expert Panel on Nitrites and Nitrosamines to be held in Room 28A, Administration Building, Department of Agriculture, 12th and Independence Avenue SW., Washington, D.C., August 17, 1977, at 9:30 a.m.

The meeting will consist of a discussion of the issues pertinent to preparation of a final report.

The meeting will be open to the public and under the direction of the Panel Chairperson or her designee. Written statements may be filed with the Panel before or after the meeting. Any member of the public who has further questions should contact the Issuance Coordination Staff, Technical Services, Food Safety and Quality Service, U.S. Departfent of Agriculture, Room 4905, South Agriculture Building, Washington, D.C. 20250, Area Code 202-447-6189. Any person who wishes to file a statement may send such statement to the Issuance Coordination Staff at the above address.

Done at Washington, D.C., on August 1, 1977.

ROBERT ANGELOTTI,
Administrator, Food Safety and Quality Service.

[FR Doc.77-22334 Filed 8-1-77;10:20 am]

CIVIL AERONAUTICS BOARD

[Docket 29123; Agreement C.A.B. 26761; Agreement C.A.B. 26763; Order 77-7-113]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Agreements Related to Passenger Fare and Cargo Rate Matters; Order

Issued under delegated authority July 25, 1977.

Agreements have been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA). The agreements were adopted by mail vote and have been assigned the above-designated C.A.B. agreement numbers.

Agreement C.A.B. 26761 would amend Resolution 084e governing group inclusive-tour (GIT) fares between the United States and South America, by permitting combinations with similar GIT fares between the United States and the Far East. Agreement C.A.B. 26763 would amend Resolution 084f governing Mid Atlantic 10/28 day GIT fares, by lowering the minimum stay to 7 days with respect to tours to San Juan organized in conjunction with sea cruises.[1] Both agreements would liberalize the conditions applicable to existing discount-fare resolutions, and will be approved.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.14, it is not found that the following resolutions, incorporated in the agreements indicated, are adverse to the public interest or in violation of the Act:

Agreement C.A.B.:	*IATA resolution*
26781	100 (Mail 146) 084e.
26763	JT12 (Mail 148) 084f.

Accordingly, It Is Ordered That:

Agreements C.A.B. 26761 and 26763 are approved.

Persons entitled to petition the Board for review of this order, pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

By James L. Deegan, Chief, Passenger and Cargo Rates Division, Bureau of Economics.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-22192 Filed 8-1-77;8:45 am]

COMMISSION ON CIVIL RIGHTS

ILLINOIS ADVISORY COMMITTEE

Cancellation of 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 Illinois Advisory Committee (SAC) of the Commission a notice previously published in the FEDERAL REGISTER, Monday, July 25, 1977 (FR Doc. 77-21300), on page 37834 has been cancelled.

Dated at Washington, D.C., July 27, 1977.

JOHN I. BRINKLEY,
Advisory Committee Management Officer.

[FR Doc.77-22161 Filed 8-1-77;8:45 am]

[1] The new provision would not apply, however, on tours originating in the United Kingdom or Ireland.

CIVIL SERVICE COMMISSION

DEPARTMENT OF THE INTERIOR

Grant of Authority To Make Noncareer Executive Assignment

Under authority of section 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of the Interior to fill by noncareer executive assignment in the excepted service one position of Assistant to the Secretary, Office of the Secretary.

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

[FR Doc.77-22031 Filed 8-1-77;8:45 am]

DEPARTMENT OF THE INTERIOR

Revocation of Authority To Make Noncareer Executive Assignment

Under authority of section 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of the Interior to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Secretary for Fish and Wildlife and Parks, Office of the Secretary.

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

[FR Doc.77-22033 Filed 8-1-77;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

Grant of Authority To Make a Noncareer Executive Assignment

Under authority of section 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Office of Management and Budget to fill by noncareer executive assignment in the excepted service the position of Director, Project Management Staff, Reorganization and Management, Executive Office of the President.

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

[FR Doc.77-22032 Filed 8-1-77;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

COLUMBIA UNIVERSITY

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 77-00104. Applicant: Columbia University, 119th and Broadway, New York, N.Y. 10027. Article: Picosecond Streak Camera, Model 675/II and Channel Plate Intensifier 50/40. Manufacturer: Hadland Photonics Ltd., United Kingdom. Intended use of article: The article is intended to be used in investigations of ultrafast relaxation processes in excited state molecules. The experiments to be conducted will include exciting molecules of interest with a pico-second laser pulse and monitoring the time dependent changes in the molecules, due to energy relaxtion processes and molecular motions, by measuring with the article the changes in molecular absorption and emission on the picosecond time scale. The objectives of this research are to gain an understanding of the various decay processes by which molecules dissipate their energy as a function of the molecules' structure and interactions with surrounding molecules and applied fields. The article will also be used for educational purposes in the course Chemistry G9307x—Research for the Doctorate in which students carrying out research for the Ph. D., and postdoctoral fellows carrying out research for advanced training will learn how to use the instrument in carrying out their research.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (April 29, 1976).

Reasons: The foreign article provides a time resolution of better than two picoseconds (2 picoseconds). The National Bureau of Standards (NBS) advises in its memorandum dated June 22, 1977 that: (1) the capability of the article described above is pertinent to the applicant's intended purposes, and (2) it knows of no domestic instrument or apparatus which provided the pertinent feature at the time the foreign article was ordered. The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the foreign article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.77-22136 Filed 8-1-77;8:45 am]

METHODIST HOSPITAL OF INDIANA, INC., ET AL.

Consolidated Decision on Applications for Duty-Free Entry of Scientific Articles

The following is a consolidated decision on applications for duty-free entry of scientific articles pursuant to Section 6 (c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897), and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Decision: Applications denied. Applicants have failed to establish that instruments or apparatus of equivalent scientific value to the foreign articles, for such purposes as the foreign articles are intended to be used, are not being manufactured in the United States.

Reasons: Subsection 301.8 of the Regulations provides in pertinent part:

> The applicant shall on or before the 20th day following the date of such notice, inform the Deputy Assistant Secretary whether it intends to resubmit another application for the same article for the same intended purposes to which the denied application relates. The applicant shall then resubmit the new application on or before the 90th day following the date of the notice of denial without prejudice to resubmission, unless an extension of time is granted by the Deputy Assistant Secretary in writing prior to the expiration of the 90 day period. * * * If the applicant fails, within the applicable time periods specified above, to either (a) inform the Deputy Assistant Secretary whether it intends to resubmit another application for the same article to which the denial without prejudice to resubmission relates, or (b) resubmit the new application, the prior denial without prejudice to resubmission shall have the effect of a final decision by the Deputy Assistant Secretary on the application within the context of Subsection 301.11

The meaning of the subsection is that should an applicant either fail to notify the Deputy Assistant Secretary of its intent to resubmit another application for the same article to which the denial without prejudice relates within the 20 day period, or fails to resubmit a new application within the 90 day period, the prior denial without prejudice to resubmission will have the effect of a final denial of the application.

None of the applicants to which this consolidated decision relates has satisfied the requirements set forth above, therefore, the prior denials without prejudice have the effect of a final decision denying their respective applications.

Subsection 301.8 further provides:

> * * * the Deputy Assistant Secretary shall transmit a summary of the prior denial without prejudice to resubmission, to the FEDERAL REGISTER for publication, to the Commissioner of Customs, and to the applicant.

Each of the prior denials without prejudice to resubmission to which this consolidated decision relates was based on the failure of the respective applicants to submit the required documentation, including a completely executed application form, in sufficient detail to allow the issue of "scientific equivalency" to be determined by the Deputy Assistant Secretary.

Docket Number: 76-00548. Applicant: Methodist Hospital of Indiana, Inc., 1604 North Capitol Avenue, Indianapolis, Ind. 46202. Article: Electron Microscope, Model EM 201C and attachments. Date of denial without prejudice to resubmission: March 8, 1977.

Docket Number: 77-00013. Applicant: Smithsonian Institution, Washington, D.C. 20560. Article: Scanning Electron Microscope, Novascan 30 and accessories. Date of denial without prejudice to resubmission: March 8, 1977.

Docket Number: 77-00016. Applicant: Yale University, Department of Chemistry, 225 Prospect Street, New Haven, Conn. 06520.

Article: Computer Controlled Kappa-Axis 4-circle Single Crystal Diffractometer, Model CAD-4 (less disc). Date of denial without prejudice to resubmission: February 1, 1977.

Docket Number: 77-00044. Applicant: UCLA/Geophysics & Space Physics, 405 Hilgard Avenue, Los Angeles, Calif. 90024. Article: Recording/Portable Proton Magnetometer, Model MP-2. Date of denial without prejudice to resubmission: February 25, 1977.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.77-22135 Filed 8-1-77;8:45 am]

NATIONAL RADIO ASTRONOMY OBSERVATORY

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 77-00103. Applicant: National Radio Astronomy Observatory Associated Universities, Inc., Suite 100, 2010 N. Forbes Blvd., Tucson, Ariz. 85705. Article: Klystron, Model VRT-2124B and accessories. Manufacturer: Varian Associates of Canada Ltd., Canada. Intended use of article: The article is intended to be used as a phase-locked local oscillator in a millimeter wave radio astronomy receiver. This receiver is used in conjunction with a microwave antenna to measure the intensity, polarization, frequency, and direction of cosmic radiation.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or aparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides a 160–168 gigahertz frequency range with 25 millivolts guaranteed minimum output power. The National Bureau of Standards (NBS) advises in its memorandum dated June 20, 1977, that: (1) the capability of the article described above is pertinent to the applicant's research purposes, and (2) it knows of no domestic instrument of equivalent scientific value to the foreign article for the applicant's intended use. The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.77-22138 Filed 8-1-77;8:45 am]

NATIONAL RADIO ASTRONOMY OBSERVATORY

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 77-00102. Applicant: National Radio Astronomy Observatory Associated Universities, Inc., Suite 100, 2010 N. Forbes Blvd., Tucson, Ariz. 85705. Article: Klystron, Model VRB-2113A30 and accessories. Manufacturer: Varian Associates of Canada Ltd., Canada. Intended use of article: The article is intended to be used as a phase-locked local oscillator in a millimeter wave radio astronomy receiver. This receiver is used in conjunction with a microwave antenna to measure the intensity, polarization, frequency, and direction of cosmic radiation.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides a 105–111 gigahertz frequency range with 75 millivolts guaranteed minimum output power. The National Bureau of Standards (NBS) advises in its memorandum dated June 15, 1977, that: (1) the capability of the article described above is pertinent to the applicant's research purposes, and (2) it knows of no domestic instrument of equivalent scientific value to the foreign article for the applicant's intended use. The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.77-22139 Filed 8-1-77;8:45 am]

NATIONAL RADIO ASTRONOMY OBSERVATORY

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder an amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 77-00209. Applicant: National Radio Astronomy Observatory Associated Universities, Inc., 2010 N. Forbes Blvd., Suite 100, Tucson, Arizona 85705. Article: Klystron, Model VRB 2113A 30 SN. 70443. Manufacturer: Varian Associates of Canada, Ltd., Canada. Intended use of article: The article will be used as a phase-locked local oscillator in a millimeter wave radio astronomy receiver. This receiver is used in conjunction with a microwave antenna to measure the intensity, polarization, frequency and direction of cosmic radiation.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides a 80–110 gigahertz frequency range with 75 milliwatts guaranteed minimum output power. The National Bureau of Standards (NBS) advises in its memorandum dated June 23, 1977 that (1) the capability of the article described above is pertinent to the applicant's research purposes and (2) it knows of no domestic instrument of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.77-22140 Filed 8-1-77;8:45 am]

NORTHWESTERN UNIVERSITY

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review or during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 77-00125. Applicant: Northwestern University, 619 Clark Street, Evanston, Ill. 60201. Article: Interface Basic System, Model 502, PDP-11 UNIBUS Compatible, 60 Hz, 110V Power and accessories. Manufacturer: Cambridge Electronic Design Ltd., United Kingdom. Intended use of article: The article is intended to be used in conjunction with a PDP-11 computer and other laboratory equipment to investigate the response properties of single ganglion cells in the cat retina. In the experiments to be conducted, the electrical activity of a single ganglion cell is recorded with a microelectrode. This data is transmitted through the laboratory computer interface to the computer where it is analyzed. In addition, the important parameters of the visual stimulus

are determined by the computer and transmitted through the laboratory computer interface to a visual stimulus display. Most of the experimental work described above will be done by graduate students as part of their dissertation work and by post-doctoral fellows.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (April 16, 1976). Reasons: The foreign article provides the capability to use existing programs and to be optimized for specific programs. Domestic manufacturers stated that they were able to match the article at the time of order but, due to the paucity of customers performing the applicant's type of research, were unwilling to do so. The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated May 24, 1977 that the capability described above is pertinent to the applicant's intended use. HEW also advises that it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended purposes.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time of order.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,
Special Import Programs Division.

[FR Doc.77-22137 Filed 8-1-77;8:45 am]

RUTGERS—THE STATE UNIVERSITY

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 77-00181. Applicant: Rutgers—The State University, Psychology Building, Busch Campus, Piscataway, New Jersey 08854. Article: Bat Detector (Uultrasonic Receiver). Manufacturer: Holgate's of Totten, United Kingdom. Intended use of article: The article will be used for studies of the role that various pup stimuli have in stimulating the onset and maintenance of maternal behavior in the rats. The changes in ultrasound production postpartum and the effects of various situations on it will be investigated. Some of the situations to be investigated include: maternal deprivation, temperature changes, nutritional deprivation, tactile stimulation, and odors from bedding or adult rats. Both the total number of ultrasonic detections and the frequencies at which the sounds are emitted will be studied.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides reception by converting ultrasonic vibrations into audible signals over a continuously variable range of 10 to 180 kilocycles per second and portability. The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated June 24, 1977 that the features described above are pertinent to the applicant's intended use. HEW also advises that it knows of no domestic instrument of equivalent scientific value to the foreign article for such purposes as the article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import
Programs Division.

[FR Doc.77-22141 Filed 8-1-77;8:45 am]

ST. FRANCIS HOSPITAL ET AL.

Consolidated Decision on Applications for Duty Free Entry of Electron Microscopes; Correction

The Notice of Consolidated Decision on Applications for Duty-Free Entry of Electron Microscopes appearing at page 35666 in the FEDERAL REGISTER of Monday, July 11, 1977 is hereby amended to include phrase inadvertently omitted in second sentence under Reasons:

Notice should read:

Docket Number: 77-00164. Applicant: St. Francis Hospital, 929 North St. Francis Avenue, Wichita, Kansas 67214. Article: Electron Microscope, Model EM 10A and accessories. Manufacturer: Carl Zeiss, West Germany Intended use of article: The article is intended to be used in the areas of renal biopsies, liver biopsies and tumor pathology. A definitive diagnosis of kidney diseases based on the findings of electron microscopic studies will help determine the modality of treatment for the patients. The projected experiment to be conducted will be in the field of virology, particularly the clinical study of viral hepatitis. Application received by Commissioner of Customs: March 18, 1977. Advice submitted by the Department of Health, Education, and Welfare on: June 8, 1977. Article ordered: December 30, 1976.

Docket Number: 77-00171. Applicant: Robert B. Brigham Hospital, 125 Park Hill Avenue, Boston, Massachusetts 02120. Article: Electron Microscope, Model JEM-100C with side entry goniometer and accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used in a wide variety of research projectors which will include the following: (1) High resolution transmission microscopy of plasma membranes of various cells to determine the relationships between a phagocytic cell and a target, e.g., macrophage attacking a tumor cell, and eosinophil attacking a schistosomula, (2) Studies of the fusion of liposomes with macrophages. (3) Examination of membranes of white blood cells by negative staining to discern any membrane order such as occurs in viral and some bacterial membranes. (4) Scanning microscopy of cell surfaces to determine whether peptides or proteins which alter the movement and behavior of cells act by entering the cell or on its surface. Application received by Commissioner of Customs: March 16, 1977. Advice submitted by the Department of Health, Education, and Welfare on: June 8, 1977. Article ordered: January 11, 1977.

Comments: No comments have been received in regard to any of the foregoing applications. Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for the purposes for which the articles are intended to be used, was being manufactured in the United States at the time the articles were ordered. Reasons: Each foreign article has a specified resolving capability equal to or better than 3.5 Angstroms. The Department of Health, Education, and Welfare advises in the respectively cited memoranda, that the additional resolving capability of the foreign articles is pertinent to the purposes for which each of the foreign articles to which the foregoing applications relate is intended to be used. HEW advises that it knows of no domestic instrument which could provide the pertinent feature at the time the articles were ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which was being manufactured in the United States at the time the articles were ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import
Programs Division.

[FR Doc.77-22142 Filed 8-1-77;8:45 am]

STATE UNIVERSITY OF NEW YORK AT SYRACUSE

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 77-00169. Applicant: State University of New York—Upstate Medical Center, 155 Elizabeth Blackwell St., Syracuse, New York 13210. Article: Multiple Inoculator: Repliscan Processor and accessories. Manufacturer: KVL Laboratories, Canada. Intended use of article: The article is intended to be used for the study of gram negative bacilli, gram positive cocci, their identification and biochemical characteristics. Specifically, the system incorporates inoculation of pure test cultures on appropriate agar base media by means of a multiple inoculator thereby achieving simultaneous inoculation of a large number of test organisms on a wide range of agar base products.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides the capability for testing and identifying 36 organisms at a time on a wide range of agar base products using programmed information. The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated June 8, 1977 that (1) the capability described above is pertinent to the applicant's intended use and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended purposes.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.77-22143 Filed 8-1-77;8:45 am]

TEXAS A&M UNIVERSITY

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 77-00139. Applicant: Texas A&M University, Oilseed Products, College Station, Texas 77843. Article: Automatic Nitrogen Analyzer. Manufacturer: Foss America, Inc., Denmark. Intended use of article: The article is intended to be used in research in which protein extracts from soybean, peanut and glandless cottonseed flours will be membrane processed using industrial semi-permeable membranes to fractionate the constituents of the liquid extracts into a high protein product and a secondary product composed of sugars and salts, and small molecular-sized compounds. The investigators will be conducted to explore and demonstrate the feasibility of recovering the solubilized protein by ultrafiltering it from the liquid extracts instead of separating it from non-protein constituents by conventional acid precipitation methods. Specifically, the article will be used to assay samples of liquid extract going into ultrafiltration membranes and samples of UF permeates coming from the UF membranes. It will likewise be used to monitor nitrogen contents of samples to and from the second stage of membrane processing where reverse osmosis (RO) membranes are employed. The article will also be used by graduate students, cooperative education students and project technicians for assaying samples pertaining to the research and other research projects when not in use for the purposes as stated.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (December 22, 1976). Reasons: The foreign article provides rapid and automatic analysis by the Kjehdahl nitrogen method (i.e., first run complete in 12 minutes and, in continuous use, results at 3 minute intervals). The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated May 24, 1977 that the features described above are pertinent to the applicant's intended use. HEW also advises it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended purposes.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.77-22144 Filed 8-1-77;8:45 am]

UNIVERSITY OF ALASKA

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 77-00092. Applicant: University of Alaska, Institute of Arctic Biology, Fairbanks, Alaska 99701. Article: 2 Cassette temperature recorders and cassette playback units. Manufacturer: Grant Instruments Inc., United Kingdom. Intended use of article: The article is intended to be used for the study of the effect of disturbance upon soil temperature regime; comparison of soil temperature regime between temperature alpine and subalpine sites and between arctic alpine and subalpine sites, and documentation of soil temperature regime within a cottongrass tussock. The article will also be used in the course Physiological Ecology which involves the examination of physiological adaptations of plants and animals to their environment. The objective of the laboratory portion of the course is to teach students to document important aspects of the environment (Such as temperature) and to examine the responses of organisms to those factors.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (May 5, 1976). Reasons: The foreign article provides (1) a self-contained power supply with a battery life of at least 30 days, (2) multiple channel (10-20) simultaneous recording, (3) magnetic tape data acquisition, (4) play back-data transfer and (5) a weather proof case. The National Bureau of Standards (NBS) advises in its memorandum dated June 14, 1977 that the features of the article described above are pertinent to the applicant's intended uses. NBS also advises that it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article which was available at the time the foreign article was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.77-22145 Filed 8-1-77;8:45 am]

UNIVERSITY OF CALIFORNIA—LIVERMORE

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 77-00079. Applicant: University of California—Lawrence Livermore Laboratory, 7000 East Avenue, Livermore, California 94550. Article: Faraday Rotators. Manufacturer: Hoya Corp., Japan. Intended use of article: The article is intended to be used to demonstrate the feasibility of the generation of usable power in a controlled thermonuclear fusion reaction. The phenomena to be investigated is the feasibility of producing a thermonuclear microexplosion using a uniquely high intensity laser pulse. Experiments will be conducted using the Shiva-20 arm laser system to obtain isentropic compression of deuterium-tritium targets to greater than 10,000 times liquid density, thereby producing for the first time thermonuclear reaction of as many as 10^{13} neutrons per microexplosion.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is provided with a verdet constant of 0.070 which is required to insure minimal scattering of the laser beam. The National Bureau of Standards (NBS) advises in its memorandum dated June 6, 1977 that (1) the capability described above is pertinent to the applicant's intended use and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended purposes.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.77-22146 Filed 8-1-77;8:45 am]

UNIVERSITY OF CALIFORNIA—SANTA CRUZ

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 77-00123. Applicant: University of California, Purchasing Department, 1156 High Street, Santa Cruz, CA 95064. Article: Two (2) Righthand and Two (2) Lefthand Micromanipulators, Model SM-20; and SM-19 Electrode Carriers. Manufacturer: Narishige Scientific Instrument Lab., Japan. Intended use of article: The articles are intended to be used for studies of the neural mechanisms of choice (and learning) in *Pleurobranchaea Californica*. In tracellular recordings will be made from cells in both the cerebral and buccal ganglia, with the aim of determining the mechanism of choice in *Pleurobranchaea*. This goal will be pursued utilizing the dominance of feeding over local withdrawal behavior; first, the point in the local withdrawal circuit upon which the feeding circuit responsible will be determined; lastly, the precise nature of the interaction will be studied.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides digital "Z" axis readout, 0.1 micron calibration, and an electrode carrier which permits repeated precise placing of very small electrodes. The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated May 23, 1977 that the capabilities of the article described above are pertinent to the applicant's intended uses. HEW also advises that it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for such purposes as the article is intended to be used.

The Department of Commerce knows of no other instrument or appartuus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.77-22128 Filed 8-1-77;8:45 am]

UNIVERSITY OF DAYTON, ET AL.

Application for Duty-Free Entry of Scientific Articles; Correction

In the Notice of Application for Duty-Free Entry of Scientific Articles appearing at page 12539 in the FEDERAL REGISTER of Wednesday, March 19, 1975, the following amendment is hereby made to reflect more fully the intended use of the article:

Docket Number: 75-00392-00-66700. Applicant: Jacksonville Children's Museum, 1025 Gulf Life Drive, Jacksonville, Fla. 32207. Article: Planetarium Projector, MS-10. Manufacturer: Minolta Camera Co. Ltd., Japan. Intended use of article: The article is intended to be used to demonstrate astronomical phenomena and to allow student participation and involvement in the following courses:

Celestial Navigation.
Principles of Stellar Photography.
General Astronomy.
Concepts in Contemporary Astronomy.
General and Practical Astronomy.
Concepts in Science, Grades 3 through 12.
Our Galaxy and the Universe.
Astronomy Workshops for Teachers.

Application received by Commissioner of Customs: February 25, 1975.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.77-22147 Filed 8-1-77;8:45 am]

UNIVERSITY OF OREGON

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office

of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 77-00107. Applicant: University of Oregon, Department of Biology, Eugene, Oregon 97403. Article: Computer Compatible Multi-Purpose Event Recorder. Manufacturer: Ursula Heinecke, West Germany. Intended use of article: The article is intended to be used in research related to the detailed interaction between an animal and its environment, particularly the aspects of such interaction which are important for survival of the animal species. The article allows the observer to observe an animal and at the same time unobtrusively records exactly what the animal is doing, and the time spent doing it. In addition, the article is intended to be used for educational purposes in the courses Animal Behavior, and the Animal Behavior Laboratory which are classes for juniors, seniors and graduate students.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides operation in one of four modes and permits 256 different events to be recorded. The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated June 8, 1977 that (1) the features described above are pertinent to the applicant's intended uses and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended purposes.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Division.

[FR Doc.77-22148 Filed 8-1-77;8:45 am]

WASHINGTON UNIVERSITY

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 77-00124. Applicant: Washington University, Biochemistry Dept., 660 South Euclid Ave., St. Louis, Missouri 63110. Article: Bacterial Cell Homogenizer. Manufacturer: Edmund Buhler, West Germany. Intended use of article: The article will be used to break bacteria for studies involving the mechanism of action of antibiotics in cell wall synthesis.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides the capability for processing large quantities of bacteria by using the vibration of steel or glass balls in the cell suspension at about 70 Hertz. The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated May 24, 1977 that the capability described above is pertinent to the purposes for which the article is to be used. HEW also advises that it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.77-22149 Filed 8-1-11;8:45 am]

YALE UNIVERSITY

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 77-00128. Applicant: Yale University, Dept. of Internal Medicine, 333 Cedar Street, New Haven, CT 06510. Article: Reichert type Univar Microscope, Manual analyzer and Grand microtome. Manufacturer: Les Instruments Scientifiques & Industriels, France. Intended use of article: The article is intended to be used for preparation and morphometric analysis of sections of undecalcified bone. Experiments will be conducted to determine the effects of parathyroid hormone and calcitonin on the migration of cells into bone and the changes in the structure of these bone cells. The article will be used by faculty and students working on this research problem.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (January 3, 1977). Reasons: The foreign article incorporates a massive and rigid microtome capable of cutting undecalcified bone with a microscope and analytical system for quantitative morphometric analysis. The Department of Health, Education, and Welfare advises in its memorandum dated May 24, 1977 that the capabilities of the article described above are pertinent to the applicant's intended use. HEW also advises that it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended purposes.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.77-22150 Filed 8-1-77;8:45 am]

National Oceanic and Atmospheric Administration

SQUID FISHERIES OF THE NORTHWESTERN ATLANTIC

Revision to Preliminary Fishery Management Plan

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Revision to Preliminary Fishery Management Plan.

SUMMARY: This document revises "Squid Fisheries of the Northwestern Atlantic", a preliminary fishery management plan, published on February 16, 1977. The plan proposed conservation and management measures for squid pursuant to the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265). The action revises the amount of squid allocated to foreign squid fisheries in the northwestern Atlantic.

DATE: Effective date: August 1, 1977.

ADDRESS: Comments should be addressed to: Director, National Marine Fisheries Service, Washington, D.C. 20235.

FOR FURTHER INFORMATION CONTACT:

William G. Gordon, Director, Northeast Region, National Marine Fisheries Service, 14 Elm Street, Gloucester, Massachusetts 01930, 617-281-3600.

SUPPLEMENTARY INFORMATION:

BACKGROUND

On February 16, 1977, a preliminary fishery management plan entitled "Squid Fisheries of the Northwestern Atlantic" (42 FR 9596) was issued by the Secretary of Commerce to provide proposed conservation and management measures for foreign squid fisheries in the Northwest Atlantic pursuant to sec. 201(g) of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265) (hereinafter the "Act"). The plan provided, among other things, for a preliminary determination of optimum yield as follows:

Short-finned squid (*Illex*)—35,000 tons.[1]
Long-finned squid (*Loligo*)—44,000 tons.

Based upon the stimated domestic production potential, an allocation of 23,500 tons (*Illex*) and 19,000 tons (*Loligo*) was made available to the foreign fishery during 1977. Since the domestic squid fishery and squid markets were small, it was stated in the plan that the U.S. capacity would be reconsidered in June, 1977, based upon the actual catches of squid by U.S. fishermen up to that date.

PURPOSE

An evaluation of U.S. catches of squid from the northwest Atlantic during the period March-June, 1977, indicates that that domestic harvest has been about 400 tons of *Illex* and *Loligo*.

Based on U.S. catches to date and consultations with the concerned domestic industry, it is believed that the estimated 1977 domestic production level of 36,500 tons will not be fully utilized during 1977. Therefore, the foreign surplus is revised and increased by the following amounts: *Illex*—1,500 tons, and *Loligo*—11,000 tons. The domestic production level is decreased by equivalent amounts.

IMPACT

The Final Environmental Impact Statement/Preliminary Fishery Management Plan (January, 1977) indicated the implementation of the plan, i.e., harvest of the optimum yield, should induce no significant adverse impact upon the environment. It has been determined by NOAA that this action will have no significant adverse impact because the increased foreign allocation of 12,500 tons of squid is within the optimum yield of 79,000 tons. The increase could, however, discourage growth of U.S. squid processing capacity. Our analysis indicates that the harvesting sector of the industry has not yet developed the capacity to catch the initial domestic allocation during the remainder of 1977. This action could delay development of foreign markets since an increased harvest by foreign countries could decrease their level of imports of squid from the United States. However, the demand by foreign markets for squid is well beyond the amounts available to their fisheries. It is anticipated that this increase will not discourage foreign market development by U.S. interests. The additional amount of squid to be made available for foreign fishing is a result of U.S. industry choice to pursue alternative fisheries. Therefore, no adverse impact is anticipated upon employment within the domestic industry.

NEED FOR EFFECTIVE DATE

The Secretary believes that formal notice of proposed rulemaking is impracticable, unnecessary, and contrary to the public interest because the proposed revision to the preliminary management plan must be effected before the termination of this year's squid fisheries season and will have negligible effect upon U.S. fishing interests. The proposed revision becomes effective on August 1, 1977.

The Associate Administrator for Marine Resources of the National Oceanic and Atmospheric Administration, is delegated authority to approve this document in Department of Commerce Organization Order 25-5A, Section 3-01dd, Amendment 4 (dated September 30, 1976) and NOAA Directives Manual 05-57 (dated December 1, 1976).

Dated: July 27, 1977.

WINFRED H. MEIBOHM,
Associate Director,
National Marine Fisheries Service.

1. Section IV c is amended as follows:

* * * * *

c. *Estimated Domestic Production Potential and Allowable Foreign Surplus.* The capacity of the United States to exploit squid in 1977 was estimated by NOAA, in consultation with representatives of the U.S. fishing industry, as 24,000 tons. This left 55,000 tons of squid of both species in SA 5 and 6 as a foreign surplus. Specific figures by stock are shown in Table 26.

TABLE 26.—*Squid optimum yield and allocations*

Species	Maximum sustainable yield (tons)	Optimum yield (tons)	U.S. capacity (tons)	Foreign surplus (tons)
Illex	40,000	35,000	10,000	25,000
Loligo	44,000	44,000	14,000	30,000
Total	84,000	79,000	24,000	55,000

As was stated previously, the squid fishery and squid markets in the USA are extremely small. On the other hand, foreign fisheries and markets have been quite significant, and this fishery could be quite promising in terms of the European export potential. Before these potential markets can be exploited to any signficant extent, however, major obstacles will have to be resolved by the U.S. fishing industry in terms of harvesting, storage, processing, and marketing. Some industry spokesmen felt these problems could be addressed this year and requested the level of 36,500 tons as determined in the Preliminary Fishery Management Plan published February 16, 1977, to assist development efforts. However, current production projections are far short of this level. The revised 1977 U.S. capacity figure of 24,000 tons provides opportunities for the orderly development of the U.S. industry while providing for increased utilization of available squid within a conservation framework designed to prevent overfishing.

[FR Doc.77-22086 Filed 8-1-77;8:45 am]

MARINE MAMMAL SCIENTIFIC RESEARCH PERMIT

Receipt of Amended Application

On June 21, 1977, notice was published in the FEDERAL REGISTER (42 FR 31480) that the Ocean Research and Education Society Inc., 51 Commercial Wharf 6, Boston, Mass. 02110, had applied for a scientific research permit under the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407); and the Endangered Species Act of 1973 (16 U.S.C. 1531-1543).

Notice is hereby given that the Applicant has amended the original application in the following manner: Phase One of the study will commence in October 1977 and continue through 1978, and will include the radio tracking of 25 humpback whales along their migratory path; Phase Two of the study will commence in the fall of 1978 and include radio tag tracking studies of the other species listed in the original application.

The amended application for the Marine Mammal Protection Act Permits will be considered under the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216). The amended application for the Endangered Species Act Permit will be considered under the regulations governing endangered fish and wildlife permits (50 CFR Parts 217-222).

Documents submitted in connection with the applications are available in the following offices:

Director, National Marine Fisheries Service, Department of Commerce, 3300 Whitehaven Street, NW., Washington, D.C.;
Regional Director, National Marine Fisheries Service, Northeast Region, 14 Elm Street, Gloucester, Mass. 01930;
Regional Director, National Marine Fisheries Service, Southeast Region, Duval Building, 9450 Gandy Boulevard, St., Petersburg, Fla. 33702;
Regional Director, National Marine Fisheries Service, Northwest Region, 1700 Westlake Avenue, North, Seattle, Wash. 98109; and

[1] Tons refers to metric tons (2205 pounds).

Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, Calif. 90731.

Concurrent with the publication of this notice in the FEDERAL REGISTER, the Secretary of Commerce is sending copies of the amended application for 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, Washington, D.C. 20235, on or before September 1, 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: July 25, 1977.

ROBERT J. AYERS,
Acting Assistant Director for Fisheries Management, National Marine Fisheries Service.

[FR Doc.77-22125 Filed 8-1-77;8:45 am]

PRELIMINARY FISHERY MANAGEMENT PLANS

Amending and Supplementing Environmental Impact Statements

In accordance with the provisions of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265), amendments to Preliminary Fishery Management Plans will be forthcoming shortly (on/or about August 5, 1977). Supplemental Environmental Impact Statements or negative declarations will be prepared as necessary for each plan amended. It is anticipated the following Preliminary Fishery Management Plans, approved by the Secretary of Commerce, will be amended:

Plan title	*Date of issue*
Trawl Fishery Gulf of Alaska	Feb. 11, 1977.
Atlantic Herring Fishery of the Northwestern Atlantic.	Feb. 22, 1977.
Hake Fisheries of the Northwestern Atlantic.	Feb. 18, 1977.
Foreign Trawl Fisheries of Northwestern Atlantic.	Feb. 17, 1977.
Sablefish Fishery of the Eastern Bering Sea and Northeastern Pacific.	Feb. 10, 1977.
Seamount Groundfish Fishery of the Pacific.	do.
Trawl Fisheries of Washington, Oregon, and California.	do.
Trawl Fisheries and Herring Gillnet Fishery of Eastern Bering Sea and Northeastern Pacific.	Feb. 15, 1977.
Snail Fishery of the Eastern Bearing Sea.	Feb. 15, 1977.
Eastern Bering Sea (King and Tanner Crab).	Feb. 16, 1977.
Mackerel Fishery of Northwestern Atlantic.	Do.
Squid Fisheries of the Northwestern Atlantic.	Do.

Copies of this notice will be mailed to persons who have commented on the Final Environmental Impact Statements/Preliminary Fishery Management Plans and other interested parties that are potentially affected by the proposed changes to the plans.

Individuals or organizations wishing to obtain additional information on the intent to amend the preliminary plans may do so by writing the Director, National Marine Fisheries Service, Washington, D.C. 20235.

Signed this 28th of July, 1977, at Washington, D.C.

WINFRED H. MEIBOHM,
Associate Director, National Marine Fisheries Service.

[FR Doc.77-22191 Filed 8-1-77;8:45 am]

PRE-ACT ENDANGERED SPECIES PRODUCTS

Issuance of Certificates of Exemption

On June 2, 1977, notice was published in the FEDERAL REGISTER (42 FR 28182) that applications had been filed with the National Marine Fisheries Service by Phillip's Gift Center, Inc., of Provincetown, Mass., and Jerry Howard Williamson of Pensacola, Fla., for Certificates of Exemption to engage in certain commercial activities with respect to their declared inventories of pre-Act endangered species products. Notices that H. Krupp, d.b.a. Oceanic Trading Company of Seattle, Wash., and Irving F. Briggs, d.b.a. Cape Cod Labidary of Hyannis, Mass., had also filed applications for such Certificates of Exemption, were published in the FEDERAL REGISTER on June 7, 1977 (42 FR 29034) and June 14, 1977 (42 FR 30422) respectively.

Notice is hereby given that on July 25, 1977, as authorized by the provisions of the Endangered Species Act of 1973, as amended (Pub. L. 94-359), and the regulations issued thereunder (50 CFR Part 222, Subpart B), the National Marine Fisheries Service issued Certificates of Exemption to Phillip's Gift Center, Inc., a/k/a Scrimshaw Handcrafts, 230 Commercial Street, Provincetown, Mass. 02657; Jerry Howard Williamson, 112 Southern Street, Pensacola, Fla. 32503; H. Krupp, d.b.a. Oceanic Trading Co., 84 University Street, Seattle, Wash. 98101 and Irving F. Briggs, d.b.a. Cape Cod Labidary, 4 Circle Drive, Hyannis, Mass. 02601.

The Certificates of Exemption are available for review during normal business hours in the Office of the Enforcement Division, National Marine Fisheries Service, 3300 Whitehaven Street NW., Washington, D.C. 20007.

Dated: July 27, 1977.

WINFRED H. MEIBOHM,
Associate Director, National Marine Fisheries Service.

[FR Doc.77-22189 Filed 8-1-77;8:45 am]

PRE-ACT ENDANGERED SPECIES PRODUCTS

Notice of 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

R. Robert Rayno, 735 Main Road, Westport, Mass. 02790.

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 prohibitions, 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;

(ii) 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

Approximately 170 finished scrimshaw jewelry items and finished scrimshaw products to be made from approximately 218 pounds of whole sperm whale teeth, 97 pounds of scraps of sperm whale teeth and 33 pounds of cross-cuts from sperm 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 September 1, 1977.

Dated: July 24, 1977.

ROBERT J. AYERS,
Acting Assistant Director for Fisheries Management.

[FR Doc. 77-22190 Filed 8-1-77;8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

AMENDING U.S./POLAND COTTON TEXTILE AGREEMENT

JULY 29, 1977.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: (1) Combining the levels of restraint for certain T-shirts, sweatshirts and knit tops in Categories 42, 43, and part of 62 for the year which began on January 1, 1977.

(2) Adjusting the designated annual consultation levels for Categories 36 (bedspreads and quilts), 41 (men's and boys' white T-shirts), 42/43 and part of

62 (certain T-shirts, sweatshirts, and knit tops), 48 (raincoats), and 49 (other coats), for the year which began on January 1, 1977.

(A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on February 3, 1975 (40 FR 5010), as amended on December 31, 1975 (40 FR 60220), December 30, 1976 (41 FR 56881), January 21, 1977 (42 FR 3888), and March 7, 1977 (42 FR 12898).)

SUMMARY: On July 21, 1977, the Governments of the United States and the Polish People's Republic exchanged notes amending the Bilateral Cotton Textile Agreement of November 6, 1975 for the third agreement year which began on January 1, 1977. According to the terms of the amendment, the designated annual consultation levels for Categories 36 and 41 have been reduced and those for Categories 48 and 49 have been increased. Categories 42/43/62 (pt.) have been merged at a new level of restraint. The level for Category 63 (other clothing, not knit or crocheted) has also been increased to 1,000,000 square yards equivalent.

EFFECTIVE DATE: August 3, 1977.

FOR FURTHER INFORMATION CONTACT:

Edmond C. Callahan, International Trade Specialist, Office of Textiles, U.S. Department of Commerce, Washington, D.C. 20230, 202-377-5423.

SUPPLEMENTARY INFORMATION: On January 3, 1977, there was published in the FEDERAL REGISTER (42 FR 64), a letter dated December 29, 1976, from the Chairman of the Committee for the Implementation of Textile Agreements, which established the levels of restraint applicable to certain specified categories of cotton textile products, produced or manufactured in Poland and exported to the United States during the twelve-month period which began on January 1, 1977. In the letter of July 29, 1977, published below, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to amend the levels of restraint applicable to cotton textile products in Categories 36, 41, 42/43/62 (pt.), 48 and 49 to the designated amounts.

ROBERT E. SHEPHERD,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

U.S. DEPARTMENT OF COMMERCE, THE ASSISTANT SECRETARY FOR DOMESTIC, AND INTERNATIONAL BUSINESS

Washington, D.C., July 29, 1977.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C.

DEAR MR. COMMISSIONER: This directive amends, but does not cancel, the directive issued to you on December 29, 1976 by the Chairman of the Committee for the Implementation of Textile Agreements concerning imports into the United States of certain specified categories of cotton textile products, produced or manufactured in Poland.

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, pursuant to the Bilateral Cotton Textile Agreement of November 6, 1975, as amended, between the Governments of the United States and the Polish People's Republic, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, you are directed to amend, effective on August 3, 1977 and for the twelve-month period beginning on January 1, 1977 and extending through December 31, 1977, the levels of restraint established in the directive of December 29, 1977 for Categories 36, 41, 42/43/62 (part), 48, 49, and 62 (part), produced or manufactured in Poland, to the following amounts:

Category:		*Amended 12-mo level of restraint*[1]
36	numbers	43,478
41	dozen	49,765
42/43/62 (part)[2]	do	439,119
48	do	28,000
49	do	60,385
62 (part)[3]	pounds	476,087

[1] The levels of restraint have not been adjusted to reflect any imports after Dec. 31, 1976.

[2] In category 62, only T.S.U.S.A. Nos. 380.-0024, 380.0027, 380.0624, 382.0002, 382.0024, 382.0026, 382.0605, 382.0610, 382.0665, 382.-3904, and 382.6904.

[3] All T.S.U.S.A. numbers in category 62 except those listed in footnote 2.

The actions taken with respect to the Government of the Polish People's Republic and with respect to imports of cotton textile products from Poland have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

ROBERT E. SHEPHERD,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

[FR Doc.77-22269 Filed 8-1-77;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 770-8; PF76]

PESTICIDE PROGRAMS

Filing of Pesticide Petition

E. I. Du Pont De Nemours & Co., Wilmington, Del. 19898, has submitted a petition (PP 7F1948) to the Environmental Protectoin Agency which proposes that 40 CFR 180.253 be amended by establishing a tolerance for residues of the insecticide methomyl (S-methyl N-[(methylcarbomoyl)oxy] thioacetimidate) in or on the raw agricultural commodity strawberries at 2 parts per million (ppm). The proposed analytical method for determining residues is by using microculometric gas chromatography.

Interested persons are invited to submit written comments on this petition to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, Environmental Protection Agency, Rm. 401, East Tower, 401 M St. SW., Washington, D.C. 20460. Three copies of the comments should be submitted to facilitate the work of the Agency and of others interested in inspecting them. Inquiries concerning this petition may be directed to Product Manager (PM) 12, Registration Division (WH-567), Office of Pesticide Programs, at the above address, or by telephone at 202-426-9425. Written comments should bear a notation indicating the petition number. Comments may be made at any time while a petition is pending before the Agency. All written comments will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4 p.m., Monday through Friday.

Dated: July 25, 1977.

MARTIN H. ROGOFF, Ph. D.
Acting Director,
Registration Division.

[FR Doc.77-22203 Filed 8-1-77;8:45 am]

[FR-771-1; OPP-33000/512]

RECEIPT OF APPLICATION PESTICIDE REGISTRATION DATA TO BE CONSIDERED IN SUPPORT OF APPLICATIONS

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (39 FR 31862) its iterim policy with respect to the administration of Section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended ("Interim Policy Statement"). On January 22, 1976, EPA published in the FEDERAL REGISTER a document entitled "Registration of a Pesticide Product —Consideration of Data by the Administrator in Support of an Application" (41 FR 3339). This document described the changes in the Agency's procedures for implementing Section 3(c)(1)(D) of FIFRA, as set out in the Interim Policy Statement which were effected by the enactment of the recent admendments to FIFRA on November 28, 1975 (Pub. L. 94-140), and the new regulations governing the registration and re-registration of pesticides which became effective on August 4, 1975 (40 CFR Part 162).

Pursuant to the procedures set forth in these FEDERAL REGISTER documents, EPA hereby gives notice of the applications for pesticide registration listed below. In some cases these applications have recently been received; in other cases, applications have been amended by the submission of additional supporting data, the election of a new method of support, or the submission of new "offer to pay" statements.

In the case of all applications, the labeling furnished by the applicant for the product will be available for inspection at the Environmental Protection Agency, Room 209, East Tower, 401 M Street, SW., Washington, D.C. 20460. In the case of applications subject to the

new Section 3 regulations, and applications not subject to the new Section 3 regulations which utilize either the 2(a) or 2(b) method of support specified in the Interim Policy Statement, all data citations submitted or referenced by the applicant in support of the application will be made available for inspection at the above address. This information (proposed labeling and, where applicable, data citations) will also be supplied by mail, upon request. However, such a request should be made only when circumstances make it inconvenient for the inspection to be made at the Agency offices.

Any person who: (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after January 1, 1970, is being used to support an application described in this notice, (c) desires to assert a claim under Section 3(c)(1)(D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data or the status of such data under Section 10 must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Product Control Branch, Registration Division (WH-567), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW., Washington, D.C. 20460. Every such claimant must include, at a minimum, the information listed in the Interim Policy Statement of November 19, 1973.

Specific questions concerning applications made to the Agency should be addressed to the designated Product Manager (PM), Registration Division (WH-567), Office of Pesticide Programs, at the above address, or by telephone as follows:

PM 11, 12, and 13—202/755-9315
PM 21 and 22—202/426-2454
PM 24—202/755-2196
PM 31—202/426-2635
PM 33—202/755-9041
PM 15, 16, and 17—202/426-9425
PM 23—202/755-1397
PM 25—202/755-2632
PM 32—202/426-9486
PM 34—202/426-9490

The Interim Policy Statement requires that claims for compensation be filed on or before October 3, 1977. With the exception of 2(c) applications not subject to the new Section 3 regulations, and for which a sixty-day hold period for claims is provided, EPA will not delay any registration pending the assertion of claims for compensation or the determination of reasonable compensation. Inquires and assertions that data relied upon are subject to protection under Section 10 of FIFRA, as amended, should be made within 30 days subsequent to publication of this notice.

Dated: July 25, 1977.

MARTIN H. ROGOFF, Ph. D.,
Acting Director,
Registration Division.

APPLICATIONS RECEIVED (OPP-33000/512)

EPA Reg. No. 192-RET. Dexol Industries, 1450 W. 228th St., Torrance, CA 90501. DEXOL SYSTEMIC HOUSE PLANT FUNGICIDE. Active Ingredients: Benomyl (Methyl 1-(butyl-carbamoyl)-2-benzimidazolecarbamate) 50%. Method of Support: Application proceeds under 2(b) of interim policy. PM22

EPA File Symbol 239-EULU. Chevron Chemical Co., Ortho Div., 940 Hensley St., Richmond, CA 94804. ORTHO SPOT WEED & GRASS CONTROL. Active Ingredients: Paraquat dichloride (1,1'dimethy-4,4'-bipyridinium dichloride) 0.276%; Aliphatic Petroleum Derivative Solvent 18.000%. Method of Support: Application proceeds under 2(b) of interim policy. PM25

EPA Reg. No. 303-86. Huntington Laboratories, Inc., P.O. Box 710, Huntington, IN 46750. MALAR GERMICIDAL DETERGENT. Active Ingredients: o-benzyl-p-chlorophenol, 9.12%; o-phenylphenol, 5.88%; Isopropanol, 3.03%; p-tert-amylphenol, 2.97%; Tetrasodium ethylenediamine tetraacetate, 1.90. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Revised formulation. PM32

EPA Reg. No. 4581-318. Pennwalt Corp., Three Parkway, Philadelphia, PA 19102. DECCO WT-53 SOLUTION. Active Ingredients: Sodium orthophenylphenate [anhydrous] 14.5%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Added uses. PM22

EPA Reg. No. 5815-GA. Wegro, Inc., Div. of Old Fort Industries, P.O. Box 189, Grand Rapids, OH 43522. TRIPLE X PRODUCTS, LAWN AND CRAB GRASS CONTROL. Active Ingredients: Dimethyl tetrachloroterephihalate 3.00%. Method of Support: Application proceeds under 2(b) of interim policy. PM23

EPA Reg. No. 7478-UI. Chem-Pak Co., P.O. Box 430757, Miami, FL 33143. GARDENS OF THE SOUTH ORCHID FUNGICIDE WETTABLE. Active Ingredients: Benomyl (Methyl 1-(butylcarbamoyl)-2-Benzimidazolecarbamate) 50%. Method of Support: Application proceeds under 2(b) of interim policy. PM22

EPA File Symbol. 7478-UO. Chem-Pak Co., P.O. Box 430757, Miami, FL 33143. SPRINGHILL ROSE FUNGICIDE SPRAY. Active Ingredients: Benomyl (Methyl 1-(butylcarbamoyl)-2-benzimidazolecarbamate) 50%. Method of Support: Application proceeds under 2(b) of interim policy. PM22

EPA File Symbol 7478-LN. Chem-Pak Co., P.O. Box 430757, Miami, FL 33143. LAWN KEEPER TURF FUNGICIDE. Active; Ingredients: Benomyl (Methyl-1-(butylcarbanoyl)-2-Benzimidazolecarbamate) 50%. Method of Support: Application proceeds under 2(b) of interim policy. PM22

EPA Reg. No. 7969-45. BASF Wyandotte Corp., 100 Cherry Hill Rd., Parsippany, NJ 07054. BASAGRAN. Active Ingredients: Sodium salt of bentazon 42.0%. Method of Support: Application proceeds under 2(b) of interim policy. Amended Registration. PM25

EPA File Symbol 9640-EE. Vulcan Laboratories, 408 Auburn Ave., Pontiac, MI 48058. MICROBIOCIDE LF. Active Ingredients: Dioctyl dimethyl ammonium chloride 50%; Ethyl alcohol 10%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 27581-A. Midland Research Laboratories, Inc., 8429 Quivira Rd., Lenexa, KA 66214. CHEM-I-CAL 615SP. Active Ingredients: Poly[oxyethylene (dimethyliminio) ethylene -(dimethyiminio) ethylene dichloride] 10.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 27581-T. Midland Research Laboratories, Inc., 8429 Quivira Rd., -Lenexa, KA 66214. CHEM-I-CAL 635. Active Ingredients: Poly[oxyethylene (dimethyliminio) ethylene-(dimethyliminio) ethylene dichloride] 10.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 27581-I. Midland Research Laboratories, Inc., 8429 Quivira Rd., Lenexa, KA 66214. CHEM-I-CAL 615. Active Ingredients: Poly[oxyethylene(dimethyliminio) ethylene-dimethyliminio) ethylene dichloride] 5.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 35571-RI. Chem Pro Lab., Inc., 941 West 190th St., Gardena, CA 90248. CHEM PRO BIOCIDE #211. Active Ingredients: Poly[oxyethylene (dimethyliminio)ethylene(dimethyliminio) ethylene dichloride] 25.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 37822-R. Miami Chemical Mfg. Co., 2450 SW 28th Lane, Miami, FL 33133. FLORI CHLOR. Active Ingredients: Sodium Hypochlorite 9.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 40285-R. Degesch America, Inc., 800 Follin Lane, Vienna, VA 22180. PHOSTOXIN DEGESCH NEW COATED TABLETS. Active Ingredients: Aluminum Phosphide 55%. Method of Support: Application proceeds under 2(b) of interim policy. PM11

EPA File Symbol 40285-E. Degesch America, Inc., 800, Follin Lane, Vienna, VA 22180. PHOSTOXIN DEGESCH COATED PELLETS-PREPAC. Active Ingredients: Aluminum Phosphate 55%. Method of Support: Application proceeds under 2(b) of interim policy. PM11

EPA File Symbol 40285-G. Degesch America, Inc., 800 Follin Lane, Vienna, VA 22180. PHOSTOXIN DEGESCH COATED PELLETS. Active Ingredients: Aluminum Phosphide 55%. Method of Support: Application proceeds under 2(b) of interim policy. PM11

EPA File Symbol 40611-R. Bell Chemical Corp., 23 Hamilton St., New London, CT 06320. BELL-CIDE 600. Active Ingredients: Poly [oxyethylene (dimethyliminio) ethylene-(dimethyliminio) ethylene dichloride] 5.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 40611-E. Bell Chemical Corp., 23 Hamilton St., New London, CT 06320. BELL-CIDE 1200. Active Ingredients: Poly [oxyethylene (dimethyliminio) ethylene-(dimethyliminio) ethylene dichloride] 10.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 40611-G. Bell Chemical Corp., 23 Hamilton St., New London, CT 06320. BELL-CIDE 3600. Active Ingredients: Poly [oxyethylene (dimethyliminio)ethylene - (dimethyliminio) ethylene dichloride] 30.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 40640-R. John's Hardware, 3292 S. University Dr., Miramar, FL 33025. JERRY-CHLOR. Active Ingredients: Sodium Hypochlorite 9.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

[FR Doc.77-22204 Filed 8-1-77;8:45 am]

FEDERAL ENERGY ADMINISTRATION

APPLICATIONS FOR EXCEPTION FROM REFINERS PRICE RULES GOVERNING ORDER OF RECOVERY OF INCREASED NON-PRODUCT COSTS

January 1, 1975 Through January 31, 1976 Period; Deadline for Filing

AGENCY: Federal Energy Administration.

ACTION: Filing Deadline for Certain Exception Applications.

SUMMARY: Pursuant to the lifting of a judicial stay, the FEA has determined to reimpose the 60-day deadline for filing Applications for Exceptions from the regulations governing the sequence for recovering increased non-product costs during the period January 1, 1975 through January 31, 1976. Notice is hereby provided that FEA will not consider any Application for Exception from such regulations to be timely filed if such submission is filed more than 60 days after the date on which this notice appears in the FEDERAL REGISTER. The FEA is also requiring each firm to submit within 60 days a detailed specification of the facts it intends to establish in support of its Application for Exception and the manner of proving such facts.

DATE: All Applications for Exception to be filed with the Office of Exceptions and Appeals on or before October 3, 1977.

ADDRESSES: All comments should be directed to Thomas L. Welker, Assistant Director of the Office of Exceptions and Appeals, Federal Energy Administration, Washington, D.C. 20461.

SUPPLEMENTARY INFORMATION: On April 21, 1977, the Federal Energy Administration issued a notice for publication in the FEDERAL REGISTER providing that Applications for Exception from the provisions of the FEA Mandatory Petroleum Price Regulations which governed the order of recovery of increased non-product costs by refiners during the period January 1, 1975 through January 31, 1976 must be filed with the FEA Office of Exceptions and Appeals no later than June 27, 1977. The FEA has interpreted those regulatory provisions as requiring that increased non-product costs could not be recovered by refiners until all available increased product costs had been passed through to their customers. See, e.g., 41 FR 5111, 5113 (February 4, 1976); 41 FR 33282 (August 9, 1976).

Subsequent to the issuance of the April 21 notice and during the course of certain litigation involving these regulatory provisions, the FEA agreed to a temporary stay of the June 27 filing requirement with respect to all refiners. On June 28, 1977 the FEA therefore published in the FEDERAL REGISTER a notice indicating that the June 27 deadline was vacated until further notice. 42 F.R. 32831 (June 28, 1977). On July 21, 1977, the U.S. District Court for the Northern District of Ohio dissolved the stay of the filing requirements. *Standard Oil Co. et al. v. O'Leary et al.*, ____ F. Supp. (N.D. Ohio, July 21, 1977).

Accordingly, FEA is now free to reimpose a filing deadline and has determined that a new filing deadline should be established for the reasons that were set forth in detail in the April 21 notice. Consequently, notice is hereby provided that the FEA will not consider any Application for Exception from the provisions of the FEA Regulations which governed the order of recovery of increased nonproduct costs during 1975 and January 1976, as those provisions have been interpreted by the FEA in the notices cited above, as being filed in a timely manner if the submission is filed with the FEA Office of Exceptions and Appeals later than October 3, 1977. This filing deadline will not apply, however, to Applications for Exception submitted by firms which complied with applicable FEA regulatory requirements during the period in question and whose submissions consist solely of a request that they receive equitable treatment in the light of any action which the FEA might take in exception proceedings initiated by other firms which failed to comply with the FEA Regulations as interpreted by the FEA in the manner described above.

In order to expedite its consideration of any exception applications which may be filed and to establish a reliable basis for conducting proceedings in this matter, the FEA has further determined that any firm which files an Application for Exception within the period prescribed above must also submit to the Office of Exceptions and Appeals at the same time it files its Application an itemization of:

(a) The particular factual representations whose validity the firm intends to establish and which it contends would lead ultimately to the conclusion that its Application for Exception should be granted; and

(b) The particular manner in which the firm intends to establish the validity of each of the representations set forth in response to Subparagraph (a) above.

The itemization referred to in Subparagraph (a) above should describe the facts alleged by the firm with a high degree of specificity. For example, with respect to a certain event that is alleged to have occurred, the itemization should at least include the names and titles of the persons involved, the date and place of the event, and the specific statements made or actions taken at that time.

Any questions regarding this notice should be directed to Thomas L. Wieker, Assistant Director of the Office of Exceptions and Appeals, Federal Energy Administration, Washington, D.C. 20461.

Issued in Washington, D.C., July 27, 1977.

ERIC J. FYGI,
Acting General Counsel.

[FR Doc.77-22105 Filed 8-1-77;8:45 am]

FUEL OIL MARKETING ADVISORY COMMITTEE

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given that the Fuel Oil Marketing Advisory Committee will meet Monday, August 15, 1977, at 9 a.m., room 2003A, JFK Federal Bldg., Government Center, Boston, Mass.

The Committee was established to provide the Administrator, FEA, with expert and technical advice concerning the trade of selling fuel oil.

The agenda for the meeting is as follows:

1. Old Business—Discussion of Requests and Commitments from the Prior Committee Meeting.
2. Summer Fill.
3. Resid Containment Problems (East Coast).
4. Nationwide Distillate Trigger.
5. Administration's Energy Plan.
6. FEA Compliance (Auditing Procedures)
7. New Business—Items for Discussion at the Next Meeting.
8. Remarks from the Floor (10 Minute Rule).

The meeting is open to the public. The Chairman of the Committee is empowered to conduct the meeting in a fashion that will in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Committee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform Lois Weeks, Director, Advisory Committee Management, 202-566-9996, at least 5 days prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Further information concerning this meeting may be obtained from the Advisory Committee Management Office.

The transcript of the meeting will be available for public review at the Freedom of Information Public Reading Room, room 2107, FEA, Federal Building, 12th and Pennsylvania Ave. NW., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays. Any person may purchase a copy of the transcript from the reporter.

Issued at Washington, D.C., on July 28, 1977.

ERIC J. FYGI,
Acting General Counsel.

[FR Doc.77-22229 Filed 8-1-77;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. CI74-566]

AMOCO PRODUCTION CO.

Extension of Time

JULY 25, 1977.

On June 20, 1977, Amoco Production Company (Amoco) filed a motion to ex-

tend the time within which to comply with Ordering Paragraph (K) of the June 3, 1977, Order issuing a certificate of public convenience and necessity in the above designated docket.

Upon consideration, notice is hereby given that an extension of time is granted to and including December 1, 1977, within which Amoco shall commence deliveries of gas as required by Ordering Paragraph (K).

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.77-22101 Filed 8-1-77;8:45]

[Docket No. CI64-26]

GULF OIL CORP.

Request for Inquiry

JULY 25, 1977.

Take notice that on June 13, 1977, the Assembly, State of New York, through its Sub-committee on Economic Development Task Force on Natural Gas (Assembly) requested the Commission to inquire into the legality of certain actions taken by Gulf Oil Corporation (Gulf) with respect to its deliveries to other pipelines in Southern Louisiana during the period when Gulf's sales under its warranty contract were significantly below the amounts requested by Texas Eastern Transmission Company (TETCO).

Specifically, Assembly wants to know whether Gulf violated its TETCO warranty contract and coincident FPC certificate by entering into a new warranty obligation in 1972 to Southern Natural Gas Company (Southern) and/or by failing to prorate deliveries to both warranty customers when Gulf's deliverability was insufficient to meet both contractual commitments.

By a letter agreement dated January 14, 1972, Gulf and Southern agreed to a contract amendment covering sales of gas to Southern from Gulf's interest in the West Delta Block 27 Field (Block 27), in lieu of Gulf making another reserve redetermination for that Field pursuant to Southern's September 23, 1971 request. This letter agreement committed Gulf to deliver specified quantities of gas to Southern from Block 27 "or any other field or fields in which may now or hereafter have an interest," equivalent in total amount to Gulf's share of 1.25 Tcf of Block 27 reserves, minus all volumes already delivered under the contract.

Assembly notes that during the years 1972-75 Gulf's deliveries to Southern pursuant to the 1972 letter agreement were in sum 1,351,040 Mcf greater than the total Southern had requested over that period. At the same time, Gulf's sales to TETCO fell well below the 625,000 Mcf/D requested by TETCO.

Assembly essentially asks four questions:

(a) In what manner, if any, was Gulf's reluctance to make a reserve redetermination for the Block 27 Field pursuant to Southern's request, related to Gulf's warranty obligation to TETCO certificated in Docket No. CI64-26;

(b) Did Gulf, by signing the January 14, 1972 letter agreement with Southern, incur a corporate warranty obligation to supply Southern with specified volumes of gas from unspecified fields. And if so, why instead of prorating the available supply between Southern and TETCO on the basis of their respective daily contract entitlements, did Gulf nearly satisfy its entire obligation to Southern during the years 1972-75, while at the same time fall far short of supplying TETCO with the quantities of gas it requested;

(c) Was it inappropriate on Gulf's part to have added at least 5 fields since 1972 for the satisfaction of the Southern contract, while simultaneously steeply curtailing its deliveries to TETCO;

(d) Has Gulf made any sales of new reserves it has found in the offshore Louisiana area to any purchaser other than TETCO during the time it has been underdelivering to TETCO?

Any person desiring to be heard or to make any protest with reference to said request should on or before August 12, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). Any party wishing to become a party to a proceeding; or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

Comments with respect to Assembly's request may be filed with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, on or before August 12, 1977. Such comments will be considered in determining appropriate action, but those filing comments will not as a result of such action become parties to this proceeding.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.77-22099 Filed 8-1-77;8:45 am]

[Docket No. ER77-507]

NIAGARA MOHAWK POWER CORP.

Tariff Filing

JULY 25, 1977.

Take notice that Niagara Mohawk Power Corporation (Niagara), on July 11, tendered for filing, as a rate schedule, a Service Classification to be used to supply power and energy to the St. Lawrence Power Company.

Niagara states that the rates contained in this Service Classification are comparable to Niagara's other rates charged to customers who have requirements of a magnitude similar to those served by this tariff.

Niagara proposes an effective date of June 1, 1977, and therefore requests waiver of the Commission's notice requirements.

Niagara indicates that copies of the filing have been served on St. Lawrence Power Company, the only customer presently proposed to be served under this tariff, and upon the Public Service Commission of the State of New York.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with paragraphs 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions should be filed on or before August 3, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.77-22096 Filed 8-1-77;8:45 am]

[Docket No. ER77-435]

NIAGARA MOHAWK POWER CORP.

Proposed Tariff Change

JULY 25, 1977.

Take notice that Niagara Power Corporation (Niagara), on July 7, 1977, tendered for filing as a rate schedule, an agreement between Niagara and Orange and Rockland Utilities, Inc. (Rockland), dated April 12, 1977.

Niagara states that there is presently on file an agreement with Rockland dated February 14, 1976, and that this agreement is designated as Niagara Mohawk Power Corporation Rate Schedule FPC No. 89. Niagara further states that the new agreement is being submitted as a supplement to the existing agreement.

Niagara indicates that this supplement revises the wheeling rate as provided for in the terms of the original agreement.

Niagara proposes an effective date of April 1, 1977, and therefore requests waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with paragraphs 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 12, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the processing. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.77-22097 Filed 8-1-77;8:45 am]

[Docket No. ER77-434]

NIAGARA MOHAWK POWER CORP.

Proposed Tariff Change

JULY 25, 1977.

Take notice that Niagara Mohawk Power Corp. (Niagara) on July 7, 1977, tendered for filing a rate schedule, an agreement between Niagara and Rochester Gas and Electric Corp. (Rochester), dated April 12, 1977.

Niagara states that there is presently on file an agreement with Rochester dated February 14, 1975, and that this agreement is designated as Niagara Mohawk Power Corp. Rate Schedule FPC No. 92. Niagara further states that the new agreement is being submitted as a supplement to the existing agreement.

Niagara indicates that this supplement revises the wheeling rate as provided for in the terms of the original agreement.

Niagara proposes an effective date of April 1, 1977, and therefore requests waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with paragraphs 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 12, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.77-22098 Filed 8-1-77;8:45 am]

[Docket No. ER77-433]

NIAGARA MOHAWK POWER CORP.

Proposed Tariff Change

JULY 25, 1977.

Take notice that Niagara Mohawk Power Corp. (Niagara), on July 7, 1977, tendered for filing as a rate schedule, an agreement between Niagara and the Power Authority of the State of New York (PASNY), dated April 12, 1977.

Niagara indicates that there is presently on file an agreement with PASNY dated April 21, 1976, and that this agreement is designated as Niagara Mohawk Power Corp. Rate Schedule FPC No. 96. Niagara further indicates that the new agreement is being submitted as a supplement to the existing agreement.

According to Niagara this supplement revises the wheeling rate as provided for in the terms of the original agreement.

Niagara proposes an effective date of April 1, 1977, and therefore requests waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with paragraphs 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 12, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.77-22102 Filed 8-1-77;8:45 am]

[Docket No. CP77-510]

NORTHERN NATURAL GAS CO.

Application

JULY 25, 1977.

Take notice that on July 15, 1977, Northern Natural Gas Co. (Applicant), 2223 Dodge Street, Omaha, Nebr. 68102, filed in Docket No. CP77-510 an application pursuant to Section 7 of the Natural Gas Act for permission and approval to abandon and remove certain small volume sales measuring stations and for a certificate of public convenience and necessity authorizing the construction and operation of three sales measuring stations in Carson and Gray Counties, Tex., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant indicates that pursuant to the authority granted by the Commission in Docket Nos. CP74-205, CP75-333, and CP77-130, it operates certain small volume rural sales measuring stations and delivers and sells natural gas through such sales measuring stations to West Texas Gas, Inc. (West Texas) for resale in the state of Texas. The sale of gas to West Texas by Applicant is made pursuant ot the terms of a sales agreement dated August 27, 1974, as amended, between Applicant and West Texas, it is said. Applicant states that such agreement is on file with the Commission as Applicant's Rate Schedule X-40 of its FPC Gas Tariff, Original Volume No. 2. Applicant states further that the gas delivered and sold to West Texas by Applicant pursuant to its Rate Schedule X-40 is resold by West Texas to Applicant's pipeline right-of-way grantors for high priority use in rural areas of West Texas. It is stated that Applicants' Rate Schedule X-40 provides for the sale and delivery of up to 350,000 Mcf per month and 2,291,111 Mcf annually

Applicant indicates that it is experiencing declining wellhead pressures in its supply area which necessitates a reduction in gathering line pressure, and that by lowering the pressure to 15 psia in the gathering systems supplying the McConnell, Haiduk and Bobbitt field compressor stations, Applicant has determined that the deliverability from the wells attached to these gathering systems can be increased by 4,700 Mcf per day during the first year of such operations. Applicant indicates that lowering of the gathering system pressure to 15 psia would result in it no longer being feasible to provide service to West Texas through 22 existing delivery stations for rural service to certain of Applicant's right-of-way grantors in Carson and Gray Counties, Tex., and that to lower the pressure in such gathering systems would result in the premature abandonment of wells attached thereto, and therefore, the loss of gas reserves attributable to such wells.

Applicant requests approval to abandon 22 delivery stations through which gas is presently delivered and sold to West Texas for resale to Applicant's pipeline right-of-way grantors and proposes to install and operate 2 new delivery stations through which the delivery and sale of gas would be made to West Texas for such customers in order to increase the deliverability from the wells attached to the McConnell, Haiduk, and Bobbitt gathering systems and to assure continuity of gas service by Applicant to West Texas under the agreement. It is stated that the three delivery stations that Applicant proposes to construct and operate would be located on Applicant's Kermit to Beaver high pressure line in Carson County, Tex., and Gray County, Tex.

Applicant indicates that it and West Texas have entered into a letter agreement dated June 22, 1977, which provides for the termination of gas deliveries by Applicant to West Texas through the 22 delivery points and for the initiation of service through the 3 delivery stations herein proposed to be installed by Applicant. Applicant further indicates that pursuant to the subject agreement West Texas would install and operate distribution facilities that may be required downstream of the proposed delivery stations to enable each of the customers to receive the same volumes of gas to which they are presently entitled.

The estimated cost of the facilities proposed to be constructed by Northern is $13,500, and the estimated cost of the proposed abandonment and removal of facilities is $1,100, it is said. Applicant indicates that it would finance the proposed facilities from cash on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 15, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Pro-

cedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Section 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.77-22095 Filed 8-1-77;8:45 am]

[Docket No. ER77-43]

PACIFIC POWER & LIGHT CO.
Electric Rates; Order Approving Settlement

JULY 25, 1977.

On May 17, 1977, the Presiding Administrative Law Judge in this proceeding certified to the Commission a proposed Settlement Agreement in the form of an Executed Contract, dated May 1, 1977, between Pacific Power & Light Co. (PP&L), Applicant, and Montana Light & Power Co. (ML&P), sole Intervenor in the proceeding. The Commission finds that the Settlement Agreement is in the public interest and accepts and approves it as hereinafter ordered and conditioned.

Proceedings were initiated in this docket on November 5, 1976, when PP&L filed a proposed rate schedule change[1] for sales of electricity to ML&P. Prior to that date, service to ML&P had been governed by Letter Agreement, dated February 3, 1973,[2] whereby PP&L served ML&P on a month-to-month basis. By order issued February 4, 1977, the Commission accepted the aforementioned Letter Agreement for filing, effective as of December 6, 1976, suspended the tendered rate schedule until July 7, 1977, subject to refund, and ordered a hearing to investigate the lawfulness of the filed rates.

A formal prehearing conference was held on March 15, 1977, after which the parties, including Staff, met to discuss the issues in dispute. By Motion dated April 26, 1977, PP&L requested that the Presiding Judge certify to the Commission for approval the subject proposed settlement. Therein, PP&L requested that the settlement rates be given an effective date of May 1, 1977.

In response to PP&L's April 26 Motion, Staff did not object to certification of the proposed Settlement Agreement, but reserved comment on the merits of the Agreement pending a review of supporting data submitted by PP&L.

Public notice of the Presiding Judge's May 17 certification of the proposed Agreement to the Commission was issued on June 3, 1977, with comments due on or before June 20, 1977. On June 20, 1977, Staff submitted comments in support of the Settlement Agreement requesting that the tendered contract be allowed to go into effect as a revised rate schedule on or before July 7, 1977, the date the original filing would have gone into effect subject to refund.

The proposed Settlement Agreement would, inter alia, (1) reduce the requested amount of increase in charges for power and energy sold to ML&P, from $41,865 to $31,114 based on 1976 transactions; (2) revise the billing demand ratchet to an average of the three highest demands in the eleven months prior to the billing month;[3] (3) establish an excess demand charge of $6 per kilowatt for actual demands that are, in any month, in excess of the established billing demand; (4) provide for six months notice by ML&P of requested scheduled maintenance service; (5) provide a basis for pricing of energy sold by ML&P to PP&L;[4] and (6) permit ML&P to purchase non-firm thermal energy under PP&L's Schedule RR2.

Based on our review of the Settlement Agreement record in this docket, we find that the tendered, Executed Contract represents a reasonable resolution of the issues in the proceeding and is in the public interest.[5] Accordingly, we shall allow the tendered contract to go into effect as a revised rate schedule[6] on July 7, 1977.

The Commission finds: The Settlement Agreement in the form of an Executed Contract filed with the Commission in this docket on April 26, 1977, is incorporated herein by reference, accepted and approved as revised rate schedule PP&L FPC No. 131, the rates therein effective as of July 7, 1977. Within 30 days from the date of issuance of this order, ML&P shall file its rate schedule or concurrence with the Commission pursuant to the requirements of Section 35.1(a) of the Regulations under the Federal Power Act.

(B) This order is without prejudice to any findings or orders which have been made or which may hereinafter 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 PP&L, any other person or party.

(C) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.77-22104 Filed 8-1-77;8:45 am]

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[1] Designated as: PP&L Rate Schedule No. 130 to Supersede PP&L Rate Schedule FPC No. 100.

[2] Designated as: Supplement No. 1 to PP&L Rate Schedule FPC No. 100.

[3] Originally PP&L had requested a 100% ratchet for the prior eleven months.

[4] Designated as: Montana Light & Power Co. Rate Schedule FPC No. 2 (Supersedes ML&P Rate Schedule FPC No. 1).

[5] The earned rate of return under the proposed settlement rates will not exceed Staff's recommendation of 8.94%, including 12.50% on common equity.

[6] Designated as: PP&L Rate Schedule FPC No. 131 (Supersedes PP&L Rate Schedule FPC No. 130).

[Docket No. ER76-543]

SOUTHWESTERN PUBLIC SERVICE CO.

Interconnection Agreement; Application for Approval; Order Accepting for Filing and Suspending Proposed Rate Schedules, Establishing Procedures and Granting Requests for Waiver

JULY 25, 1977.

On March 3, 1976, Southwestern Public Service Company (SWPS) tendered for filing proposed rate schedules[1] canceling and superseding its FPC Rate Schedule No. 54 and New Mexico Electric Service Company's (NMES) FPC Rate Schedule No. 1.[2] The proposed filing pertains to firm capacity sales made by SWPS to NMES and unit capacity sales from NMES to SWPS. The parties request waiver of the notice provisions to permit the filing to be effective June 1, 1976, the date NME's Maddox Station Unit No. 2 (66 MW gas turbine) was placed in commercial operation.

Firm capacity sales are made to NMES on the basis of loss of the largest generating unit. NMES presently has a 118 MW generating unit and a 66 MW gas turbine.

[1] The filing is designated in the attachment to this order. Presently, SWPS and New Mexico Electric Service are interconected and exchange various service under an agreement dated January 14, 1967.

[2] By letter dated March 18, 1976, SWPS was notified that its filing was deficient. On March 1, 1977, SWPS submitted for filing an amendment to its Interconnection Agreement dated December 24, 1976. That amendment did not cure the previous deficiency and a 2nd deficiency letter (dated March 31, 1977) was forwarded to SWPS. On April 25, 1977, SWPS submitted additional data. By letter dated May 25, 1977, the Commission notified SWPS that its filing was still deficient. On June 13, 1977, SWPS submitted additional information which completed the filing.

Its peak load, prior to June 6, 1976, was approximately 95 MW. Southwestern will sell firm capacity energy to New Mexico equal to the difference between New Mexicos' peak load and the 66 MW gas turbine. A letter agreement will be initiated after each peak season load signifying the amount of firm capacity sales for the next 12 months. Pricing for the firm capacity sales is based on the generation plants, the 230 KV "backbone" transmission system and the 115 KV "backbone" transmission system of Southwestern. No subtransmission is included in the pricing. Demand related costs are fully covered in the price per KW. Pricing per KWH is Southwestern's incremental cost of production per KWH, which includes fuel and water, plus one mill. KWH sales are anticipated only in emergency situations and at such times as the 118 MW unit is out of service for maintenance.

Unit capacity sales are made to Southwestern by New Mexico on the basis of the full capacity, 66 MW, of the gas turbine that has been in commercial operation since June 1, 1976. Pricing for the unit capacity sales is made on the basis of the incremental financing charges. Pricing per KWH is based on NMES's incremental cost of production per KWH, including fuel, maintenance and water, plus one mill. KWH sales from this unit are anticipated at times when Southwestern is burning fuel oil due to natural gas curtailments and during peak load periods.

Public notice of the filing of March 8, 1976, and public notice of the amendment were issued on March 8, 1976, and March 23, 1977, respectively. No protests or petitions to intervene have been received.

Our review indicates that among other things, the rate for the sale of NMES gas turbine capacity and the methods of reserve capacity determination have not been shown to be just and reasonable and, therefore, may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful. Accordingly, the filing will be suspended for one day to become effective June 2, 1976, subject to refund. In addition, we shall grant the request of waiver of the notice period.

The Commission finds: (1) Good cause exists to accept for filing the rate schedules tendered by SWPS as designated in the attachment hereto.

(2) Good cause exists to grant waiver of the notice provisions as requested and to suspend the filing as hereinafter ordered.

(3) It is necessary and proper in the public interest and in the enforcement of the provisions of the Federal Power Act, that the Commission enter upon a hearing to determine the justness and reasonableness of the proposed rate schedules tendered in this proceeding as hereinafter ordeed.

The Commission orders: (A) Pending a hearing and decision thereon, SWPS's filing as designated in the attachment is hereby accepted for filing and suspended for one day to become effective on June 2, 1976, subject to refund.

(B) The request for a waiver of the notice requirements is hereby granted.

(C) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at an initial conference in this proceeding to be held on September 13, 1977, at 10 a.m., in a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426. Said Law Judge is authorized to establish all procedural dates and to rule upon all motions, (except petitions to intervene, motions to consolidate and sever and motions to dismiss), as provided for in the Rules of Practice and Procedure.

(D) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

LOIS D. CASHELL,
Acting Secretary.

SOUTHWESTERN PUBLIC SERVICE COMPANY

Dated: December 24, 1975.

Filed: June 13, 1977.

Designation	*Description*
Rate schedule FPC No. 79 (supersedes FPC No. 54).	Interconnection agreement.
Supp. No. 1 to rate schedule FPC No. 79.	Firm power service.
Supp. No. 1 to Supp. No. 1 to rate schedule FPC No. 79.	Firm power letter of intent.
Supp. No. 2 to supp. No. 1 to rate schedule FPC No. 79.	Extension of term.
Supp. No. 2 to rate schedule FPC No. 79.	Unit capacity purchase.
Supp. No. 3 to rate schedule FPC No. 79.	Emergency service.
Supp. No. 4 to rate schedule FPC No. 79.	Economy energy service.

Jan. 12, 1976.

NEW MEXICO ELECTRIC COMPANY

Filed: April 25, 1977.

Designation	*Description*
Rate schedule FPC No. 2 (supersedes rate schedule FPC No. 1) (concurs in Southwestern Public Service Co., rate schedule FPC No. 79 and supp. Nos. 1, 2, 3, 4, and supp. No. 2 to supp. No. 1, thereto).	Certificate of concurrence dated Jan. 23, 1976.
Supp. No. 2 to rate schedule FPC No. 2.	Unit capacity letter of intent.
Supp. No. 1 to rate schedule FPC No. 2.	Revised exhibit A dated Jan. 11, 1977; certificate of concurrence dated Feb. 16, 1977.

[FR Doc.77-22103 Filed 8-1-77;8:45 am]

[Docket No. ER77-483]

VIRGINIA ELECTRIC & POWER CO.

Electric Rates; Order Accepting for Filing Granting Intervention, Suspending Proposed Rate Increase, and Establishing Procedures

JULY 25, 1977.

On June 28, 1977, Virginia Electric and Power Company (VEPCO) tendered for filing proposed increased rates and charges for jurisdictional sales to 50 rural electric cooperatives and 9 municipal systems.[1] The filing would increase Vepco's revenues by $21,038,000 or 20.8 percent, based on the 12 month period ending December 31, 1977.

On July 13, 1977, the ElectriCities of North Carolina (petitioners) filed a document entitled "Preliminary Protest, Petition to Intervene and Request For Hearing and Maximum Suspension Period of ElectriCities of North Carolina".

In support of their petition to intervene, the petitioners state that they are an unincorporated association whose members are representatives of all municipalities in North Carolina and certain municipalities in Virginia which own and operate their own electric systems serving their citizens and customers. The petitioners also aver that many of the North Carolina municipalities and all of the Virginia municipalities purchase electric and energy at wholesale from Vepco and resell such power and energy at retail to their own citizens and other municipalities. Our review indicates that the petitioners have shown sufficient justification for permitting them to participate as intervenors in this proceeding.

Review of the request for increased rates and charges indicates that the proposed rates have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful. Accordingly, we will suspend the effectiveness of the proposed rates and charges. Based on a review of all the pleadings, including petitioners' request for maximum suspension period, we will accept for filing the proposed increased rates and will suspend their effectiveness for four months. Moreover, certain procedures[2] must be established with regard to the petitioners' allegation of "price squeeze" violations. We will direct the Administrative Law Judge to convene a prehearing conference within 15 days from the date of this order for the purpose of hearing petitioners' request for data necessary to present their *prima facie* showing on the "price squeeze" issue.

The Commission finds. (1) Good cause exists to accept for filing and suspend the proposed increased rates and charges as hereinafter ordered.

(2) The participation in this proceeding of the Electricities of North Carolina may be in the public interest.

(3) It is necessary, proper, and in the public interest to aid in the enforcement of the provisions of the Federal Power Act, that the Commission enter upon a hearing to determine the justness and reasonableness of the proposed increased rates ad charges, filed by Vepco in this proceeding.

(4) Good cause exists to establish "price squeeze" procedures to effectuate

[1] Rate schedule designations will be forwarded separately to Vepco following the issuance of this order.

[2] See, Order Prescribing A New Section 2.16 of the Commission's General Policy and Interpretations and Terminating Rulemaking, Order No. 563, Docket No. RM76-29, issued March 21, 1977.

the Commission's policy announced in Order No. 563.

The Commission orders: (A) Pursuant to the authority contained under the Federal Power Act, particularly Sections 205 and 206 thereof, the Commission's Rules of Practice and Procedure and the Regulations under the Federal Power Act, a public hearing shall be held concerning the justness and reasonableness of the rates proposed by Vepco.

(B) Pending hearing and final decision thereon, Vepco's filing for increased rates and charges in Docket No. ER77-483 is hereby accepted for filing and suspended for four months, to become effective November 28, 1977, subject to refund.

(C) The Staff shall prepare and serve top sheets on all parties for settlement purposes on or before October 12, 1977 (See Administrative Order No. 157).

(D) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at an initial conference in this proceeding to be held on October 20, 1977, at 10 a.m., in a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426. Said Law Judge is authorized to establish all procedural dates and to rule upon all motions (except petitions to intervene, motions to consolidate and sever and motions to dismiss), as provided for in the Rules of Practice and Procedure.

(E) The Administrative Law Judge shall convene a prehearing conference within 15 days from the date of this order for the purpose of hearing the petitioners' request for data required to present their case, including a prima facie showing, on the price squeeze issue. Also, Vepco shall be required to respond to the discovery requests authorized by the Administrative Law Judge within 30 days, and the petitioners shall file their case-in-chief on the price squeeze issue within 30 days after Vepco's response.

(F) Nothing contained herein shall be construed as limiting the rights of parties to this proceeding regarding the convening of conferences or offers of settlement pursuant to Section 1.18 of the Commission's Rules of Practice and Procedure.

(G) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.77-22100 Filed 8-1-77;8:45 am]

FEDERAL RESERVE SYSTEM

BARNETT BANKS OF FLORIDA, INC.

Acquisition of Bank

Barnett Banks of Florida, Inc., Jacksonville, Fla., has applied for the Board's approval under § 3(a)(3) of the Bank Holding Company Act (12 U.S.C. § 1842 (a)(3)) to acquire 100 percent of the voting shares of Amelia Island Bank, Fernandina Beach, Fla. 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 Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than August 22, 1977.

Board of Governors of the Federal Reserve System, July 25, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77-22123 Filed 8-1-77;8:45 am]

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW

Receipt of Report Proposals

The following requests for clearance of reports intended for use in collecting information from the public were received by the Regulatory Reports Review Staff, GAO, on July 27, 1977. See 44 U.S.C. 3512(c) and (d). The purpose of publishing this notice in the FEDERAL REGISTER is to inform the public of such receipts.

The notice includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed NRC and FTC requests are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed requests, comments (in triplicate) must be received on or before August 22, 1977, and should be addressed to Mr. John M. Lovelady, Acting Assistant Director, Regulatory Reports Review, United States General Accounting Office, Room 5033, 441 G Street NW., Washington, D.C. 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-275-3532.

FEDERAL TRADE COMMISSION

The FTC requests clearance of a new voluntary single time "Drug Substitution Letter Questionnaire" which FTC's Bureau of Consumer Protection will use in conducting an investigation into the laws and practices which prohibit drug product selection by pharmacists. The letter questionnaire will be sent to the deans of pharmacy schools seeking information on the role of pharmacists in drug product selection. Potential respondents are estimated by FTC to be approximately 73 and reporting burden to average one hour per response.

NUCLEAR REGULATORY COMMISSION

The NRC requests clearance of reporting and recordkeeping requirements contained in new sections 71.51, 71.62(c) and 71.63(c) of 10 CFR Part 71, Packaging of Radioactive Material for Transport and Transportation of Radioactive Material Under Certain Conditions. These sections pertain to Quality Assurance Requirements for Transport Packages. Section 71.51 requires a licensee to file a description of the general quality assurance programs which he applies to packages for the shipment of radioactive materials. Section 71.62(c) requires the licensee to maintain for the life of the packaging to which they pertain, quality assurance records which furnish documentary evidence of the quality of the packaging. Section 71.63 (c) requires that the licensee notify the NRC Director of Inspection and Enforcement before fabrication of a package to be used for the shipment of radioactive material which has decay loads or operating pressures in excess of specific values. NRC estimates potential respondents to be 2,020 NRC licensees and that the total annual reporting and recordkeeping burden under sections 71.51, 71.62(c) and 71.63(c) is approximately 93,003 hours.

NORMAN F. HEYL,
Regulatory Reports, Review Officer.

[FR Doc.77-22124 Filed 8-1-77;8:45 am]

GENERAL SERVICES ADMINISTRATION

PRIVACY ACT OF 1974

Changes to a System of Records

On June 21, 1977, there was published in the FEDERAL REGISTER (42 FR 31494 and 31495) a notice proposing changes to the system of records identified as "Employee related files GSA/NARS-10," system identification number 23-00-0055. The public was given the opportunity to submit, not later than July 21, 1977, written comments concerning the revised routine use. No comments were received, and the revised routine use is hereby adopted.

Dated at Washington, D.C., on July 25, 1977.

PAUL S. CARTER,
Acting Director of Administration.

[FR Doc.77-22088 Filed 8-1-77;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. 77N-0148]

METABOLIC, INC.

Revocation of U.S. License 415

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Commissioner of Food and Drugs revokes the establishment and

product licenses of Metabolic, Inc., U.S. License No. 415, to manufacture four biological products at six locations.

DATE: Effective upon date of signature by the Commissioner.

FOR FURTHER INFORMATION CONTACT:

John F. Harty, Jr., Compliance Regulations Policy Staff (HFC-10), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3480.

SUPPLEMENTARY INFORMATION: A notice of opportunity for hearing was published in the FEDERAL REGISTER of May 13, 1977 (42 FR 24328) on a proposal by the Bureau of Biologics to revoke U.S. License 415 issued to Metabolic, Inc., with locations at 417 La Branch St., Houston, TX; 4520 Yoakum Blvd., Houston; 2429 Jensen St., Houston; 47-49 W. Ashley St., Jacksonville, FL; 822 Howard Ave., New Orleans, LA; and 300 Luckie St., Atlanta, GA; and the product licenses for the manufacture and preparation of Source Plasma (Human), Normal Serum Albumin (Human), Immune Serum Globulin (Human) and Tetanus Immune Globulin (Human). Significant deviations from standards for biological products and the failure to submit products for lot release and/or licensure were cited as grounds for the proposed revocation. The notice was preceded by a suspension, pursuant to § 601.6 (21 CFR 601.6), of U.S. License 415 to manufacture at four locations. The remaining locations were suspended on April 26, 1977. A notice of revocation was published in the FEDERAL REGISTER of May 13, 1977 (42 FR 24329) for the establishment and product licenses to manufacture Source Plasma (Human) at 1907 S. Staples St., Corpus Christi, TX, and 5104 Almeda St., Houston, TX. On July 6, 1977, the location at 300 Luckie St., Atlanta, GA was revoked by the Bureau after being notified by the licensee that he had sold the establishment and no longer had any interest in it. This notice fulfills the requirements of § 601.8 (21 CFR 601.8) to publish notice of revocation as to this particular establishment.

Pursuant to the notice of opportunity for hearing to revoke U.S. License 415 as to the remaining establishments and products, the licensee requested a hearing. A hearing was granted by the Commissioner in a notice published in the FEDERAL REGISTER of July 8, 1977 (42 FR 35221). On July 21, the licensee notified the Bureau of Biologics and the Hearing Clerk that he had withdrawn his request for a hearing. Additionally, the licensee requested revocation of his license, U.S. License 415, as to the remaining establishments and products.

The Commissioner is granting the licensee's request. Accordingly, under § 12.38 (21 CFR 12.38), section 351 of the Public Health Service Act (42 U.S.C. 262), and the authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), U.S. License No. 415, including all establishments and products not previously revoked, is hereby revoked as of the date of signature. This notice of revocation is published pursuant to § 601.8 (21 CFR 601.8).

Dated: July 28, 1977.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.77-22208 Filed 8-1-77;8:45 am]

[Docket No. 76N-0068; DESI 12542]

PHENYLBUTAZONE TABLETS AND OXYPHENBUTAZONE TABLETS

Drugs for Human Use; Drug Efficacy Study Implementation; Announcement and Notice of Opportunity for Hearing

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice announces that phenylbutazone and oxyphenbutazone are regarded as effective for treatment of certain inflammatory diseases and lacking substantial evidence of effectiveness or not shown to be safe for other uses, and sets forth the conditions for their marketing.

DATES: Hearing requests due on or before September 1, 1977.

Bioavailability supplements to approved new drug applications due on or before January 30, 1978; other supplements due on or before October 3, 1977.

ADDRESSES: Communications forwarded in response to this notice should be identified with the reference number DESI 12542, directed to the attention of the appropriate office named below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

Supplements (identify with NDA number): Division of Oncology & Radiopharmaceutical Drug Products (HFD-150), Bureau of Drugs, Rm. 17B-45.

Original abbreviated new drug applications and supplements thereto and notice of claimed investigational exemption for a new drug (identify as such): Division of Generic Drug Monographs (HFD-530), Bureau of Drugs.

Requests for opinion regarding the applicability of this notice to a specific product: Division of Drug Labeling Compliance (HFD-310), Bureau of Drugs.

Requests for Hearing (identify with Docket number appearing in the heading of this notice): Hearing Clerk, Food and Drug Administration (HFC-20), Rm. 4-65.

Requests for the report of the National Academy of Sciences-National Research Council: Public Records and Document Center (HFC-18), Rm. 4-62.

Other communications regarding this notice: Drug Efficacy Study Implementation Project Manager (HFD-501), Bureau of Drugs.

FOR FURTHER INFORMATION CONTACT:

Robert H. Hahn, Bureau of Drugs (HFD-32), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3650.

SUPPLEMENTARY INFORMATION: In a notice published in the FEDERAL REGISTER of July 9, 1966 (31 FR 9426) each holder of a new drug application which became effective prior to October 10, 1962, was requested to submit to the Food and Drug Administration reports containing the best data available in support of the effectiveness of each such product for its claimed indications. That information was needed to facilitate a determination by the Food and Drug Administration, with the assistance of the National Academy of Sciences-National Research Council, whether each claim in the labeling is supported by substantial evidence of effectiveness, as required by the Drug Amendments of 1962. The holder of the new drug applications described below, both of which became effective prior to October 10, 1962, did not submit the requested information concerning the products:

NDA 8-319; Butazolidin Tablets, containing phenylbutazone, and

NDA 12-542; Tandearil Tablets, containing oxyphenbutazone; Geigy Pharmaceuticals, Division of Ciba Geigy Corp., Ardsley, NY 10502.

These products are used in the treatment of some of the symptoms in certain inflammatory diseases. The Food and Drug Administration has reviewed these drugs, and this notice announces its conclusions and the conditions under which the products may be marketed.

Such drugs are regarded as new drugs (21 U.S.C. 321(p)). Supplemental new drug applications are required to revise the labeling in and to update previously approved applications providing for such drugs. An approved new drug application is a requirement for marketing such drug products.

In addition to the holder of the new drug applications specifically named above, this notice applies to all persons who manufacture or distribute a drug product, not the subject of an approved new drug application, which is identical, related, or similar to a drug product named above, as defined in 21 CFR 310.6. It is the responsibility of every drug manufacturer or distributor to review this notice to determine whether it covers any drug product he manufactures or distributes. Any person may request an opinion of the applicability of this notice to a specific drug product he manufactures or distributes that may be identical, related, or similar to a drug product named in this notice by writing to the Division of Drug Labeling Compliance (HFD-310), Bureau of Drugs.

Geigy Pharmaceuticals had taken the position that, because certain supplements to the applications were approved subsequent to October 9, 1962, the issue of effectiveness was resolved by those approvals. Those approvals of supplements, however, were not based upon complete reviews of the applications and therefore did not constitute a determination that all claimed indications are supported by substantial evidence of effectiveness.

The Food and Drug Administration, on its own initiative, sought and obtained the views of the National Acad-

emy of Sciences-National Research Council, Drug Efficacy Study Group concerning these two products. Geigy Pharmaceuticals was provided copies of the Academy's reviews. To further assist the Food and Drug Administration in reaching a determination, the Bureau of Drugs asked the Food and Drug Administration's Arthritis Advisory Committee to assess the role of the two drug products in medical practice today. The Committee was specifically asked to determine which indications for use of phenylbutazone and oxyphenbutazone are supported by appropriate evidence of both safety and effectiveness and what, if any, labeling revisions are indicated. Geigy Pharmaceuticals prepared a document summarizing its own scientific data, data from other studies, and an intensive review of the world literature on the two drugs. In advance of the Committee meeting on February 27–28, 1975, a copy of that document had been provided each member of the Committee, with copies for use by the Food and Drug Administration. Representatives of Ciba-Geigy Corporation and the Food and Drug Administration were present at the meeting, and discussed the drugs with the Committee.

A. *Safety and effectiveness classification.* The Food and Drug Administration has considered the Academy's reports, the recommendations of the Food and Drug Administration's Arthritis Advisory Committee, and all available evidence and concludes that:

1. Phenylbutazone and oxyphenbutazone are effective for treatment of active rheumatoid arthritis, active ankylosing spondylitis, and acute gouty arthritis.

2. Both drugs lack substantial evidence of effectiveness in painful shoulder syndrome, acute thrombophlebitis, and psoriatic arthritis, and for oxyphenbutazone alone, for "severe forms of a variety of local inflammatory conditions". In addition, because of potential hazards associated with their use, both drugs have not been shown to be safe for use in painful shoulder syndrome and acute thrombophlebitis; and, for oxyphenbutazone alone, for "severe forms of a variety of local inflammatory conditions."

3. Although effective in osteoarthritis, both drugs have not been shown to be safe for use for that indication, because of the availability of safer compounds which are also effective in osteoarthritis.

B. *Conditions for approval and marketing.* The Food and Drug Administration is prepared to approve abbreviated new drug applications and abbreviated supplements to previously approved new drug applications under the conditions described herein.

1. *Form of drug.* Such preparations are in conventional tablet form suitable for oral administration.

2. *Labeling conditions.* a. The label bears the statement:

Caution: Federal law prohibits dispensing without prescription.

b. The drugs are labeled to comply with all requirements of the act and regulations and the labeling bears adequate information for safe and effective use of the drugs. (Full labeling guidelines are available from the Division of Oncology and Radiopharmaceutical Drug Products (HFD–150), Bureau of Drugs). The indications for both phenylbutazone tablets and oxyphenbutazone tablets are as follows:

Active rheumatoid arthritis.
Active ankylosing spondylitis.
Acute gouty arthritis.

3. *Marketing status.* a. Marketing of such drug product which is now the subject of an approved or effective new drug application may be continued provided that, on or before October 3, 1977 the holder of the application submits (i) a supplement for revised labeling as needed to be in accord with the labeling conditions described in this notice, and complete container labeling if current container labeling has not been submitted, and (ii) a supplement to provide updating information with respect to items 6 (components), 7 (composition), and 8 (methods, facilities, and controls) of new drug application form FD–356H (21 CFR 314.1(c)) to the extent required in abbreviated applications (21 CFR 314.1 (f)). In addition, on or before January 30, 1978, the holders of such applications are required to supplement their applications to provide (1) evidence demonstrating the in vivo bioavailability of the drug product that is the subject of the application in accordance with 21 CFR 320.-24 and 320.25; or (2) information to permit the Food and Drug Administration to waive demonstration of in vivo bioavailability in accordance with 21 CFR 320.22.

b. Approval of an abbreviated new drug application (21 CFR 314.1 (f)) must must be obtained prior to marketing such products. Such abbreviated new drug applications are required to contain evidence from in vivo studies demonstrating bioequivalency to the reference standard. Such bioavailability studies shall consist of single or multiple dose blood level comparisons to an appropriate reference material. Multiple dose studies will require prior submission of a Notice of Claimed Investigational Exemption for a New Drug (IND) including a protocol for such studies. Because of inherent toxicological side effects associated with these drugs, it is advisable that firms submit a protocol with the ANDA prior to undertaking a single dose study in human subjects. Dissolution rate data are required of solid oral dosage forms. Marketing prior to approval of a new drug application will subject such products, and those persons who caused the products to be marketed, to regulatory action.

C. *Notice of opportunity for hearing.* On the basis of all the data and information available to him, the Director of the Bureau of Drugs is unaware of any adequate and well-controlled clinical investigation, conducted by experts qualified by scientific training and experience, meeting the requirements of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 335) and 21 CFR 314.111 (a)(5), demonstrating the effectivness of the drugs for the indications for which the drugs lack substantial evidence of effectiveness referred to in paragraph A. 2. of this notice. The Director further concludes that because of the potential hazards associated with the use of the drugs or the availability of safer compounds, the drugs have not been shown to be safe for certain indications referred to in paragraphs A.2. and A.3. of this notice.

Notice is given to the holder of the new drug applications, and to all other interested persons, that the Director of the Bureau of Drugs proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 335(e)), withdrawing approval of the new drug application(s) and all amendments and supplements thereto providing for the indications referred to in paragraphs A.2. and A.3. of this notice on the grounds that (1) new information before him with respect to the drug products, evaluated together with the evidence available to him at the time of approval of the applications, shows there is a lack of substantial evidence that the drug products will have all the effects they purport or are represented to have under the conditions of use prescribed, recommended, or suggested in the labeling; and (2) new evidence of clinical experience, not contained in the applications or not available to the Food and Drug Administration until after the applications were approved, evaluated together with the evidence available when the applications were approved, shows that the drugs are not shown to be safe for use under the conditions of use upon the basis of which the applications were approved. An order withdrawing approval will not issue with respect to any applications supplemented, in accord with this notice, to delete the claims referred to in paragraphs A.2. and A.3. of this notice.

In addition to the grounds for the proposed withdrawal of approval stated above, this notice of opportunity for hearing encompasses all issues relating to the legal status of the drug products subject to it (including identical, related, or similar drug products as defined in 21 CFR 310.6), e.g., any contention that any such product is not a new drug because it is generally recognized as safe and effective within the meaning of section 201(p) of the act or because it is exempt from part or all of the new drug provisions of the act pursuant to the exemption for products marketed prior to June 25, 1938, contained in section 201 (p) of the act, or pursuant to section 107(c) of the Drug Amendments of 1962; or for any other reason.

In accordance with the provisions of section 505 of the act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR 310, 314), the applicant and all other persons who manufacture or distribute a drug product which is identical, related, or similar to a drug product named above (21 CFR 310.6), are hereby

given an opportunity for a hearing to show why approval of the new drug applications providing for the claims involved should not be withdrawn and an opportunity to raise, for administrative determination, all issues relating to the legal status of a drug product named above and all identical, related, or similar drug products.

If the applicant or any person subject to this notice pursuant to 21 CFR 310.6 elects to avail himself of the opportunity for a hearing, he shall file (1) on or before September 1, 1977, a written notice of appearance and request for hearing, and (2) on or before October 3, 1977, the data, information, and analyses on which he relies to justify a hearing, as specified in 21 CFR 314.200. Any other interested person may also submit comments on this proposal to withdraw approval. The procedures and requirements governing this notice of opportunity for hearing, a notice of appearance and request for hearing, a submission of data, information, and analyses to justify a hearing, other comments, and a grant or denial of hearing, are contained in 21 CFR 314.200.

The failure of the applicant or any other person subject to this notice pursuant to 21 CFR 310.6 to file timely written appearance and request for hearing as required by 21 CFR 314.200 constitutes an election by such person not to avail himself of the opportunity for a hearing concerning the action proposed with respect to such drug product and a waiver of any contentions concerning the legal status of such drug product. Any such drug product labeled for the indications referred to in paragraph A.2. and A.3. of this notice may not thereafter lawfully be marketed, and the Food and Drug Administration will initiate appropriate regulatory action to remove such drug products from the market. Any new drug product marketed without an approved NDA is subject to regulatory action any time.

A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for the hearing that there is no genuine and substantial issue of fact which precludes the withdrawal of approval of the application, or when a request for hearing is not made in the required format or with the required analyses, the Commissioner will enter summary judgment against the person(s) who requests the hearing, making findings and conclusion, denying a hearing.

All submissions pursuant to this notice of opportunity for hearing shall be filed in quintuplicate. Such submissions, except for data and information prohibited from public disclosure pursuant to 21 U.S.C. 331(j) or 18 U.S.C. 1905, may be seen in the office of the Hearing Clerk between the hours of 9 a.m. and 4 p.m. Monday through Friday.

(Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–1053, as amended (21 U.S.C. 352, 355)) and under the authority delegated to the Director of the Bureau of Drugs (21 CFR 5.82).)

Dated: July 20, 1977.

J. RICHARD CROUT,
Director Bureau of Drugs.

[FR Doc.—77-22207 Filed 8-1-77;8:45 am]

National Institutes of Health

ARTERIOSCLEROSIS AND HYPERTENSION ADVISORY COMMITTEE

Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Arteriosclerosis and Hypertension Advisory Committee, National Heart, Lung, and Blood Institute, September 23–24, 1977, Conference Room 7, Building 31, National Institutes of Health, Bethesda, Maryland.

The entire meeting will be open to the public from 9:00 a.m. to 6:00 p.m. on Friday, September 23 and from 8:30 a.m. to 3:00 p.m. on Saturday, September 24, to evaluate program support in Arteriosclerosis and Hypertension. Attendance by the public will be limited on a space available basis.

Mr. York Onnen, Chief, Public Inquiries and Reports Branch, NHLBI, Room 5A–03, Building 31, National Institutes of Health, Bethesda, Maryland 20014, Phone (301) 496–4236, will provide summaries of the meeting and rosters of committee members.

Dr. Gardner C. McMillan, Associate Director for Etiology of Arteriosclerosis and Hypertension Program, NHLBI, Room 516, Federal Building, National Institutes of Health, Bethesda, Maryland 20014, Phone (301) 496–1613, will furnish substantive program information.

Dated: July 19, 1977.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.77-21986 Filed 8-1-77;8:45 am]

BOARD OF REGENTS OF THE NATIONAL LIBRARY OF MEDICINE

Renewal

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92–463, 86 Stat. 770–776), the National Institutes of Health announces the renewal by the Secretary, HEW, with the concurrence of the Office of Management and Budget Committee Management Secretariat, of the Board of Regents of the National Library of Medicine.

This committee, established by an Act of Congress, shall file a charter upon the expiration of each successive two-year period in accordance with Pub. L. 92–463. That rechartering date is May 31, 1979.

Dated: July 14, 1977.

DONALD S. FREDRICKSON,
Director,
National Institutes of Health.

[FR Doc.77-21989 Filed 8-1-77;8:45 am]

CLINICAL APPLICATIONS AND PREVENTION ADVISORY COMMITTEE

Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Clinical Applications and Prevention Advisory Committee, Division of Heart and Vascular Diseases, National Heart, Lung, and Blood Institute, September 26–27, 1977, Federal Building, Conference Room B119, Bethesda, Maryland.

This meeting will be open to the public on September 26–27, from 9:00 a.m. to adjournment, when the Committee will discuss the status of new initiatives of the Epidemiology, Clinical Trials and Preventive Cardiology Branches. Program developments and proposals for further initiatives will also be discussed.

Mr. York Onnen, Chief, Public Inquiries and Reports Branch, National Heart, Lung, and Blood Institute, Building 31, Room 5A03, National Institutes of Health, Bethesda Maryland, 20014, phone (301) 496–4236, will provide summaries of the meeting and rosters of the Committee members.

Dr. William J. Zukel, Executive Secretary of the Committee, Federal Building, Room 4C10, Bethesda, Maryland, 20014, phone (301) 496–2533, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.837, National Institutes of Health.)

Dated: July 25, 1977.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.77-21987 Filed 8-1-77;8:45 am]

LIPID METABOLISM ADVISORY COMMITTEE

Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Lipid Metabolism Advisory Committee, National Heart, Lung, and Blood Institute, September 20, 1977, National Institutes of Health, Landow Building, Room C418, 7910 Woodmont Avenue, Bethesda, Maryland.

The entire meeting will be open to the public from 8:30 a.m. to 5:00 p.m. to discuss the Lipid Metabolism Branch status report and program review plans. Attendance by the public will be limited to space available.

Mr. York Onnen, Chief, Public Inquiries and Reports Branch, NHLBI, National Institutes of Health, Building 31, Room 5A03, Bethesda, Maryland 20014 (301) 496–4236, will provide summaries

of the meeting and rosters of the committe members.

Dr. Basil M. Rifkind, Chief, Lipid Metabolism Branch, NHLBI, Federal Building, Room 302, 7550 Wisconsin Avenue, Bethesda, Maryland 20014, (301) 496-1681, will provide substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.837, National Institutes of Health.)

Dated: July 19, 1977.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.77-21984 Filed 8-1-77;8:45 am]

NATIONAL CANCER INSTITUTE

Meetings for the Review of Contract Proposals

Pursuant to Pub. L. 92-463, notice is hereby given of the meetings of committees advisory to the National Cancer Institute.

These meetings will be open to the public to discuss administrative details or other issues relating to committee business as indicated in the notice. Attendance by the public will be limited to space available.

These meetings will be closed to the public as indicated below in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, for the review, discussion and evaluation of individual contract proposals, as indicated. These proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the proposals.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 4B43, National Institutes of Health, Bethesda, Md. 20014 (301-496-5708) will furnish summaries of the meetings and rosters of committee members, upon request. Other information pertaining to the meeting can be obtained from the Executive Secretary indicated. Meetings will be held at the National Institutes of Health, 9000 Rockville Pike, Bethesda, Md. 20014, unless otherwise stated.

Name of committee: Committee on Cancer Immunodiagnosis.
Dates: September 2, 1977, 1 p.m.
Place: Building 10, Room 4B14, National Institutes of Health.
Times: Open—September 2, 1 p.m.-1:30 p.m. Closed—September 2, 1:30 p.m.-adjournment.
Closure reason: To review research contract proposals.
Executive Secretary: Mrs. Judith M. Whalen, Building 10, Room 4B17, National Institutes of Health; phone 301-496-1791.

(Catalog of Federal Domestic Assistance Number 13.394, National Institutes of Health.)

Name of committee: Virus Cancer Program Scientific Review Committee B.
Dates: September 15-16, 1977, 9 a.m.
Place: Landow Building, Room C418, 7910 Woodmont Avenue, Bethesda, Md. 20014.
Times: Open—September 15, 9 a.m.-9:30 a.m. Closed—September 15, 9:30 a.m.-5 p.m.; September 16, 9 a.m.-adjournment.
Closure reason: To review research contract proposals.
Executive Secretary: Dr. Wilna A. Woods, Landow Building, Room C306, National Institutes of Health; phone 301-496-4533.

(Catalog of Federal Domestic Assistance Number 13.393, National Institutes of Health.)

Name of committee: Committee on Cancer Immunodiagnosis.
Dates: September 25-26, 1977, 7 p.m.
Place: Landow Building, Room C418, 7910 Woodmont Avenue, Bethesda, Md. 20014.
Times: Open—September 25, 1977; 7 p.m.-7:30 p.m.; September 26, 1977; 8:30 a.m.-11:30 p.m.
Agenda: Open portion—Immunodiagnosis Program Review and Planning. Closed—September 25, 1977; 7:30 p.m.-11:30 p.m.
Closure reason: To review research contract proposals.
Executive Secretary: Mrs. Judith M. Whalen, Building 10, Room 4B17, National Institutes of Health; phone 301-496-1791.

(Catalog of Federal Domestic Assistance Number 13.394, National Institutes of Health.)

Name of committee: Biometry and Epidemiology Contract Review Committee.
Dates: September 27-28, 1977, 1 p.m.
Place: Landow Building, Room C418, 7910 Woodmont Avenue, Bethesda, Md. 20014.
Times: Open—September 27, 1 p.m.-3 p.m.; Closed—September 27, 3 p.m.-10 p.m.; September 28, 8:30 a.m.-adjournment.
Closure reason: To review research contract proposals.
Executive Secretary: Mr. Harvey Geller, Landow Building, Room C519, National Institutes of Health; phone 301-496-6014.

(Catalog of Federal Domestic Assistance Number 13.393, National Institutes of Health.)

Name of Committee: Committee on Cytology Automation.
Dates: September 28, 1977, 1 p.m.
Place: Building 10, Room 1A21, National Institutes of Health.
Times: Open—September 28, 1 p.m.-1:30 p.m. Closed—September 28, 1:30 p.m.-adjournment.
Closure reason: To review research contract proposals.
Executive Secretary: Dr. Bill Bunnag, Building 10, Room 1A21, National Institutes of Health; phone 301-496-5282.

(Catalog of Federal Domestic Assistance Number 13.394, National Institutes of Health.)

Dated: July 25, 1977.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.77-21982 Filed 8-1-77;8:45 am]

NATIONAL CANCER INSTITUTE

Open Meetings

Pursuant to Pub. L. 92-463, notice is hereby given of the meetings of committees advisory to the National Cancer Institute.

Thees meetings will be entirely open to the public to discuss issues relating to committee business as indicated in the notice. Attendance by the public will be limited to space available. Meetings will be held at the National Institutes of Health, 9000 Rockville Pike, Bethesda, Md. 20014, unless otherwise stated.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 4B43, National Institutes of Health, Bethesda, Md. 20014 (301-496-5708) will furnish summaries of the meetings and rosters of committee members upon request.

Other information pertaining to the meeting can be obtained from the Executive Secretary indicated.

Name of committee: Subcommittee on Manpower Needs of the Cancer Research Manpower Review Committee.
Dates: September 12, 1977; 9 a.m.-3 p.m.
Place: Building 31C, Conference Room 7, National Institutes of Health.
Times: Open for the entire meeting.
Agenda: Discuss future projected needs for M.D.'s, Ph. D.'s, and D.V.M.'s as well as predoctorals in the areas of cancer etiology and prevention, detection, diagnosis treatment and restorative care.
Executive Secretary: Dr. Leon J. Niemiec, Westwood Building, Room 10A15, National Institutes of Health; phone 301-496-7803.
Name of committee: Executive Subgroup of the Clearinghouse on Environmental Carcinogens.
Dates: Septembed 12, 1977; 8:30 a.m.-5 p.m.
Place: Building 31C, Conference Room 10, National Institutes of Health.
Times: Open for the entire meeting.
Agenda: To review the activities of the Clearinghouse bioassay program and other relevant matters.
Executive Secretary: Dr. James M. Sontag, Building 31, Room 3A16, National Institutes of Health; phone 301-496-5108.
Name of committee: Data Evaluation and Risk Assessment Subgroup of the Clearinghouse on Environmental Carcinogens.
Dates: September 26, 1977; 8:30 a.m.-5 p.m.
Place: Building 31C, Conference Room 10, National Institutes of Health.
Times: Open for the entire meeting.
Agenda: To review available bioassay reports and other matters relevant to data evaluation and risk assessment.
Executive Secretary: Dr. James M. Sontag, Building 31, Room 3A16 National Institutes of Health; phone 301-496-5108.

Dated: July 15, 1977.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.77-21983 Filed 8-1-77;8:45 am]

NATIONAL DIABETES ADVISORY BOARD

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of a meeting of the National Diabetes Advisory Board on September 21, 1977, 8:30 a.m. to 5 p.m., in Conference Room 723A, South Portal Building of Health, Education, and Welfare, at 330 Independence Avenue SW., Washington, D.C.

In addition, the Executive Committee of the Board will have a meeting on September 20, 1977, 8:30 a.m. to 5 p.m. at the same location. The meetings, which will be open to the public both days from 8:30 a.m. to 5 p.m., are being held to continue review of the status and implementation of the long-range

plan to combat diabetes formulated by the National Commission on Diabetes. Attendance by the public will be limited to space available.

Messrs. James N. Fordham or Leo E. Treacy, Office of Scientific and Technical Reports, NIAMDD, National Institutes of Health, Building 31, Room 9A04, Bethesda, Md. 20014 (301–496–3583), will provide summaries of the meeting.

(Catalog of Federal Domestic Assistance Program No. 13.847, National Institutes of Health)

Dated: July 15, 1977.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.77-21985 Filed 8-1-77;8:45 am]

WORKSHOP ON CANCER RESEARCH SAFETY

Meeting

Notice is hereby given of the Workshop on Cancer Research Safety sponsored by the National Cancer Institute, September 27–29, 1977, at the Dulles Marriott Hotel, Washington, D.C.

This meeting will be open to the public on September 27, 1977, 8:30 a.m. to 4:30 p.m., September 28, 1977, 8:30 a.m. to 10 p.m., and September 29, 1977, 8:30 a.m. to 1:30 p.m., to discuss Cancer Research Safety for Institutional Environmental Health and Safety Director. Attendance by the public will be limited to space available.

Dr. W. Emmett Barkley, Ph. D., Director, Office of Research Safety, National Cancer Institute, National Institutes of Health, Bethesda, Md. 20014 (301–496–1862), will provide additional information.

Dated: July 25, 1977.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.77-21988 Filed 8-1-77;8:45 am]

Office of Education

FINANCIAL ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES TO MEET THE SPECIAL EDUCATIONAL NEEDS OF EDUCATIONALLY DEPRIVED AND NEGLECTED AND DELINQUENT CHILDREN

Public Meeting

Section 151 (20 U.S.C. 241o) of Title I of the Elementary and Secondary Education Act of 1965 requires the Commissioner of Education to develop and provide to State educational agencies models for the evaluation of all programs conducted under Title I, expressed in regulatory form. A Notice of Intent to issue regulations, which will invite public comment upon a number of issues related to the development of the evaluation models, is planned for publication in the FEDERAL REGISTER soon.

In the meantime, the Office of Education, in consultation with a large number of interested persons and groups, both public and private, has contructed three tentative evaluation models applicable to Title I projects in reading, mathematics, and language arts for grades 2 through 12. The Office of Education has also sponsored a nationwide series of workshops at which these tentative models were presented, and is funding a number of Technical Assistance Centers which currently are instructing personnel from many State and some local educational agencies in the use of these tentative models. Therefore, while the models that have been developed are strictly tentative, and their use is not now required, personnel from many State and local educational agencies are already using them in their evaluation efforts.

The Office of Education will sponsor a meeting, to which the public is invited, to explain the steps it has taken to implement Section 151 and to explain its current thinking with regard to the three tentative models. The meeting will be held on September 14, 1977, at 400 Maryland Ave. SW., Washington, D.C., Room 6004, between the hours of 9 a.m. and 4 p.m. This meeting is not intended to be a hearing on the merits of the tentative models, as hearings for this purpose will be scheduled once evaluation models are published as a notice of proposed rulemaking. Rather, the intent of this meeting is solely to update those interested in the steps the Office of Education has taken to implement Section 151.

Among others, this meeting should be of interest to companies marketing elementary and secondary school educational achievement tests and companies that provide scoring, reporting, and evaluation services. The Office of Education intends to discuss the following topics: (1) the background of the Office of Education's efforts to fulfill the requirements of Section 151; (2) suggested procedures for implementing the tentative models; (3) current misperceptions of the tentative models and of the Office of Education's policies regarding evaluation of Title I programs; and (4) the capabilities of the current version of a computer program which processes evaluation data generated through use of the tentative models.

Dated: July 27, 1977.

ERNEST L. BOYER,
Commissioner of Education.

[FR Doc.77-22201 Filed 8-1-77;8:45 am]

Office of the Secretary

COMMENTS ON COLLECTION ON INFORMATION AND DATA ACQUISITION ACTIVITY

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 September 1, 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: July 25, 1977.

MARIE D. ELDRIDGE,
Administrator, National Center for Education Statistics.

DESCRIPTION OF A PROPOSED COLLECTION OF INFORMATION AND DATA ACQUISITION ACTIVITY

1. TITLE OF PROPOSED ACTIVITY

Study to Determine the Projected Area of Vocational Education Teacher Shortage.

2. AGENCY/BUREAU/OFFICE

U.S. Office of Education, Bureau of Occupational and Adult Education.

3. AGENCY FORM NUMBER

OE Form 581.

4. LEGISLATIVE AUTHORITY FOR THIS ACTIVITY

"Section 172(c)(7) * * * the Commissioner shall, before the beginning of each fiscal year, publish a listing of the areas of teaching in vocational education which are presently in need of additional personnel and of the areas which will have need of additional personnel in the future * * *" (Pub. L. 94–482, Title II, Section 202; 20 U.S.C. 2402).

5. VOLUNTARY/OBLIGATORY NATURE OF RESPONSE

Voluntary.

6. HOW INFORMATION TO BE COLLECTED WILL BE USED

The information is to be used to meet the legislative requirements of Section 172(c)(7) cited above in item number 4. The information will also be used in the awarding of vocational education teacher certification fellowships in vocational skill areas of shortage.

7. DATA ACQUISITION PLAN

a. Method of Collection: Mail and/or telephone.
b. Time of Collection: Summer and Fall.
c. Frequency: Annually.

8. RESPONDENTS

a. Type: State Education Agencies.
b. Number: 57.
c. Estimated Average Man-Hours per Respondent: 16.

9. INFORMATION TO BE COLLECTED

The respondents will be requiredto provide data on the present and anticipated shortages of teachers within vocational skill areas for their States. A listing (a taxonomy) of the "specialties" (skill areas) in vocational education will be forwarded to the States; and, for each specialty, in accordance with the taxonomy, the State will provide the number of teachers required to meet present shortages and the number anticipated to meet future shortages.

DESCRIPTION OF A PROPOSED COLLECTION OF INFORMATION AND DATA ACQUISITION ACTIVITY

1. TITLE OF PROPOSED ACTIVITY

The Status and Impact of Bilingual Vocational Training: Bilingual Vocational Training Inventory.

2. AGENCY/BUREAU/OFFICE

U.S. Office of Education—Office of Planning, Budgeting and Evaluation.

3. AGENCY FORM NUMBER

OE-586.

4. LEGISLATIVE AUTHORITY FOR THIS ACTIVITY

"The Commissioner and the Secretary of Labor together shall—

"(1) develop and disseminate accurate information on the status of bilingual vocational training in all parts of the United States;

"(2) evaluate the impact of such bilingual vocational training on the shortages of well-trained personnel, the unemployment or underemployment of persons with limited English-speaking ability, and the ability of such persons to acquire sufficient job skills and English language skills to contribute fully to the economy of the United States; and

"(3) report their findings annually to the President and the Congress." (Pub. L. 94-482, Sec. 182(a); 20 U.S.C. 2412).

5. VOLUNTARY/OBLIGATORY NATURE OF RESPONSE

Voluntary.

6. HOW INFORMATION COLLECTED WILL BE USED

The Status and Impact of Bilingual Vocational Training requires an inventory of existing publicly funded adult bilingual vocational training programs for persons of limited English-speaking ability. This inventory will identify types of bilingual vocational training programs, their locations, and their sponsors in order to inform the President and the Congress of the availability during fiscal year 1977 of such training for unemployed and underemployed persons of limited English-speaking ability. The inventory will also be used to identify the sampling universe for the mandated evaluation.

7. DATA ACQUISITION PLAN

a. Method of Collection: Telephone interviews and personal interviews.
b. Time of Collection: Fall, 1977.
c. Frequency: Single Time Only.

8. RESPONDENTS

a. Type: State Education Agencies.
b. Number: Universe—200 screening interviews.
c. Estimated Average Man-Hours per Respondent: .33.
a. Type: Other—Directors of Bilingual Vocational Training programs.
b. Number: Universe—50.
c. Estimated Average Man-Hours per Respondent: .33.

9. INFORMATION TO BE COLLECTED

The respondents will be asked to provide information on the characteristics of bilingual vocational training programs, the sponsor and conducting organization, the language target group(s) for which training is provided. English language proficiency of trainees, and English language training provided. For programs with training which does not qualify as Bilingual Vocational Training, the interview will be terminated after one of six screening questions has received a negative response.

[FR Doc.77-22158 Filed 8-1-77;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

LOWER CARSON-LOWER TRUCKEE RIVER BASINS, PROPOSED OPERATING CRITERIA

Supplemental Public Hearing and Extension of Time for Written Comments—Draft Environmental Statement

JULY 21, 1977.

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2.

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 the Department of the Interior prepared, published, and held hearings on a draft environmental impact statement for the proposed operating criteria for the Lower Carson-Lower Truckee River Basins located principally in Churchill and Washoe Counties of Nevada. The notice of hearings on this statement (INT-DES-77-18) was published in the FEDERAL REGISTER on May 27, 1977 (42 FR 27311). Those hearings were completed June 28, 29, and 30, 1977, and the deadline for submission of written comments had been set for July 9, 1977.

Due to the complexity of the statement and the widespread interest in the subject of the statement, a supplemental hearing will be held on September 22, 1977, at 2 p.m., at the Jot Travis Auditorium, University of Nevada, Reno, Nev. The deadline for written comments on this statement and written comments to be made a part of the record of the public hearing, is also extended from July 9, 1977, to September 30, 1977.

The proposed action is to mitigate or offset the effects of implementing the operating criteria for the Newlands Reclamation Project. That operating criteria has been changed by a court order in a way that restricts the diversion of water out of the Truckee River watershed, for use in the Newlands Reclamation Project, to that amount of water needed for beneficial use as required by the decreed rights of lands having approved water rights within that project. The mitigation includes certain improvements, in the operation and management of the project and in connection with losses in various wildlife areas. Further, the proposed action will result in increased flows in the Lower Truckee River and into Pyramid Lake.

The hearing will continue until all persons desiring to comment have been heard.

Individuals and representatives of organizations desiring to present their views at the hearing should contact Mr. Harold Ranquist, Senior Attorney, Department of the Interior, Special Projects Office, 900 West First Street, Reno, Nev. 89503; Telephone 702-322-4042. Requests for scheduling of oral presentation will be accepted until September 21, 1977, at 5 p.m. Insofar as practicable, speakers will be scheduled according to time preferences in their letter or telephone requests. Speakers being scheduled at the time of the hearing will be scheduled according to the time of their arrival on a first-come, first-served basis.

The time permitted for oral presentation at the hearing may be limited to 10 minutes per speaker, depending upon the number of presentations scheduled. Speakers will not be permitted to trade or consolidate their scheduled times to make longer individual presentations. However, the person presiding at the hearing may allow additional oral comment by anyone after all speakers have been heard. Written statements by persons who desire to supplement their oral presentations and by those unable to attend the public hearing may be submitted to Mr. Harold Ranquist, Senior Attorney, Department of the Interior, Special Projects Office, 900 West First Street, Reno, Nev. 89503, address given above, through September 30, 1977, for inclusion in the hearing record.

Copies of the Draft Environmental Impact Statement are available pursuant to the notice published in the FEDERAL REGISTER on May 23, 1977 (42 FR 26254), at the places therein designated and further may be obtained for public examination at the Department of the Interior, Special Projects Office, 900 West First Street, Reno, Nev. 89503. Single copies of the statement may be obtained without charge by writing to that same office.

RAYMOND V. BUTLER,
Acting Deputy Commissioner of Indian Affairs.

[FR Doc.77-22087 Filed 8-1-77;8:45 am]

Bureau of Land Management

[M18434]

MONTANA

Opportunity for Public Hearing and Republication of Notice of Proposed Withdrawal

JULY 26, 1977.

The Department of Agriculture filed application, Serial No. M18434, on May 5,

1971, for a withdrawal in relation to the following described lands:

PRINCIPAL MERIDIAN, MONTANA
KOOTENAI NATIONAL FOREST

Roberts Lookout Site

T. 34 N., R. 26 W.,
Sec. 3, E½NW¼SE¼NE¼ and W½NE¼SE¼NE¼.
The area described contains 10 acres in Lincoln County, Montana.
The applicant desires that the land be reserved for a fire lookout point.

A notice of the proposed withdrawal was published in the FEDERAL REGISTER on June 10, 1971, Volume No. 36, Page 11226, Document No. 71-8061.

Pursuant to section 204(h) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2754, notice is hereby given that an opportunity for a public hearing is afforded in connection with the pending withdrawal application. All interested persons who desire to be heard on the proposed withdrawal must file a written request for a hearing with the State Director, Bureau of Land Management, P.O. Box 30157, Billings, Montana 59107, on or before September 6, 1977. Notice of the public hearing will be published in the FEDERAL REGISTER, giving the time and place of such hearing. The hearing will be scheduled and conducted in accordance with BLM Manual Sec. 2351.16 B. All previous comments submitted in connection with the withdrawal application have been included in the record and will be considered in making a final determination on the application.

In lieu of or in addition to attendance at a scheduled public hearing, written comments or objections to the pending withdrawal application may be filed with the undersigned authorized officer of the Bureau of Land Management on or before September 6, 1977.

The above-described lands are temporarily segregated from the operation of the public land laws, including the mining laws, to the extent that the withdrawal applied for, if and when effected, would prevent any form of disposal or appropriation under such laws. Current administrative jurisdiction over the segregated lands will not be affected by the temporary segregation. In accordance with section 204(g) of the Federal Land Policy and Management Act of 1976, the segregative effect of the pending withdrawal application will terminate on October 20, 1991, unless sooner terminated by action of the Secretary of the Interior.

All communications (except for public hearing requests) in connection with the pending withdrawal application should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, Department of the Interior, P.O. Box 30157, Billings, Montana 59107.

EDGAR D. STARK,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc.77-22151 Filed 8-1-77;8:45 am]

National Park Service

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.

WILLIAM J. MURTAGH,
Keeper of the National Register.

The following properties have been added to the National Register of Historic Places since July 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:

ARKANSAS

Pulaski County

Little Rock, *MoPac Station*, Markham and Victory St. (6-17-77).
Little Rock, *Ragland House*, 1617 Center St. (6-17-77).

CALIFORNIA

Alameda County

Oakland, First Unitarian Church of Oakland, 685 14th St. (6-16-77).

Del Norte County

Crescent City vicinity, *Enderts Beach Archeological Sites*, S of Crescent City (6-30-77).
Klamath vicinity, *O'men Village Site*, N of Klamath (6-30-77).

Riverside County

Corona, *Carnegie, Andrew, Library*, 8th and Main Sts. (6-29-77).

CONNECTICUT

Hartford County

Hartford, *Buckingham Square District*, Main and Buckingham St., Linden Pl., and Capitol Ave. (6-15-77).

New Haven County

Milford, *Eells-Stow House*, 34 High St. (6-17-77).

GEORGIA

Fulton County

Atlanta, *DeGive's Grand Opera House*, 157 Peachtree St., NE (6-17-77).

Gwinnett County

Lilburn vicinity, *Wynne, Thomas, House*, N of Lilburn on U.S. 29 (7-8-77).

ILLINOIS

Cook County

Chicago, *Gauler, John, Houses*, 5917-5921 N. Magnolia Ave. (6-17-77).
Chicago, *Roloson, Robert, Houses*, 3213-3219 Calumet Ave. (6-30-77).

IOWA

Polk County

Des Moines, *Burns United Methodist Church*, 811 Crocker St. (6-15-77).

Taylor County

Bedford, *Bedford House*, 306 Main St. (6-14-77).

KENTUCKY

Fleming County

Elizaville, *Elizaville Presbyterian Church*, KY 32 (6-17-77).

LOUISIANA

West Feliciana Parish

Tunica vicinity, *Trudeu Landing*, E of Tunica (6-17-77).

MINNESOTA

Swift County

Appleton, *Appleton City Hall*, 23 S. Miles St. (6-17-77).

NEW JERSEY

Bergen County

Norwood vicinity, *Rockleigh Historic District*, E of Norwood on Willow Ave. Rockleigh and Piermont Rds. (6-29-77).

Middlesex County

East Brunswick, *Old Bridge Historic District*, NJ 18 (6-29-77).

Warren County

Oxford, *Oxford Furnace*, Belvidere and Washington Aves. (7-6-77).

OHIO

Portage County

Kent, *West Main Street District*, 409-625 W. Main St. (6-17-77).

Putnam County

Glandorf, *St. John The Baptist Roman Catholic Church*, OH 694 and Main St. (6-17-77).

PENNSYLVANIA

Delaware County

Concordville, *Concord Friends Meetinghouse*, Old Concord Rd. (6-17-77).

Schuylkill County

Tamaqua, *Ormrod, George, House*, 218 W. Broad St. (6-14-77).

TEXAS

Concho County

Salt Gap vicinity, *Bishop Site*, W of Salt Gap (6-17-77).

VIRGINIA

Newport News (independent city)

Richneck Plantation Site, off VA 168 (7-8-77).

WASHINGTON

Kittitas County

Ellensburg, *Ellensburg Historic District*, roughly bounded by 3rd and 6th Aves., and Main and Ruby Sts. (7-1-77).

WISCONSIN

Rock County

Janesville, *Myers Opera House*, 118 E. Milwaukee St. (6-17-77).

Walworth County

Delavan vicinity, *Mile Long Site*, S of Delavan (6-23-77).

* * * * *

The following is a list of corrections to properties previously listed in the FEDERAL REGISTER:

KENTUCKY

Fleming County

Goddard, *Goddard Bridge*, Maddox Rd. at KY 32 (8-22-75) (Previously called *Goddard Bridge (White Bridge)*).

WISCONSIN

Racine County

Burlington vicinity, *Hazelo, Franklin, House*, 34108 Oak Knoll Rd. (12-3074)

* * * * *

The following properties have been demolished and therefore removed from the National Register of Historic Places:

FLORIDA

Hillsborough County

Tampa, *1415 North Franklin Street.*

GEORGIA

Dawson County

Dawsonville vicinity, *Steele's Covered Bridge*, 7 mi. NW of Dawsonville on SR 2275.

MASSACHUSETTS

Hampden County

Chicopee, *Kendall Block*, 6—20 Springfield St.

* * * * *

The following properties were omitted from the February 1, 1977, listing of properties in the FEDERAL REGISTER:

ALASKA

Sitka Division

Sitka, *Russian Mission Orphange*, Lincoln and Monastary Sts. (10-16-66).

NORTH CAROLINA

Orange County

Hillsborough, *Ayr Mount*, St. Mary's Rd. (8-26-71).

OREGON

Multnomah County

Portland, *Grand Central Station*, NW 6th Ave. (8-6-75.)

* * * * *

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).

Lowndes County

Jones Bluff Park Site (1 Au 139), Jones Bluff Lake Project.

Madison County

Huntsville, *Lee House*, Red Stone Arsenal.

Montgomery County

Gunter Hill Park Site (1 MT 134), Jones Bluff Lake Project.

Washington County

Sunflower vicinity, *Dr. Williams Home*, AL project RF-98(7).

ALASKA

Fairbanks Division

Davidson Ditch, Steese Hwy.

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.*

Apache County

Painted Cliffs Archeological District (Arizona K:12:3, K:12:87, K:12:238, K:12:239), Lupton Interchange of I-40.

Coconino 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, *La Ciudad Archeological Site.*
Phoenix, *Las Colinas (Arizona T:12810)*, 1200 block of N. 27th 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.

ARKANSAS

Archeological Sites, Black River Watershed.

Clay County

Site 3CY34, Little Black River Watershed.

Craighead County

Mangrum Site (State Site Number 3CG636).

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.

Lonoke County

Scott vicinity, *William S. Pemberton House.*

Ouachita County

Camden, Old Post Office, Washington St.

Poinsett County

Riverside Site (State Site Number 3P0395).

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

Stick Lake Prehistoric Site, Case No. 05–08–67, Mendocino National Forest.
Upper Leach Lake Prehistoric Site, Case No. 05–08–67, Mendocino National Forest.
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.
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 Island, *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

Forest Hill Station.
North Point Park/Marina (Eagle Cafe and Pier Facades), San Francisco northern waterfront.
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.

Ventura County

Simi Valley, *Archeological Site Ven–341.*

Yuba County

Site 4–Yub–S27 (Marysville Riverfront Park Project), along the Feather River, City of Marysville.

COLORADO

Denver County

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.
Granby, *Granby Center.*
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.
Manchester, *Portions of Cheney Silk Mills Industrial Complex* (Cheney Homes Area).
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, *Main Street Firehouse*, 533 Main St.
Middletown, *Southmayd, William, House*, Lower Williams St.

New London County

New London, *Bank Street Historic District.*
New London, *Buckingham Memorial Building*, 307 Main St.
New London, *Williams Memorial Institute Building*, 110 Broad St.

Norwich, *Washington Street Historic District*, Project 103–159.

New Haven County

Ansonia Opera House, 100 Main St.
New Haven, *Grand Avenue Drawbridge*, over Quinnipiac River.

Windham County

Brooklyn, *Quebec Historic District (Quebec Village)*.

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.

Carroll County

Jordan-Hampton House, Route 1.

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*.

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

Barber's Point Harbor.
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, *Fir 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.

Henry County

Genesco, *Ristau Brewery*.

Lake County

Fort Sheridan, *Museum Bldg. 33*, Lyster Rd.

Madison County

American Botroms, 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

Bedford, *Main Post Office*, 1324 K St.
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.
Jackson, *Ten Prehistoric Sites in the Patoka Lake*.

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, *Alhambra Theater*, 50 Adams St.
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

Allamakee County

Marquette vicinity, *Fire Point Site (Nine Foot Channel Navigation Project)*.

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

Boone County

Rabbit Hash, *Sites 15Be75 and 15Be76.*

Jefferson County

Archeological Sites: Section 2, SW Jefferson County Local Protection Project.
Louisville, *Levin Bates House*, Bardstown Rd.

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, *Algiers Point Historic District*, bounded by Mississippi River, Atlantic St., and Opelousas St.
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 Dryedes St., Square 277.
New Orleans, *Saulet, Marie Theresa, House*, 1218–1222 Annunciation St., Square 100.
New Orleans, *Schwegmaun, 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.

Red River County

Hanna Site (16RR4).

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.
Eastern Avenue Sewage Pumping Station, SW corner of Eastern Ave. and President St.
Fayette Street Methodist Episcopal Church, 745 West Fayette St.
Mount Calvary Church Historic District, Biddle St., Madison Ave., N. Eutaw 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).
Reistertown Historic District, Butler and Walston Rds.
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

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

Rider, Samuel, House, Gull Pond Rd. off Mid-Cape Hwy. 6.
Truro, *Highland Gold Course*, Cape Cod Light, area.

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.

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

Cascade County

Great Falls, *Building at 108 Central Avenue.* 108 Central Ave.

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 Vinicity, *Las Vegas Wash Archeological District.*
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

Cheshire County

Arch Bridge, between N. Walpole and Bellows Falls (also in Windham Co., VT).

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.

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.

Passaic County

Forsberg House, 3 Edgemont Crescent.
Sears House, 958 NJ 23.

NEW MEXICO

Chaves County

Cites LA11809—LA11822, Cottonwood-Walnut Creek Watershed (also in Eddy County).

Dona Ana County

Placitas Arroyo, *Sites 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

Erie County

Erie Canal.

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.

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.

Rensselaer County

Sand Lake, *Troy and New England Railway* (Trolley Embankment), Sand Lake Sewer Project/Wynantskill Trunk Sewer.

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.

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.

Warren County

Lake George, *Boyau*, portion of Montcalm St.

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.

Buncombe County

Ashville, *Battery Park Hotel,* Battle Square.

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.

Forsyth County

Winston-Salem, *Atkins, Dr. Simon Green, House,* 346 Atkins St.
Winston-Salem, *Hill, James S., House,* 914 Stadium Dr.
Winston-Salem, *Paisley, J. W., House,* 934 Stadium Dr.
Winston-Salem, *Patterson, Ackerman, and Sussdorf Houses,* 434, 440, 448 S. Trade St.

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.

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, *Shaffer 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, *Chiefs Knoll, Post Cemetery,* N of

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 Trus Bridge, Ghost Camp Reservoir area.

Klamath County

Crater Lake National Park, *Crater Lake Lodge.*

Lane County

Coburg vicinity, *McKenzie River Railroad Bridge.*
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.
Pittsburgh, *St. Boniface Church,* 2208 East St.

Berks County

Brownsville vicinity, *Lauer/Gerhart Farm.*
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.
Reading vicinity, *Blue Marsh Archeological District.*

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, *Fazon 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.*
Cross Creek Village (36 Wh 293) (Cross Creek Watershed).
Somerset Township, *Wright No. 22 Covered Bridge.*

York County

Wellsville Historic District.

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.

Florence County

Florence, *United States Post Office-Florence*, South Carolina, corner of Irby St. and Evan St.

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).

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.

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 (Carols Vela House)*, 601 Zaragosa St.

Williamson County

Archeological Districts of North Fork and Granger Lake.

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

Charlottesville (independent city)

U.S. Post Office and Courthouse (Old Post Office).

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.*

Wahkiakum County

Skamokawa village, *Archeological site 45-WK-5.*

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.

Pendleton County

Wayside Inn (Site's Inn), Monongahela National Forest.

Wood County

Parkersburg, *Wood County Courthouse.*
Parkersburg, *Wood County Jail.*

WISCONSIN

Ashland County

Ashland vicinity, *Madeline Island Site 7302.*

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.77-21518 Filed 8-1-77;8:45 am]

NATIONAL REGISTER OF HISTORIC PLACES

Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before July 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 August 12, 1977.

WILLIAM J. MURTAGH,
Keeper of the National Register.

ARIZONA

Maricopa County

Tempe, *Our Lady of Mount Carmel Catholic Church*, College and University.
Tempe, *Petersen, Neils, House*, Priest and Southern Ave.

Navajo County

Winslow vicinity, *Brigham, City*, N. of Winslow.

CALIFORNIA

San Mateo County

Redwood City, *Redwood City Historic Commercial District*, Broadway and Main Sts.

KENTUCKY

Jefferson County

Harrods Creek vicinity, *Wolf Pen Branch Mill*, E of Harrods Creek on Wolf Pen Branch Rd.

MISSISSIPPI

Lowndes County

Columbus vicinity, *James Creek No. 1 Site*, S. of Columbus.

NEW HAMPSHIRE

Cheshire County

Fitzwilliam, *Third Fitzwilliam Meetinghouse*, Village Green.

NEW JERSEY

Monmouth County

Long Branch, *Guggenheim, Murry, House*, Cedar and Norwood Aves.

Ocean County

Seaside Park vicinity, *U.S. Life Saving Station No. 14*, S of Seaside Park on Island Beach State Park.

NEW MEXICO

Dona Ana County

Mesilla, *Barela-Reynolds House (J. Paul Taylor House)*, off NM 292.

NEW YORK

Livingston County

Geneseo, *Main Street Historic District*, Main St. from courthouse (Court and North Sts.) to South St.

Orange County

Montgomery vicinity, *Hill, Nathaniel, Brick House*, E. of Montgomery on NY 17K.

OKLAHOMA

Atoka County

Wapanucka vicinity, *Bo McAlister Site*, E. of Wapanucka.

Canadian County

El Reno, *Oklahoma Pavilion (Elks Lodge)*, 415 S. Rock Island.

Harper County

Laverne, *Fox Hotel*, Broadway and N.E. 1st.

Kingfisher County

Kingfisher, *Kingfisher Post Office*, Main and Robberts.

Muskogee County

Fort Gibson, *Seawell-Ross-Isom House*, Beauregard and Elm.

Washita County

Weatherford vicinity, *Little Deer Site*, NE. of Weatherford.

TENNESSEE

Davidson County

Nashville, *Geddes, James, Engine Co. No. 6*, 629 2nd Ave. S.
Nashville, *Litterer Laboratory*, 631 2nd Ave. S.

Grundy County

Pelham vicinity, *Elkhead Stone Arch Bridge*, N of Pelham on Pelham-Altamont Rd.

Shelby County

Memphis, *Hotel Peabody*, 149 Union Ave.

Washington County

Telford vicinity, *Embree House*, SW of Telford on Walker's Mill Rd.

VERMONT

Caledonia County

Stannard, *Methodist-Episcopal Church*, off VT 16.
Stannard, *Stannard Schoolhouse*, off VT 16.

[FR Doc.77-21840 Filed 8-1-77;8:45 am]

DEPARTMENT OF LABOR

Employment and Training Administration

[Field Memorandum 323-77]

PUBLIC SERVICE EMPLOYMENT PROGRAMS BUILDUP

Assessment

In order to ensure an effective implementation and buildup of public service jobs under the Comprehensive Employment and Training Act (CETA) of 1973, as amended, the Department of Labor has developed procedures to be followed in assessing prime sponsor title II and title VI performance and reallocating funds within and between prime sponsor jurisdictions should that prove necessary.

The entire text of Field Memorandum No. 323-77 is published here to inform all interested parties of the Department's implementation procedures.

Signed at Washington, D.C., this 13th day of July 1977.

ROBERT J. MCCONNON,
Deputy Assistant Secretary for Employment and Training Administration.

Directive: Field Memorandum No. 323-77.
To: All regional administrators.
From: Floyd E. Edwards, Administrator, Field Operations.
Subject: Assessment of public service employment programs buildup.

JUNE 23, 1977.

1. *Purpose.* To outline procedures to be followed in the review of implementation plans for the title II and title VI buildup, including procedures for assessing performance and reallocating funds within and among prime sponsor jurisdictions should that prove necessary.

2. *References.* CETA section 606 and CETA regulations section 99.73; Field Memorandum Nos. 124-77 and 231-77.

3. *Background.* The creation of an additional 415,000 public service jobs under titles II and VI is one of the major components of President Carter's Economic Stimulus Package. The success of this effort depends on the speed at which these additional jobs are created. The maximum impact of this program can therefore only be realized if all prime sponsors fully implement their programs according to the schedules approved by regional offices.

Rescissions: TWX No. TD 7-191, dated May 23, 1977, FM No. 256-77.

Expiration date: September 30, 1978.

The Department of Labor not only has the responsibility to assess prime sponsor performance under both these titles, but also is provided the authority to reallocate funds.

The authority for title VI allocations is contained in section 606 of the Act. This section provides that:

"The Secretary is authorized to make such allocations as he deems appropriate of any amount of any allocation under this title to the extent that the Secretary determines that an eligible applicant will not be able to use such amount within a reasonable period of time. Any such amount may be reallocated only if the Secretary has provided thirty days' advance notice to the prime sponsor for such area and to the Governor of the State of the proposed reallocation, during which period of time the prime sponsor and the Governor may submit comments to the Secretary. After considering any comments submitted during such period of time, the Secretary shall notify the Governer and affected prime sponsors of any decisions to reallocate funds, and shall publish any such decision in the FEDERAL REGISTER. In reallocating any such funds, the Secretary shall give priority first to other areas within the same State and then to areas within other States, taking into account the number of eligible unemployed individuals (as described in section 608) in such area."

4. *Assessment procedures.* It is necessary to implement extensive assessment procedures in order to assure that prime sponsors achieve a 100 percent implementation of the expanded public service employment program. Therefore, the following procedures shall be initiated and maintained until further notice.

(a) Regional office staff shall review prime sponsor implementation plans for both titles II and VI.

(b) Regional office staff are to review the weekly PSE Expansion Report submitted by prime sponsors in order to assess the status of program enrollment in titles II and VI during the implementation period of the program.

(c) Where a prime sponsor's actual title II or VI increase in total enrollment between May 12, 1977, and the end of month being reviewed is not at least 70 percent of

its respective planned increase in enrollment between May 12, 1977, and the end of month being reviewed, a determination shall be made that the prime sponsor is not operating in accordance with its approved plan. In these cases, the regional office shall make a further determination as to what corrective actions, if any, shall be made, and what technical assistance, if necessary should be provided. In addition, the regional office will orally and in writing notify the prime sponsor of any corrective actions and/or technical assistance which will be necessary to raise the level of prime sponsor performance, and that continued substandard performance could result in a reallocation of funds. To ensure that corrective action is being implemented, it is recommended that regional office staff visit not less than once every two weeks those prime sponsors whose actual title II or title VI performance is under 70 percent of the plan or whose weekly reports indicate that it is unlikely that they will be able to achieve 70 percent of its planned enrollment level.

5. *Title VI reallocation procedures.* (a) At the end of July 1977, the second full calendar month of implementation, the regional office shall notify in writing all prime sponsors, (as well as appropriate chief elected officials) who are not at least achieving 70 percent of their approved title VI hiring goal that funds shall be reallocated in 30 days if performance is not brought up to at least 70 percent of the planned enrollment level. This communication shall state explicitly what the prime sponsor must do to avoid reallocation of funds. At the same time the regional office shall notify in writing the respective Governor of the intent to reallocate funds unless the prime sponsor's performance improves.

Regional office staff shall also identify, during the end of the second month reviews, those prime sponsors who are over 70 percent of the plan but who have not shown any significant increased effort to come closer to meeting its approved hiring goals during the past month. If necessary, consideration should also be given to sending reallocation notification letters for underperformance in title VI to these prime sponsors and appropriate chief elected officials (and to the appropriate Governors). At the very least, such prime sponsors should be advised that if performance does not substantially improve (by at least 10 percent) during the third month of operation, it may become necessary to issue the 30-day reallocation notice.

Whenever a reallocation notice is sent we are also recommending that the Regional Administrator personally call appropriate chief elected officials to make them aware of impending actions. Where it has further been determined that a prime sponsor may not be able to make the necessary corrective actions required by the regional office, a technical assistance team, including a senior regional office staff member, UI, ES representatives etc., should make an on-site visit to provide any assistance possible.

(b) At the end of August 1977, the third month, the regional office shall review the third month's performance of those prime sponsors who have received title VI reallocation notices, their efforts to bring their performance up to the minimally required level, as well as any comments received from prime sponsors and the Governor on the proposed reallocation of funds. If a prime sponsor has neither achieved the minimally required hiring level nor has a likelihood of substantially improving performance, the regional office shall immediately deobligate those funds which they have determined the prime sponsor will not effectively use during the remaining period of the grant, and reallocate those funds to other appropriate prime sponsors.

(c) Regional offices shall not proceed with the 18-month modification for any prime sponsor which has been given a 30-day reallocation notice until the reallocation issue has been resolved. The bilateral modification should be revised as necessary to accommodate any changes in the procedures for timing necessitated by the possibility of reallocation. Further, regional offices should consider withholding approval of the 18-month modification for those prime sponsors who have been advised that a reallocation of funds is possible if there was not a substantial increase in performance (at least 10 percent) during the third month of operation. Such an action would negate the need for a formal deobligation of funds if a reallocation proves necessary. A revision of the bilateral modification may be necessary in these cases also.

(d) The assessment and reallocation procedures shall be followed at a minimum at the end of the third, sixth and ninth month of implementation, with prime sponsors notified of the intent to reallocate title VI funds at the end of the following month of operation if there is no significant improvement in performance.

(e) Reallocation of Funds to an Alternative Prime Sponsor. Where a determination has been made to reallocate title VI funds from a prime sponsor, the Regional Administrator (RA) should first give consideration to having the Governor or another appropriate grantee operate the program in the same area served by the prime sponsor from which the funds are being reallocated.

(f) Reallocation of Funds Among Prime Sponsors. Where a reallocation is desired and it is determined by the RA that an alternative prime sponsor or the Governor would also be unable to use the funds in the same area, the RA should give first consideration to reallocating funds to prime sponsors to serve other areas located within the same State and then to prime sponsors within other States. Distribution should be made taking into account the number of unemployed persons in those prime sponsor jurisdictions considered for additional funding. Only those prime sponsors which have proven ability to effectively utilize title II and title VI funds within their locale and which are at least equal to or near the monthly enrollment levels included in their plans should be considered by the RA for such additional allocations.

(g) Reallocation Within a Prime Sponsor's Jurisdiction. When it is determined that poor performance is due to the performance of a program agent or a program agent has indicated that there are not sufficiently eligible persons to fill available jobs, and other areas within the same prime sponsor jurisdiction both will be able to effectively utilize additional funds and have a need for additional funds, the regional office may authorize the prime sponsor to make appropriate adjustments to program agent suballocations. The amount of any adjustment to a program agent's allocation should be determined in conjunction with the prime sponsor and the effected program agent.

(h) Immediate Reallocation of Funds to an Alternative Prime Sponsor. If at any time prior to the completion of the first two full months of implementation the prime sponsor agrees to a reallocation because of an inability to use available funds, the procedures outlined above can be begun immediately. However, the prime sponsors and the Governor must be provided a 30-day period in which to submit comments. After considering comments submitted, the RA shall notify the Governor and affected prime sponsors of any decision to reallocate funds.

6. *Title II allocation procedures.* The procedures for assessing title VI grants described in 5 above should be carried out also for title II grants with the exception that should reallocation of title II funds become necessary, the procedures set forth in section 98.11 of CETA regulations will apply.

7. *Reporting of intent to reallocate.* Regional officers should include as part of the "Expanded Public Service Employment Item" in the Significant Activities Report any actions taken with regard to reallocations. Specifically, the national office should be alerted whenever a prime sponsor has been notified in writing of a proposed reallocation of funds. In subsequent weekly reports, the status of each of these prime sponsors receiving letters should be provided, including any decision to reallocate funds. The national office will make appropriate arrangements to publish decisions to reallocate funds in the FEDERAL REGISTER.

8. *Action required.* (a) Regional Administrators should immediately implement these procedures.

(b) Prime sponsors should be informed of these procedures and of the intent to reallocate funds should that prove necessary.

9. *Inquiries.* Questions may be directed to either Hugh Davies or Jack Rapport on 8-376-7006.

[FR Doc.77-22049 Filed 8-1-77;8:45 am]

FARMWORKER ECONOMIC STIMULUS PROGRAMS

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice.

SUMMARY: This notice announces the plans of the Employment and Training Administration for allocating funds for the Farmworker Economic Stimulus Porgram and the availability of "Solicitation for Grant Applications."

FOR FURTHER INFORMATION CONTACT:

Mr. Paul A. Mayrand, Chief, Division of Farmworker Programs, Room 7122, 601 D Street NW., Washington, D.C. 20213.

SUPPLEMENTARY INFORMATION: Pursuant to the Economic Stimulus Appropriation Act of 1977, the Division of Farmworker Programs of the Department of Labor announces two initiatives under the Farmworker Economic Stimulus Program (ESP) to support efforts to improve the unemployment and underemployment problems facing seasonal farmworkers. The two categories of activity to be funded at this time are: (1) Residential Skill Training and (2) Employment and Training Coordinated with Rural Economic Development Activities.

The ESP initiatives may be operated by private nonprofit organizations, prime sponsors under title I of CETA, and other public agencies. Technical and vocational institutes, and other training centers, including Job Corps may operate residential skill training.

The above eligible applicants are herein invited to submit innovative proposals in response to a competitive

Solicitation for Grant Award (SGA) announcement made by the Division of Farmworker Programs (DFP). The SGA will contain detailed information and materials necessary for submission of proposals.

SGAs will be available on or about August 8, 1977, for the two program categories. The SGA guidelines will be sent to eligible applicants on request. Requests must indicate which of the two SGA initiatives the applicant desires. SGAs will be available only on written request submitted to the above address. Telephone requests will not be honored. Requestors should furnish two self-addressed gummed labels with the written request for SGA.

Proposals in response to the SGA must be received by the Department at the above address by September 8, 1977, or within 30 days of the date SGAs become available, whichever is sooner. Review panels will be convened in September with grant contract signing beginning November 1, 1977.

Proposals will be evaluated on the basis of objective criteria by a panel composed of employment and training specialists from the Department of Labor and representatives of other appropriate Federal agencies.

Signed in Washington, D.C., this 20th day of July, 1977.

LAMOND GODWIN,
Administrator, Office of National Programs.

[FR Doc.77-22165 Filed 8-1-77;8:45 am]

Office of the Secretary

[TA-W-2,207, et al]

ARKWRIGHT FINISHING CO., ET AL.

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than August 12, 1977.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than August 12, 1977.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 18th day of July 1977.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner: union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Arkwright Finishing Co. (workers).	Fall River, Mass..	July 18, 1977	July 14, 1977	TA-W-2,207	Natural and synthetic cloth.
DeLaval Turbine Inc. (Philadelphia Pattern Makers Association).	Trenton, N.J.....	June 23, 1977	May 27, 1977	TA-W-2,208	Patterns (wood molds).
Dunn & McCarthy, Inc. (company).	Binghamton, N.Y.	July 18, 1977	July 15, 1977	TA-W-2,209	Women's dress shoes.
Hausser Scientific (workers).	Blue Bell, Pa.....do.....		July 13, 1977	TA-W-2,210	Microslides, covered glass and blood testing equipment.
International Harvester Co. (UAW).	Libertyville, Ill...	July 14, 1977	July 11, 1977	TA-W-2,211	Construction equipment, rubber tired, front-end loaders.
M & E Sportswear, Inc. (workers).	New York, N.Y..	July 18, 1977	July 12, 1977	TA-W-2,212	Ladies' skirts and pants.
Paul Modes, Inc. (ILGWU).	New Bedford, Mass.	July 12, 1977	July 4, 1977	TA-W-2,213	Women's dresses and suits.
Tyco Industries, Inc. (workers).	Woodbury Heights, N.J.	July 18, 1977	July 14, 1977	TA-W-2,214	Toy road racing sets and HO trains.

[FR Doc.77-22045 Filed 8-1-77;8:45 am]

[TA-W-2,218, et al.]

BURLINGTON INDUSTRIES, ET AL.

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than August 12, 1977.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than August 12, 1977.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 20th day of July 1977.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner: union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Burlington Industries (workers).	Greenville, S.C.	July 18, 1977	July 14, 1977	TA-W-2,218	Fine count woven fabrics.
National Electrical Manufacturing, Inc. (United Steelworkers of America).	Telham, Ala.	July 14, 1977	June 1, 1977	TA-W-2,219	Pole line hardware for electrical utilities.
Textile Piece Dyeing Co., Inc. (workers).	Paterson, N.J.	July 20, 1977	July 6, 1977	TA-W-2,220	Dyeing and finishing of textile piece goods.

[FR Doc.77-22043 Filed 8-1-77;8:45 am]

[TA-W-2,200, et al.]

BUTLER MANUFACTURING CO.

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than August 12, 1977.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than August 12, 1977.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 13th day of July 1977.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner: (union/workers or former workers of)—	Location	Date received	Date of petition	Petition No.	Articles produced
Butler Manufacturing Co. (United Steelworkers of America).	Birmingham, Ala.	July 13, 1977	June 1, 1977	TA-W-2,200	Structural shapes for pre-engineered metal buildings.
Morton's Shoe Stores, Inc. (workers).	Boston, Mass.	July 11, 1977	July 6, 1977	TA-W-2,201	The warehousing of shoes.
NL Industries, Inc. (Chemical Workers Basic Union).	St. Louis, Mo.	do	June 28, 1977	TA-W-2,202	Titantium dioxide pigment.
Quasar Electronics Co. (workers).	Franklin Park, Ill.	July 12, 1977	July 6, 1977	TA-W-2,203	Color TV sets and consoles.
Raytheon Co. (workers).	Waltham, Mass.	July 11, 1977	do	TA-W-2,204	Tubes for microwave ovens.
Reid Stevens, Inc. (workers).	Commack, N.Y.	July 12, 1977	July 8, 1977	TA-W-2,205	Ladies' coats.
Dr. Scholl Shoe Manufacturing Co. (workers).	Jefferson, Wis.	do	June 24, 1977	TA-W-2,206	Men's shoes.

[FR Doc.77-22046 Filed 8-1-77;8:45 am]

[TA-W-1895]

CHRISTY FASHIONS

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-1895: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on March 24, 1977 in response to a worker petition received on March 24, 1977 which was filed by the International Ladies' Garment Workers Union on behalf of workers and former workers producing women's blouses at Christy Fashions, Glen Lyon, Pennsylvania.

The notice of investigation was published in the FEDERAL REGISTER on April 12, 1977 (42 FR 19175). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Christy Fashions, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether the other criteria have been met, the investigation revealed that the first and second criteria have not been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Christy Fashions, a contractor located in Glen Lyon, Pennsylvania, began to produce women's blouses in May 1975. The average number of production workers employed at Christy Fashions increased 15.9 percent in the last eight months of 1976 compared to the same period of 1975, and further increased 11.1 percent in the first four months of 1977 compared to the same period of 1976. There is no indication that current workers are threatened with any involuntary separations.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED

Production at Christy Fashions has continually increased since May 1975. In the last eight months of 1976, production increased 24.7 percent compared to the same period of 1975. Production further increased 38.0 percent in the first four months of 1977 compared to the same period of 1976.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that a significant number or proportion of the workers at Christy Fashions, Glen Lyon, Pennsylvania, have not become totally or partially separated and

that sales or production of women's blouses at Christy Fashions have not decreased as required in Section 222 of the Trade Act of 1974.

Signed at Washington, D.C. this 15th day of July 1977.

BRIAN TURNER,
Executive Assistant to the Deputy Under Secretary for International Affairs.

[FR Doc.77-22047 Filed 8-1-77;8:45 am]

[TA-W-2,215, et al]

LAMBERT MANUFACTURING CO., ET AL.

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to Section 221 (a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than August 12, 1977.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than August 12, 1977.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 19th day of July 1977.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner: union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Lambert Manufacturing Co. (workers).	Kirksville, Mo.	July 18, 1977	July 12, 1977	TA-W-2,215	Cotton work gloves.
Mara Manufacturing Co. (workers).	Nanticoke, Pa.	do.	July 13, 1977	TA-W-2,216	Women's sportswear.
Shamokin Shoe Corp. (Boot and Shoe Workers Union).	Shamokin, Pa.	July 19, 1977	June 29, 1977	TA-W-2,217	Women's casual shoes.

[FR Doc.77-22044 Filed 8-1-77;8:45 am]

[TA-W-2,221]

PROPHET AND FRIENDS, INC.

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to Section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than August 12, 1977.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not laetr than August 12, 1977.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 21st day of July 1977.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner: union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Prophet and Friends, Inc. (workers).	New Britain, Conn.	July 18, 1977	July 11, 1977	TA-W-2,221	Indigo denim jeans; junior sportswear apparel.

[FR Doc.77-22042 Filed 8-1-77;8:45 am]

[TA-W-1988]

A. E. NETTLETON CO.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1988: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on April 18, 1977, in response to a worker

petition received on April 18, 1977, which was filed by Local 63 of the United Shoe Workers of America on behalf on behalf of workers and former workers producing men's dress and casual footwear at the A. E. Nettleton Co., Syracuse, N.Y.

The notice of investigation was published in the FEDERAL REGISTER on April 29, 1977 (42 FR 21872). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the A. E. Nettleton Co., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of the 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 criteria have been met.

SIGNIFICANT TOTAL AND PARTIAL SEPARATIONS

Employment of production workers at the A. E. Nettleton Co. declined by 13.6 percent in 1975 compared to 1974. Employment increased by 12.7 percent in 1976 compared to 1975 but declined by 12.3 percent in the period July–December 1976 compared to the same period in 1975. Employment declined by 13.6 percent in the period January–April 1977 compared to the same period in 1976.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales of men's dress and casual footwear with leather uppers, in terms of quantity at the A. E. Nettleton Co. declined by 15.5 percent in 1976 compared to 1975. Sales declined in the period July-December 1976 by 19.2 percent compared to the same period in 1975. Sales declined by 6.9 percent in the first quarter of 1977 compared to the first quarter of 1976.

INCREASED IMPORTS

Imports of men's dress and casual footwear with leather uppers were recorded at 30.3 million pair in 1972. Imports increased to 31.3 million pair in 1973 and then declined to 29.7 million pair in 1974. Imports increased to 33.2 million pair in 1975 and increased by 22.9 percent in 1976 to 40.8 million pair.

The ratio of imports to domestic production of men's dress and casual footwear with leather uppers was recorded at 44.3 percent in 1972. The ratio was recorded at 46.7 percent in 1973, 47.8 percent in 1974, 54.7 percent in 1975 and 63.5 percent in 1976.

CONTRIBUTED IMPORTANTLY

Customers of A. E. Nettleton Co. indicated that they had increased purchases of imported men's dress and casual footwear with leather uppers while reducing purchases from A. E. Nettleton Co.

A. E. Nettleton Co. began importing men's dress and casual footwear with leather uppers in 1977.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with men's dress and casual footwear with leather uppers produced at the A. E. Nettleton Co., Syracuse, N.Y., contributed importantly to the total or partial separation of the workers of that plant. In accordance with the provisions of the Act, I make the following certification:

All workers at the Syracuse, N.Y. plant of A. E. Nettleton Co. who became totally or partially separated from employment on or after June 26, 1976, are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Trade Act of 1974.

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

GLORIA S. PRATT,
Director, Office of Foreign Economic Policy.

[FR Doc.77-22166 Filed 8-1-77;8:45 am]

[TA-W-1,698]

AEGIS PRINT WORKS, 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-1698: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on March 2, 1977, in response to a worker petition received on February 22, 1977, which was filed by the Machine Printers and Engravers Association on behalf of workers and former workers printing and finishing fabric at Aegis Print Works, Inc., Woodridge, N.J.

The notice of investigation was published in the FEDERAL REGISTER on March 11, 1977 (42 FR 13627). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Aegis Print Works, Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely,

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any of the other criteria have been met, criterion (2) has not been met.

Aegis Print Works was incorporated in August 1975 as a commission printer. Aegis occupies 100,000 square feet in a one story plant in Woodridge, N.J. Both the administrative offices and production facilities of Aegis are located at the Woodridge plant. Aegis receives greige goods (unfinished fabric) from converters, prints and finishes the fabric, and returns it to the converters, who in turn sell the fabric to apparel manufacturers. Aegis prints and finishes all types of fabric.

Production at the Woodridge plant began in December 1975. All production is to order and production therefore equals sales. Production at the plant increased by 12 percent, 59 percent, and 54 percent in the second, third, and fourth quarters of 1976 compared to the previous quarters. Production increased 160.7 percent in the first quarter of 1977 compared to the first quarter of 1976.

The petition alleges that increased imports of apparel adversely affected production and employment at Aegis Print Works, Inc. Imported wearing apparel cannot be considered to be like or directly competitive with printed fabric. Imports of fabric must be considered in determining import injury to workers producing printed fabric.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that sales and production have not decreased as required in Section 222 of the Trade Act of 1974. The petition is, therefore denied.

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

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc.77-22167 Filed 8-1-77;8:45 am]

[TA-W-1700]

AIRCO SPEER ELECTRONICS

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-1700; Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on March 3, 1977, in response to a worker petition received on March 1, 1977, which was filed on behalf of divisional office personnel at the St. Marys, Pa. plant of Airco Speer Electronics.

The notice of investigation was published in the FEDERAL REGISTER on March 11, 1977 (42 FR 13628). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Airco Speer Electronics, 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 all four criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Average employment of Airco Speer's divisional office personnel in St. Marys, Pa., decreased 10.0 percent in the first quarter of 1977 compared to the first quarter of 1976, after remaining at a constant level during 1974–1976. The decline in employment occurred when the divisional offices were transferred from the St. Marys location to the firm's Bradford, Pa. plant.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Company sales of carbon composition resistors decreased 33.2 percent in 1975 compared to 1974, before increasing 1.2 percent in 1976 compared to 1975. In the first quarter of 1977, sales declined 15.9 percent compared to the first quarter of 1976.

Production of carbon composition resistors at the Bradford plant declined 63.5 percent in 1975 compared to 1974. Production ceased in February 1976.

INCREASED IMPORTS

U.S. imports of fixed resistors increased from 2118.0 million units in 1972 to 4175.8 million units in 1974, before decreasing to 2287.9 million units in 1975. Imports of these articles then increased 87.9 percent in 1976 compared to 1975, to 4299.9 million units.

Company imports of carbon composition resistors decreased in 1975 compared to 1974, before increasing 59.0 percent in 1976 compared to 1975. Imports further increased 15.8 percent in the first quarter of 1977 compared to the first quarter of 1976.

CONTRIBUTED IMPORTANTLY

The production of carbon composition resistors was shifted from the Bradford, Pa. plant of Airco Speer Electronics to its plant in Singapore. The transfer was completed in February 1976, resulting in the separation of most production workers at the Bradford plant. Workers at the Bradford plant have been certified as eligible (TA-W-64). The transfer of production overseas necessitated a reduction in divisional office personnel at St. Marys, which occurred during February–June 1977 when the divisional offices were transferred from St. Marys to Bradford.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increased imports like or directly competitive with carbon composition resistors formerly produced at the Bradford, Pa. plant of Airco Speer Electronics contributed importantly to the total or partial separation of divisional office personnel at the St. Marys, Pa. plant of the firm. In accordance with the provisions of the Act, I make the following certification:

All divisional office personnel of the St. Marys, Pa. plant of Airco Speer Electronics who became totally or partially separated from employment on or after February 25, 1977, and before June 5, 1977, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

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

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc.77-22168 Filed 8-1-77;8:45 am]

[TA-W-1500]

BETHLEHEM STEEL 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-1500: 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 at the Seattle, Wash., plant of Bethlehem Steel Corp.

The notice of investigation was published in the FEDERAL REGISTER on January 18, 1977 (42 FR 3367). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Bethlehem Steel Corp., its customers, the U.S. International Trade Commission, the U.S. Department of Commerce, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all four criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Average annual employment of production workers engaged in the production of reinforcing bars at the Seattle, Wash., plant declined 10 percent in 1976 compared to 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales of reinforcing bars decreased in quantity 25 percent in 1976 compared to 1975.

Production decreased 19 percent in quantity in 1976 compared to 1975.

INCREASED IMPORTS

U.S. imports of reinforcing bars decreased in 1973 to 286.4 thousand net tons from 358.2 thousand net tons in 1972. In 1974 imports increased to 477.5 thousand net tons, decreased in 1975 to 141.9 thousand net tons, then increased in 1976 to 192.2 thousand net tons.

The ratio of imports to U.S. shipments of reinforcing bars decreased to

5.6 percent in 1973 from 8.0 percent in 1972. In 1974 this ratio increased to 9.5 percent, decreased to 3.9 percent in 1975, then increased to 5.0 percent in 1976.

In the seven western states steel market principally served by the Seattle plant of Bethlehem Steel, the ratio of imports of concrete reinforcing bars to domestic shipments increased from 8.4 percent in 1975 to an estimated 14.3 percent in 1976.

CONTRIBUTED IMPORTANTLY

The Department conducted a survey of reinforcing bar customers of the Seattle plant. One sizeable customer sharply decreased purchases of reinforcing bars from Bethlehem and began to buy imports for the first time in 1976. Other customers that purchase imported reinforcing bars decreased purchases from Bethelhem relative to the decline in imported purchases. Customers indicated an overall impact by imports affecting sales and prices of domestic reinforcing bars in the market served by the Bethlehem plant.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with reinforcing bars produced at the Seattle, Wash., plant of Bethlehem Steel Corp. contributed importantly to the total or partial separation of workers at that plant. In accordance with the provisions of the Act, I make the following certification:

All workers at the Seattle, Wash., plant of the Bethlehem Steel Corp. engaged in employment related to the production of concrete reinforcing bars, including yard and transportation workers, who became totally or partially separated from employment on or after November 15, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Trade Act of 1974.

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

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc.77-22169 Filed 8-1-77;8:45 am]

[TA-W-1838]

"BRONCO BILL II"

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-1838: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on March 17, 1977, in response to a worker petition received on March 17, 1977, which was filed on behalf of workers and former workers engaged in shrimp catching on the trawler *Bronco Bill II*, Port Isabel, Texas.

The notice of investigation was published in the FEDERAL REGISTER on April 5, 1977 (42 FR 18158). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the trawler *Bronco Bill II* and its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether the other criteria have been met, criterion (4) has not been met.

Bronco Bill II's only customer purchases all the shrimp that Bronco Bill II is able to supply at the highest bid offered for each day's landings. This price bid and paid for shrimp has increased each year since 1974. The boat's customer only purchases imported shrimp when Bronco Bill II and other domestic suppliers are unable to meet the customer's requirements.

The Department's investigation has revealed that three major factors have affected the shrimp catch in 1976 and the first quarter of 1977: (1) the shortage of shrimp available in U.S. coastal waters of the Gulf of Mexico; (2) the restrictions imposed by the Mexican government with respect to fishing within the 200 mile offshore limits established in Mexico in 1976; and (3) unusually adverse weather conditions in the Gulf of Mexico during the winter months of November 1976 to March 1977.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that imports of articles like or directly competitive with shrimp caught and landed by the trawler *Bronco Bill II*, Port Isabel, Tex., have not contributed importantly to the total or partial separations of workers of that trawler as required for certification under Section 222 of the Trade Act of 1974.

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

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc.77-22170 Filed 8-1-77;8:45 am]

[TA-W-1689]

BROWN 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-1689: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on March 1, 1977 in response to a worker petition received on February 14, 1977 which was filed by three workers on behalf of workers and former workers producing women's shoes at the Potosi, Mo. plant of the Brown Shoe Company.

The notice of investigation was published in the FEDERAL REGISTER on March 11, 1977 (42 FR 13628). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Brown Shoe Company, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any of the other criteria have been met, criterion (2) has not been met.

Sales of women's shoes, representing the wholesale value of production and adjusted for price increases, increased 55.8 percent from 1975 to 1976. Production of women's shoes at the Potosi plant increased 77.5 percent in quantity from 1975 to 1976. Production quantities increased in each quarter of 1976 com-

pared to the same quarter of the previous year.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that sales and production have not declined at the Potosi, Missouri plant of the Brown Shoe Company as required for certification under Section 222 of the Trade Act of 1974.

Signed at Washington, D.C., this 22nd day of July 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc.77-22171 Filed 8-1-77;8:45 am]

[TA-W-1714]

CRESTLANE CLOTHES, 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-1714: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on March 3, 1977, in response to a worker petition received on February 23, 1977, which was filed by workers and former workers producing men's suits and sportcoats at Crestlane Clothes, Inc., New York, N.Y.

The notice of investigation was published in the FEDERAL REGISTER on March 15, 1977 (42 FR 14185). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Crestlane Clothes, Inc., the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether the other criteria have been met, criterion (1) and criterion (4) have not been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Employment increased in 1976 compared to 1975 and remained constant in the first quarter of 1977 compared to the first quarter of 1976.

CONTRIBUTED IMPORTANTLY

Customers of Crestlane Clothes, Inc., surveyed, did not purchase imports of men's suits and sportcoats. Customers decreased purchases from Crestlane while increasing purchases from other domestic sources.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with men's suits and sportcoats produced at Crestlane Clothes, Inc., New York, N.Y., did not contribute importantly to the total or partial separations of the workers of that firm.

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

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc.77-22172 Filed 8-1-77;8:45 am]

[TA-W-2072]

EMHART INDUSTRIES, 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-2072: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on May 16, 1977, in response to a worker petition received on May 16, 1976, which was filed by the United Automobile Workers on behalf of workers and former workers producing glass making machinery at the Windsor, Conn., plant of the Hartford Division of Emhart Industries, Inc.

The notice of investigation was published in the FEDERAL REGISTER on May 24, 1977 (42 FR 26481). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Hartford Division of Emhart Industries, Inc., and the United Automobile Workers.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the 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 of the other criteria have been met, criterion (1) has not been met.

The Windsor, Conn., plant of the Hartford Division of Emhart Industries, Inc., produces glass making machinery.

Pursuant to the requirements of 29 CFR 90.2 total separations must be equivalent to a total unemployment of five percent or 50 workers, whichever is less. Evidence developed in the Department's investigation revealed that total separations which occurred during the period of possible coverage amounted to less than 5 percent of the workforce employed at the Windsor, Conn., plant. The total number of workers experiencing separations during the period May 6, 1976, one year prior to the signature date of the petition, to the present was less than 50 workers.

Pursuant to the requirements of 29 CFR 90.2, "partial separations" means that the workers' hours of work have been reduced to 80 percent or less of the workers' average weekly hours at the firm or appropriate subdivision thereof. Evidence developed in the Department's investigation revealed that the workers' average weekly hours of work have not been reduced to less than 80 percent of their average weekly hours from May 6, 1976, one year prior to the signature date of the petition, to the present.

The Hartford Division of Emhart Industries, Inc., indicated they had no plans to lay off additional workers at the Windsor, Conn., plant. Therefore, no threat of total or partial separation is evident.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that a significant number or proportion of the workers at the Windsor, Conn. plant of the Hartford Division of Emhart Industries, Inc., have not become totally or partially separated, nor threatened to become separated, as required for certification in Section 222 of the Trade Act of 1974.

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

GLORIA S. PRATT,
Director, Office of Foreign Economic Policy.

[FR Doc.77-22173 Filed 8-1-77;8:45 am]

[TA-W-1905]

EMPIRE DRESS 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-1905: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on March 24, 1977, in response to a worker petition received on March 24, 1977, which was filed by the International Ladies' Garment Workers' Union on behalf of workers and former workers producing women's dresses at Empire Dress Co., Wilkes-Barre, Pa.

The notice of investigation was published in the FEDERAL REGISTER on April 12, 1977 (42 FR 19175). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Empire Dress Co., the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether the other criteria have been met, the investigation revealed that the first criterion has not been met.

The Department's investigation revealed that the average number of production workers employed at Empire Dress increased 2.1 percent in 1976 compared to 1975, and further increased 2.6 percent in the first four months of 1977 compared to the same period of 1976. The average weekly hours worked by those production workers increased 1.2 percent in 1976 compared to 1975, and further increased 3.1 percent in the first four months of 1977 compared to the same period of 1976.

There is no indication that current workers are threatened with any involuntary separations.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that a significant number or proportion of the workers at Empire Dress Co., Wilkes-Barre, Pa., have not become or threatened to become totally or partially separated at Empire Dress as required for certification in Section 222 of the Trade Act of 1974.

Signed at Washington, D.C., this 22d day of July 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc.77-22174 Filed 8-1-77;8:45 am]

[TA-W-1880]

FLORY FASHIONS, 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-1880: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on March 23, 1977, in response to a worker petition received on March 23, 1977, which was filed by the International Ladies' Garment Workers Union on behalf of workers and former workers producing women's dresses at the Swoyerville, Pa., plant of Flory Fashions, Inc.

The notice of investigation was published in the FEDERAL REGISTER on April 12, 1977 (42 FR 19176). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Flory Fashions, Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, Industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Regardless of whether any other criteria have been met, the investigation has revealed that criteria (1) and (2) have not been met.

SIGNIFICANT TOTAL OF PARTIAL SEPARATIONS

Employment of production workers decreased 18.2 percent in 1975 compared with 1974 and increased 52.8 percent in 1976 compared with 1975. Employment increased each quarter of 1976 compared with the respective quarters of 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Flory is a contractor that produces on order. Therefore sales equals production. Sales of women's dresses by Flory Fashions in terms of value decreased 8.1 percent in 1976 compared with 1974 and increased 96.3 percent in 1976 compared with 1975. Sales increased each quarter of 1976 compared with the respective quarters of 1975.

CONCLUSION

After careful review of the facts obtained in the investigation, it is concluded that sales of women's dresses have not declined and that separations of workers have not occurred at Flory Fashions, Inc., Swoyerville, Pa., as required for a certification under Section 222 of the Trade Act of 1974.

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

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc.77-22175 Filed 8-1-77;8:45 am]

[TA-W-1328]

GLAUBER VALVE CO., 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-1328: 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 valves and fittings at the Omaha, Nebraska plant of Glauber Valve Co., Inc.

The Notice of Investigation was published in the FEDERAL REGISTER on December 14, 1976 (41 FR 54557). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Glauber Valve Co., Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or porportion 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 decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any of the other criteria have been met, the investigation has revealed that criterion (4) has not been met.

The Department conducted a survey of customers of Glauber Valve Co. Only one of the customers contacted reported any purchases of imported valves or fittings and this customer did not switch from Glauber's product to competitive imports. All of the other customers contacted reported that they did not buy valves or fittings from imported sources.

A management decision by Glauber resulted in the transfer of production from the company's Omaha plant to a new plant in Piggot, Ark. Total company production from both plants increased 70 percent in the first nine months of 1976 compared to the first nine months of 1975. Production in the first nine months of 1976 exceeded full year 1975 production.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with valves and fittings produced at the Omaha, Nebr. plant of Glauber Valve Co., Inc., have not contributed importantly to the total or partial separation of the workers at that plant as required for certification under the Trade Act of 1974.

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

James F. Taylor,
Director, Office of Management, Administration, and Planning.

[FR Doc.77-22176 Filed 8-1-77;8:45 am]

[TA-W-1949]

H. W. GOSSARD CO.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the result of TA-W-1949: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on April 4, 1977, in response to a worker petition received on April 4, 1977, which was filed by the International Ladies' Garment Workers Union on behalf of workers and former workers producing ladies' brassieres, girdles, and corsets at the Ishpeming, Mich. plant of H. W. Gossard Co., Chicago, Ill. The petition was expanded to cover all workers producing ladies' brassieres, girdles, and corsets in the Body Foundation Division of H. W. Gossard Co. This includes plants located in Logansport, Ind.; Sullivan, Ind.; Piggott, Ark.; and a warehouse located in Batavia, Ill.

The Notice of Investigation was published in the Federal Register on April 15, 1977 (42 FR 19938). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of H. W. Gossard Co., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in 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 Partial or Total Separations

The average number of production workers at the Ishpeming plant declined 1 percent from 1974 to 1975 and declined 10 percent from 1975 to 1976. All employment was terminated when the plant closed in December 1976.

The average number of production workers at the Logansport plant declined 13 percent from 1974 to 1975, declined 7 percent from 1975 to 1976, and declined 39 percent in the first quarter of 1977 compared to the first quarter of 1976.

The average number of production workers at the Sullivan plant declined 27 percent from 1974 to 1975, declined 27 percent from 1975 to 1976, and remained stable in the first quarter of 1977 compared to the first quarter of 1976. All employment was terminated when the plant closed in June 1977.

The average number of production workers at the Piggott plant declined 12 percent from 1974 to 1975 and increased 14 percent from 1975 to 1976. Employment declined 2 percent in the last half of 1976 compared to the last half of 1975, and declined 19 percent in the first quarter of 1977 compared to the first quarter of 1976.

The average number of workers at the Batavia warehouse declined 15 percent from 1974 to 1975 and declined 2 percent from 1975 to 1976.

Workers in the Body Foundation Division are not identifiable by product line.

Sales or Production, or Both, Have Decreased Absolutely

Total production of brassieres in the Body Foundation Division increased 36 percent from 1975 to 1976. Production declined 0.3 percent in the last three quarters of 1976 compared to the like period of 1975. Production declined 77 percent in the first quarter of 1977 compared to the first quarter of 1976.

Total production of corsets and girdles in the Body Foundation Division declined 23 percent from 1975 to 1976 and declined 53 percent in the first quarter of 1977 compared to the first quarter of 1976.

Production at the Ishpeming plant declined 2 percent from 1975 to 1976. Production ceased in December 1976. In 1976, unit production consisted of 97 percent brassieres and 3 percent girdles and corsets.

Production at the Logansport plant declined 4 percent from 1975 to 1976 and declined 52 percent in the first quarter of 1977 compared to the first quarter of 1976. In 1976, unit production consisted of 72 percent girdles and corsets and 28 percent brassieres.

Ladies' sleepwear was produced at Sullivan until December 1976.[1] During 1976 production of sleepwear was phased out at Sullivan and replaced with production of brassieres.

Total unit production at Sullivan increased 17 percent from 1975 to 1976. Production of brassieres declined 3 percent in the first quarter of 1977 compared to the first quarter of 1976. Production ceased in June 1977.

The cutting plant at Piggott is an integrated part of production in the Body Foundation Division. Cuttings made at Piggot are shipped to sewing plants for assembly into finished garments.

All garments produced by Gossard are inventoried at the Batavia warehouse.

Increased Imports

Imports of ladies' brassieres, bra-lettes and bandeaux increased absolutely and

[1] See TA-W-1385.

relative to domestic production in each year from 1972 through 1976. Imports increased 26 percent from 1975 to 1976 and increased 22 percent in the first quarter of 1977 compared to the first quarter of 1976. The ratios of imports to domestic production and consumption increased from 42.3 percent and 42.3 percent, respectively in 1975 to 50.3 percent and 52.2 percent, respectively in 1976.

Imports of ladies's corsets and girdles declined absolutely and relative to domestic production from 1972 to 1973, and then increased absolutely and relatively in each year from 1974 through 1976. Imports increased 69 percent from 1975 to 1976 and increased 13 percent in the first quarter of 1977 compared to the first quarter of 1976. The ratios of imports to domestic production and consumption increased from 3.1 percent and 3.1 percent, respectively in 1975 to 5.3 percent and 5.2 percent, respectively in 1976.

CONTRIBUTED IMPORTANTLY

Company imports of ladies' brassieres increased 155 percent from 1975 to 1976. The proportion of Gossard's brassiere sales represented by imported brassieres increased from 1975 to 1976. Simultaneously, production of brassieres at Gossard's domestic plants declined.

Customers of Gossard were surveyed regarding their purchases of ladies girdles and corsets. Over 50 percent of the customers contacted purchase imported girdles and corsets and reduced purchases from Gossard in 1976 compared to 1975.

Total Body Foundation Division production of brassieres and of girdles and corsets declined in 1976. Production of body foundations at both the Ishpeming and Logansport plants declined from 1975 to 1976, however production of body foundations at the Sullivan plant did not begin until 1976. Production at Sullivan increased from 1975 to 1976, but began declining in 1977 and finally ceased in June 1977.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with ladies' brassieres, girdles, and corsets produced at the Ishpeming, Mich.; Logansport, Ind.; Sullivan, Ind.; and Piggott, Ark. plants and the Batavia, Ill., warehouse of H. W. Gossard contributed importantly to the total or partial separations of the workers of these plants. In accordance with the provisions of the Act, I make the following certification:

All workers engaged in employment related to the production of ladies' brassieres, girdles, and corsets at the Ishpeming, Mich.; Logansport, Ind.; and Piggott, Ark. plants and the Batavia, Ill. warehouse of H. W. Gossard Co., Chicago, Ill., who became totally or partially separated from employment on or after March 12, 1976, and at the Sullivan, Ind. plant of H. W. Gossard Co., who became totally or partially separated from employment on or after January 1, 1977 are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Trade Act of 1974.

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

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc.77-22177 Filed 8-1-77;8:45 am]

[TA-W-1816]

HYDE PARK FOUNDRY & MACHINE 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-1816: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on March 21, 1977, in response to a worker petition received on March 17, 1977, which was filed by the United Steelworkers of America on behalf of workers and former workers producing iron rolls and automobile body die holders at the Hyde Park, Pa., plant of the Hyde Park Foundry & Machine Co.

The notice of investigation was published in the FEDERAL REGISTER on April 5, 1977 (42 FR 18158). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Hyde Park Foundry & Machine Co., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations or threat thereof; and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any of the other criteria have been met, the investigation has revealed that criterion (4) has not been met.

The Hyde Park Foundry & Machine Co. produces two products: iron rolls used as replacement parts for rolling mill equipment at steel plants are the principal product, and automobile body die holders (molds) used in the production of castings for automobile bodies.

The Department conducted a survey of customers of the Hyde Park plant and foundry accounting for 61.2 percent of sales in 1976. The survey revealed that customers who reduced purchases from Hyde Park Foundry & Machine Co. in 1976 had not switched to imports of competitive articles.

Some customers attributed the decrease in purchase of iron rolls to the level of demand for their own products.

The automobile body die holders were sold to only one customer and that contract was terminated. The company switched to another domestic producer.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increased imports of articles like or directly competitive with iron rolls and auto body die holders produced at the Hyde Park, Pa., plant and foundry of Hyde Park Foundry & Machine Co. have not contributed importantly to the total or partial separation of workers at the Hyde Park plant as required for certification under the Trade Act of 1974.

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

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc.77-22178 Filed 8-1-77;8:45 am]

[TA-W-1480]

JONES AND LAUGHLIN 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-1480: 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 20, 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 hot and cold rolled carbon steel sheet and galvanized sheet at the Hennepin, Illinois plant of Jones and Laughlin Steel Corporation.

The Notice of Investigation was published in the FEDERAL REGISTER on January 7, 1977 (42 FR 1535). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Jones and Laughlin Steel Corp., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility

requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that although the third criterion has been met, the first, second, and fourth criteria have not been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of production workers at the Hennepin Works increased 16.2 percent in the period January–November 1976, compared to the same period in 1975. Employment increased in each quarter of 1976 compared to the corresponding quarters in 1975.

The average number of hours worked by production employees increased 17.7 percent in the period January–November 1976, compared to the same period in 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Total shipments at the Hennepin Works increased 51.3 percent in the period January through November 1976 compared to the same period in 1975. Shipments increased in each quarter of 1976 compared to the corresponding quarters in 1975.

Hot and cold rolled carbon steel sheet and galvanized sheet represented over 95 percent of total shipments by the Hennepin Works in 1976.

Total shipments of cold rolled sheet increased 55.8 percent in the period January through November 1976, compared to the same period in 1975.

Total shipments of hot rolled sheet increased 192.4 percent in the period Janurary through November 1976, compared to the same period in 1975.

Total shipments of galvanized sheets increased 48.0 percent in the period January through November 1976, compared to the same period in 1975.

INCREASED IMPORTS

Imports of hot rolled carbon steel sheet decreased steadily from 1972 to 1975. Imports increased from 1,509.2 thousand short tons in 1975 to 1,635.9 thousand short tons in 1976. The import/shipment and import/consumption ratios decreased from 1972 to 1973 and then increased in 1974 and 1975 compared to the immediately preceding years. The import/shipment and import/consumption ratios decreased from 14.0 percent and 12.4 percent, respectively, in 1975 to 11.3 percent and 10.2 percent, respectively, in 1976.

Imports of carbon steel cold rolled sheets decreased from 1973 through 1975 and increased from 2,067.1 thousand short tons in 1975 to 2,350.7 thousand short tons in 1976. The import/shipment and import/consumption ratios decreased from 1972 to 1973 and increased in 1974 and 1975 compared to the immediately preceding years. The import/shipment and import/consumption ratios decreased from 16.5 percent and 14.2 percent, respectively, in 1975 to 13.2 percent and 11.7 percent, respectively, in 1976.

Imports of galvanized steel sheet and strip decreased both absolutely and relative to domestic shipments and consumption in 1973 compared to 1972 and then increased both absolutely and relatively in 1974 from 1973. Imports decreased 42.5 percent in 1975 from 1974 and then increased 98.6 percent from 739.0 thousand short tons in 1975 to 1,467.7 thousand short tons in 1976. The import/shipment and import/consumption ratios decreased from 21.0 percent and 17.6 percent, respectively, in 1974 to 19.9 percent and 16.7 percent, respectively, in 1975 and then increased to 28.3 percent and 22.2 percent, respectively, in 1976.

CONTRIBUTED IMPORTANTLY

Total shipments and employment at the Hennepin Works increased in 1976 from 1975. Hot and cold rolled carbon steel sheet and galvanized sheet represented over 95 percent of total shipments. Increased shipments of these products in 1976 were due primarily to increased demand for durable consumer products (automotive and household appliance markets).

Customers of the Hennepin plant who purchase imported galvanized and nongalvanized sheets indicated that imported sheets have not caused them to reduce purchases of these products from the Hennepin plant.

CONCLUSION

After careful review of the facts obtained in the investigation, it is concluded that increases of imports of articles like or directly competitive with hot and cold rolled carbon steel sheet and galvanized sheet produced at the Hennepin, Illinois plant of Jones and Laughlin Steel Corporation did not contribute importantly to the total or partial separations of the workers at such plant.

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

GLORIA S. PRATT,
Director, Office of Foreign Economic Policy.

[FR Doc.77-22179 Filed 8-1-77;8:45 am]

[TA-W-1559]

LEEMAR KNITTING MILLS, INC.

Certification Regarding Eligibilty 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-1559: 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 producing ladies' knit suits at Leemar Knitting Mills, Inc., Long Island City, New York. The petition was expanded to include workers at its affiliate, Marlee Trim, Inc., and its subsidiary, Winmore Knitting Mills, Ltd., both of Long Island City, New York.

The Notice of Investigation was published in the FEDERAL REGISTER on January 28, 1977 (42 FR 5452). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Leemar Knitting Mills, 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.

(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 sudivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all of the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Average total employment of Leemar declined 29 percent from 1974 to 1975 and declined 18 percent from 1975 to 1976.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Leemar's production declined 12 percent from 1974 to 1975 and 16 percent from 1975 to 1976. Total sales declined

22 percent from 1974 to 1975 and 18 percent from 1975 to 1976.

INCREASED IMPORTS

Imports of women's misses' and children's suits, which includes ladies' suits such as those produced at Leemar, increased abolutely in each year from 1972 through 1975. Imports increased 6 percent from 1974 to 1975, and declined less than one percent from 1975 to 1976. The ratios of imports to domestic production and consumption declined from 12.2 percent and 10.9 percent, respectively, in 1975 to 11.6 percent and 10.4 percent, respectively, in 1976. Imports increased 35 percent in the first quarter of 1977 compared to the first quarter of 1976.

CONTRIBUTED IMPORTANTLY

In recent years in the women's apparel industry there has been a style trend away from suits toward the purchase of the individual "mix or match" articles which make up the suit. Consistent with this is that imports of ladies' blouses, skirts, vests, slacks, and clothes all increased in 1976.

Leemar produced ladies' suits exclusively for one customer. That customer was contacted by the Department of Commerce during their investigation regarding adjustment assistance. The customer indicated that a significant decline in sales in 1976 was in large part a result of the adverse impact of imports. This forced the customer to reduce purchases from Leemar.

Leemar produced ladies suits for distribution through retail stores. The Department of Commerce's contact with Leemar's sole customer revealed that these retail stores do purchase imports of the "like or directly competitive" items. Such imports did contribute to the decline in purchases by Leemar's customer and to the decline in sales at Leemar.

Since aggregate imports of like or directly competitive items are being imported into the United States in increased quantities, and on the basis of the finding made by the Department of Commerce, it is reasonable to conclude that imports adversely affected employment and sales at Leemar Knitting Mills, Inc.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with ladies' knit suits produced at the Leemar Knitting Mills, Inc., contributed importantly to the total or partial separation of workers at Leemar and its affiliate and subsidiary. In accordance with the provisions of the Act, I make the following certification:

All workers at Leemar Knitting Mills, Inc., Marlee Trim Inc., and Winmore Knitting Mills, Ltd., Long Island City, New York who became totally or partially separated from employment on or after December 19, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

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

GLORIA G. PRATT,
Director, Office of Foreign Economic Policy.

[FR Doc.77-22180 Filed 8-1-77;8:45 am]

[TA-W-1739]

M & G SPORTSWEAR 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-1739: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on March 3, 1977 in response to a worker petition received on March 3, 1977 which was filed on behalf of workers and former workers producing boy's sportswear and outerwear at the Fall River, Massachusetts plant of M & G Sportswear Company, Inc.

The notice of investigation was published in the FEDERAL REGISTER on March 22, 1977 (42 FR 15477). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of M & G Sportswear Co., Inc., its customers, the Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales, production, or both, of the firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all of the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Average employment of production workers increased 23 percent from 1974 to 1975 and increased 19 percent from 1975 to 1976. Employment declined in the fourth quarter of 1976 compared to the same quarter of 1975. Employment declined 21 percent in the first quarter of 1977 compared to the first quarter of 1976.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

All sales data was adjusted for price increases. Throughout the time period, boy's sportswear was produced and sold in the first and fourth quarters of the year, and outerwear was produced and sold in the second and third quarters. Sales of sportswear and outerwear increased 14.2 percent in value from 1974 to 1975, and increased 15.1 percent from 1975 to 1976. The value of sales increased 0.5 percent in the first quarter of 1977 compared to the first quarter of 1976. Sales declined 15.0 percent in value in the last six months of 1976 compared to the same period of the prior year.

Production data was not available.

INCREASED IMPORTS

Imports of men's and boy's tailored suits increased absolutely and relative to domestic production each year from 1972 to 1976. Imports increased 15 percent in quantity from 1975 to 1976. The ratio of imports to domestic production increased from 18.3 percent in 1975 to 20.0 percent in 1976.

Imports of men's and boy's outer coats and jackets increased absolutely from 1972 to 1973, and declined each year from 1973 to 1975. The quantity of imports increased 10 percent from 1975 to 1976. The ratio of imports to domestic production increased from 28.1 percent in 1975 to 31.3 percent in 1976.

CONTRIBUTED IMPORTANTLY

Sixty percent of the retail customers surveyed during the investigation decreased their purchases of outerwear from M & G and increased their import purchases from 1975 to 1976. Forty percent of the customers surveyed shifted their purchases of sportswear from M & G to imports from 1975 to 1976. M & G began purchasing imported sportswear on a contract basis in 1976. The value of imported sportswear in 1976 was equal to 17 percent of the value of the company's domestically-produced sales. In the first quarter of 1977, the value of imports equalled 15 percent of the company's domestically produced sales.

The company's loss in sales, to which imports were linked, occurred in the third and fourth quarters of 1976. The negative effect of sales on employment was felt in the succeeding quarters, so that employment declines occurred in the fourth quarter of 1976 and in the first quarter of 1977.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with boy's sportwear and outerwear produced at the Fall River, Massachusetts plant of M & G Sportwears Co., Inc. contributed importantly to the total or partial separation of the

workers of the plant. In accordance with the provisions of the Act I make the following certification:

All workers engaged in employment related to the production of boy's sportswear and outerwear at the Fall River, Massachusetts plant of M & G Sportswear Co., Inc. 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 27th day of July 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc.77-22181 Filed 8-1-77;8:45 am]

[TA-W-1697]

PARRA PRINT, 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-1697: 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 22, 1977 in response to a worker petition received on that date which was filed by the Machine Printers and Engravers Association on behalf of former workers printing and finishing fabric at Parra Print, Inc., Passaic, New Jersey.

The notice of investigation was published in the Federal Register on March 11, 1977 (42 FR 13627). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Parra Print, Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all of the criteria have been met for Parra Print, Incorporated.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Employment of production workers at Parra Print, Inc. increased 24 percent from 1974 to 1975. Employment increased 10 percent in the first three quarters of 1976 compared to the like period in 1975, however after peak employment in February 1976 employment decreased steadily until all employees were terminated when the plant closed in August 1976.

SALES, PRODUCTION, OR BOTH, DECREASED ABSOLUTELY

Sales in value of the printing and finishing performed on greige goods by Parra Print, Inc. increased 84 percent from 1974 to 1975, then declined 30 percent in the first three quarters of 1976 compared to the same period in 1975.

Production in quantity (in yards) of the printing and finishing performed on greige goods by Parra Print, Inc. increased 123 percent from 1974 to 1975, then declined 49 percent in the first three quarters of 1976 compared to the same period in 1975. All production ceased in August 1976.

INCREASED IMPORTS

Imports of cotton broadwoven printcloth declined absolutely from 1972 to 1973, increased from 1973 to 1974, declined 10.5 percent from 1974 to 1975 and then increased 55.6 percent from 1975 to 1976. The ratios of imports to domestic production and consumption increased from 13.5 percent and 12.9 percent, respectively, in 1975 to 20.6 percent and 19.8 percent, respectively, in 1976.

Imports of man-made woven printed fabric declined absolutely from 1972 to 1973, increased from 1973 to 1974, declined .8 percent from 1974 to 1975 and then increased 23.5 percent from 1975 to 1976. The ratios of imports to domestic production and consumption remained less than one percent from 1972 through 1976.

CONTRIBUTED IMPORTANTLY

The petition alleges that increased imports of apparel adversely affected production and employment of Parra Print, Incorporated. Converters, who are customers of Parra Print stated that imports of apparel have been a factor in reduced business with Parra Print. Imported wearing apparel cannot be considered to be like or directly competitive with printed fabric. Imports of fabric must be considered in determining import injury to workers producing printed fabric.

Customers of Parra Print, Inc. are converters who buy greige goods and commission Parra Print to finish and print the fabric in accordance with apparel manufacturers' specifications. During the course of the investigation it was established that converters, in general, do not import printed or finished fabric. The Department's survey of apparel manufacturers, who are customers of the converters, revealed that manufacturers are importing printed or finished fabric for use in the production of men's and women's wearing apparel. The converters reported a growing trend towards manufacturers bypassing converters and purchasing finished fabric offshore or purchasing the imported finished fabric domestically, through foreign trading companies.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with fabric printed and finished at Parra Print, Incorporated, Passaic, New Jersey contributed importantly to the total or partial separation of the workers of that plant. In accordance with the provisions of the Act, I make the following certification:

All workers at Parra Print, Incorporated, Passaic, New Jersey who became totally or partially separated from employment on or after February 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 27th day of July 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc.77-22182 Filed 8-1-77;8:45 am]

[TA-W-1916]

SWEPCO TUBE CORP.

Certification Regarding Eligibilty 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-1916: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on March 28, 1977, in response to a worker petition received on March 24, 1977, which was filed by the International Union of Electrical, Radio, and Machine Workers on behalf of workers and former workers producing stainless steel pipe at the Swepco Tube Corp. Clifton, N.J.

The notice of investigation was published in the FEDERAL REGISTER on April 12, 1977 (42 FR 19178). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Swepco Tube Corp., it customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all four of the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Employment at the Swepco Tube Corp. declined 22 percent in 1976 compared to 1975 and declined 8 percent in the first quarter of 1977 compared to the first quarter of 1976.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Production at the Swepco Tube Corp. declined 48 percent in 1976 compared to 1975 and declined 11 percent in the first quarter of 1977 compared to the first quarter of 1976.

INCREASED IMPORTS

Imports of stainless steel pipe and tubing increased relative to domestic shipments from 56.1 percent in 1975 to 92.2 percent in 1976. In the first quarter of 1977, imports as a percentage of shipments declined to 85.3 percent from 96.2 percent in the first quarter of 1976.

Imports of stainless steel pipe and tubing increased from 23.8 thousand tons in 1975 to 28.3 thousand tons in 1976. Imports declined from 7.5 thousand tons in the first quarter of 1976 to 6.4 thousand tons in the first quarter of 1977.

CONTRIBUTED IMPORTANTLY

Customers of the Swepco Tube Corp. indicated that they reduced purchases from Swepco because their own customers began purchasing stainless steel pipe directly from foreign sources.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with stainless steel pipe produced by the Swepco Tube Corp., Clifton, N.J., contributed importantly to the total or partial separation of the workers of that firm. In accordance with the provisions of the Trade Act of 1974, I make the following certification:

All workers of the Swepco Tube Corp., Clifton, N.J., who became or become totally or partially separated from employment on or after March 23, 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 July 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc.77-22183 Filed 8-1-77;8:45 am]

[TA-W-1768]

UNITED TECHNOLOGIES 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-1768: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on March 7, 1977, in response to a worker petition received on March 3, 1977, which was filed by the International Association of Machinists and Aerospace Workers on behalf of workers and former workers producing aircraft engine parts at the Southington, Conn. plant of the Pratt & Whitney Aircraft Division of United Technologies Corp.

The notice of investigation was published in the FEDERAL REGISTER on March 25, 1977 (42 FR 16200). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of United Technologies Corp. and the International Association of Machinists and Aerospace Workers.

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 (1) has not been met.

The Southington, Conn. plant of Pratt & Whitney Aircraft produces aircraft engine parts.

Evidence developed in the Department's investigation revealed that no involuntary separations of production workers occurred from February 28, 1976, one year prior to the signature date of the petition, to the present.

Company officials do not anticipate any layoffs at the plant.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that a significant number or proportion of the workers at the Southington, Conn. plant of the Pratt & Whitney Aircraft Division of United Technologies Corp. have not become totally or partially separated as required in Section 222 of the Trade Act of 1974.

Signed at Washington, D.C., this 15th day of July 1977.

BRIAN TURNER,
Executive Assistant to the Deputy Under Secretary for International Affairs.

[FR Doc.77-22184 Filed 8-1-77;8:45 am]

[TA-W-1769]

UNITED TECHNOLOGIES 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-1769: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on March 7, 1977, in response to a worker petition received on March 3, 1977, which was filed by the International Association of Machinists and Aerospace Workers on behalf of workers and former workers producing aircraft engine parts at the North Haven, Conn. plant of the Pratt & Whitney Aircraft Division of United Technologies Corp.

The notice of investigation was published in the FEDERAL REGISTER on March 25, 1977 (42 FR 16200). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of United Technologies Corp. and the International Association of Machinists and Aerospace Workers.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the worker's firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any other criteria have been met, criterion (1) has not been met.

The North Haven, Conn. plant of Pratt & Whitney Aircraft produces aircraft engine parts.

Evidence developed in the Department's investigation revealed that no involuntary separations of production workers occurred from February 28, 1976, one year prior to the signature date of the petition, to the present.

Company officials do not anticipate any layoffs at the plant.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that a significant number or proportion of the workers at the North Haven, Conn. plant of the Pratt & Whitney Aircraft Division of United Technologies Corp. have not become totally or partially separated as required in Section 222 of the Trade Act of 1974.

Signed at Washington, D.C., this 15th day of July 1977.

BRIAN TURNER,
Executive Assistant to the Deputy Under Secretary for International Affairs.

[FR Doc.77-22185 Filed 8-1-77;8:45 am]

[TA-W-1770]

UNITED TECHNOLOGIES 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-1770: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on March 7, 1977 in response to a worker petition received on March 3, 1977 which was filed by the International Association of Machinists and Aerospace Workers on behalf of workers and former workers producing aircraft engines at the East Hartford, Connecticut plant of the Pratt & Whitney Aircraft Division of United Technologies Corporation.

The Notice of Investigation was published in the FEDERAL REGISTER on March 25, 1977 (42 FR 16200). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Untied Technologies Corporation and the International Association of Machinists and Aerospace Workers.

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 criterion four (4) has not been met.

The East Hartford, Connecticut plant of Pratt & Whitney Aircraft produces aircraft engine parts.

All layoffs that occurred during 1976 involved workers in the experimental division. The experimental division performs research and development activities and as such produces no specific product. All layoffs in the experimental division resulted from a shift in certain research activities from the East Hartford plant to another company facility in East Palm Beach, Florida.

Company officials do not anticipate any other layoffs at the plant.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increased imports of aircraft engines did not contribute importantly to the separations or threat thereof, or to a decrease in sales or production at the East Hartford, Connecticut plant of the Pratt & Whitney Aircraft Division of United Technologies Corporation as required in Section 222 of the Trade Act of 1974.

Signed at Washington, D.C. this 15th day of July 1977.

BRIAN TURNER,
Executive Assistant to the Deputy Under Secretary for International Affairs.

[FR Doc.77-22186 Filed 8-1-77;8:45 am]

[TA-W-1362]

VOGT MACHINE 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-1362: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on December 1, 1976 in response to a worker petition received on December 1, 1976, which was filed by the United Steelworkers of America on behalf of workers and former workers producing valves and fittings at the Louisville, Kentucky plant of Vogt Machine Company.

The Notice of Investigation was published in the FEDERAL REGISTER on January 4, 1977 (42 FR 904). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Vogt Machine Company and the United Steelworkers of America.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any of the other criteria have been met, criterion (1) has not been met.

Vogt Machine Company produces steel valves and fittings, steam boilers, heat exchangers and ice making machines. The Company has one plant located in Louisville, Kentucky.

Pursuant to the requirements of 29 CFR 90.2 total separations must be the equivalent to a total unemployment of five percent or 50 workers, whichever is less. Evidence developed in the Department's investigation revealed that the total separations which occurred during the period of possible coverage amounted to less than five percent of the workforce employed at the Vogt Machine Company. The total number of workers experiencing separations during the period November 1, 1975, one year prior to the signature date of the petition, to the present was less than 50 workers. There is no indication that current workers are threatened with any involuntary separations.

Pursuant to the requirements of 29 CFR 90.2, "partial separation" means, that the worker's hours of work have been reduced to 80 percent or less of the worker's average weekly hours at the firm or appropriate subdivision thereof. Evidence developed in the Department's investigation revealed that the worker's average weekly hours of work increased 1 percent in 1975 compared to 1974. The average weekly hours of work declined 3 percent in 1976 compared to 1975.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that a significant number or proportion of the workers at the Louisville, Kentucky plant of the Vogt Machine Company have not become or threatened to become totally or partially separated as required for certification in Section 222 of the Trade Act of 1974.

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

GLORIA S. PRATT,
Director, Office of Foreign Economic Policy.

[FR Doc.77-22187 Filed 8-1-77;8:45 am]

[TA-W-1557]

WILLOFORM MANUFACTURING COMPANY, 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-1557: 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 that date which was filed by the International Ladies' Garment Workers Union on behalf of workers and former workers producing brassieres and girdles at Willoform Manufacturing Company, Inc., New York.

The notice of investigation was published in the FEDERAL REGISTER on January 25, 1977 (42 FR 4563). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Willoform 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 met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any of the other criteria have been met, criterion (1) has not been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Annual average employment of production workers declined 2.2 percent in 1975 compared to 1974 but increased 3.7 percent in 1976 compared to 1975. There is no indication that current workers are threatened with any involuntary separations.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that a significant number or proportion of the workers at the Willoform Manufacturing Company, Inc., New York, New York have not become totally or partially separated as required in Section 222 of the Trade Act of 1974.

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

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc. 77-22188 Filed 8-1-77; 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 July 27, 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, 202-395-4524 or from the reviewer listed.

NEW FORMS

SMALL BUSINESS ADMINISTRATION

Sample Survey of Small Business Administration Business, loan borrowers, single time, small business firms in the United States, economics and general government division, Lowry, R. L., 395-3451.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Center for Education Statistics, tives in postsecondary education, Kathy Surveys, NCES 2405, on occasion, 57 executives in postsecondary education, Kathy Wallman, 395-6140.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Community Planning and Development, Research design for H2606 (assessment of the urban county role in CDBG), single time, key individuals in 77 CDBG designated urban counties, housing, veterans and labor division, Larry Haber, 395-3532.

NEW FORMS

DEPARTMENT OF LABOR

Employment and Training Administration:
Effects of Selected Manpower Services on Migrant and Other Seasonal Farmworkers, MT-1063A, single time, former participants in special farmworkers program under CETA, housing, veterans and labor division, C. Louis Kincannon, 395-3532.
National Program for Selected Population Segments Study, MT-282, single time, participants in special Department of Labor top tra;ning programs, housing, veterans and labor division, Strasser, A., 395-3532.

REVISIONS

VETERANS ADMINISTRATION

Request for Determination of Reasonable Value (Real Estate), 26-1805, on occasion, lenders, Warren Topelius, 395-5872.

EXTENSIONS

DEPARTMENT OF COMMERCE

Bureau of Census:
Sulfuric Acid—Monthly Report on Production and Stocks, M28B, monthly, chemical procedures, C. Louis Kincannon, 395-3211.
Survey of Government Employment, E-1 through 7, LR-1 through 3, annually, State and local governments, Strasser, A., 395-5867.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.77-22273 Filed 8-1-77;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 18-3; Release No. 5846]

ARTHUR ANDERSEN & CO. PARTNERS' PROFIT SHARING PLAN AND ARTHUR ANDERSEN & CO. PARTNERS' PROFIT SHARING TRUST

Filing of Application

JULY 27, 1977.

Notice is hereby given that Arthur Andersen & Co., 69 West Washington Street, Chicago, Ill. 60602, a public accounting firm organized as a partnership under the laws of Illinois, ("Applicant") has, by letters dated April 4 and April 29, 1977, applied for an exemption from the registration requirements of the Securities Act of 1933 (the "Act") for participations or interests issued in connection with the Arthur Andersen Profit Sharing Plan and Arthur Andersen Profit Sharing Trust (the "Plan"). All interested persons are referred to those documents, which are on file with the Commission, for the facts and representations contained therein, which are summarized below.

I. *Introduction.*—Applicant's Plan is for the exclusive benefit of its 728 partners and 76 participating principals. A partner or participating principal is a self-employed member of the firm who has generally been associated with the firm for at least ten years. The Plan provides for Applicant to make both discretionary and non-discretionary firm contributions on behalf of participants. Par-

ticipants may also make voluntary personal contributions to the Plan. The Plan is of the type commonly referred to as a "Keogh" plan, which covers persons (in this case Applicant's partners and participating principals) who are employees within the meaning of section 401(c)(1) of the Internal Revenue Code of 1954 (the "Code"), and, therefore, is excepted from the exemption provided by Section 3(a)(2) of the Act for interests or participations in certain employee benefit plans of corporate employers. Section 3(a)(2) of the Act provides, however, "the Commission, by rules and regulations or order, shall exempt from the provisions of section 5 of the Act any interest or participation issued in connection with a stock bonus, pension, profit-sharing or annuity plan which covers employees some or all of whom are employees within the meaning of section 401(c)(1) of the Code, if and to the extent that the Commission determines this to be necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act."

II. *Description and Administration of the Plan.*—The Plan has been maintained since 1969 as a profit-sharing plan qualified under section 401 of the Code. In connection with certain changes which recently have been incorporated in the Plan, Applicant has applied to the Internal Revenue Service (the "IRS") for a determination that the Plan as modified will continue to be qualified under section 401. Applicant requests that the Commission assume that the IRS will rule favorably as to the Plan.

Applicant contributes to the Plan on behalf of the covered employees based on a percentage of their compensation. In addition, an active participant may contribute up to 10% of the participant's compensation (limited to $100,000) received while a participant, subject to certain limitations under section 415 of the Code.

Funds held by the Plan are allocated between three investment funds, as determined by Applicant. Although a participant has an undivided interest in the three investment funds, a participant has no discretion as to the proportion of his assets to be invested in each of such funds. A fourth investment fund, a fixed income fund, became available on July 1, 1977, for participants who are 55 years of age or over. At age 55 a participant will be able to elect to have all or a portion of the account allocated to the fixed income fund.

The trustees have the power to appoint and to remove investment managers with respect to Plan assets.

Applicant exercises substantial administrative responsibilities in connection with the Plan. Applicant has employed independent experts to provide investment advisory and other services to the Plan. In addition, Applicant has retained full power to amend the Plan, subject to restraints imposed by the Code and ERISA and to the condition that no amendment enlarge the trustees' liabilities without the trustees' consent.

Although the Plan is subject to portions of ERISA which establish fiduciary responsibilities, it is not subject to ERISA's reporting and disclosure provisions. Applicant has undertaken to furnish participants with various information about the Plan and its investments including copies of the Plan and any amendments thereto, as well as other descriptive materials relating to various features of the Plan. Other basic documents under which the Plan is operated, and amendments thereto, will be made available for review by any participant of the Plan upon request. Applicant will furnish participants with annual statements reflecting the benefits accrued for each participant and annual financial statements of the Trust. Applicant will also furnish participants with summaries of interim reports which it receives concerning the Plan's investments and, upon request, with copies of the interim reports themselves. In addition, the Plan will be audited annually by an independent auditor.

III. *Applicant's Arguments.*—Applicant contends that if Applicant was a corporation, rather than a partnership, interests or participations issued in connection with the Plan would be exempt from registration under section 3(a)(2) of the Act. Applicant further contends that the Plan is not a master or prototype plan marketed to the public by a sponsoring financial institution and that Plan assets are not commingled in collective investment media with the assets of the plans of other employers. Applicant argues, therefore, that the unincorporated status of Applicant does not provide sufficient justification, under all the circumstances, for subjecting such interests and participations to the registration requirements of the Act.

Applicant concludes that under the circumstances granting the requested exemptive order would be appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than August 22, 1977, at 5:30 p.m. submit to the Commission in writing a request for a hearing on the application, accompanied by a statement of the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed to: George A. Fitzsimmons, Secretary, Securities & Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon McDermott, Will & Emery, 111 West Monroe Street, Chicago, Ill. 60631, Attn: William J. Quinlan, Jr., Esq. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request.

An order disposing of the matter will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

Dated: July 27, 1977.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-22120 Filed 8-1-77;8:45 am]

SMALL BUSINESS ADMINISTRATION

[Proposed License No. 02/02-0333]

BBS EQUITIES LTD.

Application for a License To Operate as a Small Business Investment Company

Notice is hereby given that an application has been filed with the Small Business Administration (SBA) pursuant to Section 107.102 of the Regulations governing small business investment companies (13 C.F.R. 107.102 (1977)) under the name of BBS Equities Ltd., Gateway One, Suite 2400, Newark, New Jersey 07102, for a license to operate as a small business investment company under the provisions of the Small Business Investment Act of 1958, as amended (the Act), and the Rules and Regulations promulgated thereunder.

The proposed officers, directors and shareholders are as follows:

Robert L. Bevill, President, Director, 22 Kings Hill Court, Summit, New Jersey 07901.

Gilbert C. Schulman, Executive Vice President, Director, R.D. No. 1, Box 524, Montague, New Jersey 12771.

William F. Greenley, Jr., Vice President, Secretary-Treasurer, Director, 1 Scenic Drive, Highlands, New Jersey 07732.

E. M. Charlet, Manager/Director, 76 New England Avenue, Apartment 23, Summit, New Jersey 07901.

W. A. Bruce, Manager/Director, 6615 Goodwood Avenue, Baton Rouge, Louisiana 70806.

Bobbie R. Bankston, Assistant Secretary-Treasurer, 2355 Woodland Ridge Boulevard, Baton Rouge, Louisiana 70816.

There is one class of stock, common stock, authorized in the amount of 2,500 shares having no par value. The initial 526 shares to be issued will be held by:

Bevill, Bresler & Schulman Investment Company—95.06%.

Venturtech, Inc.—4.94%.

Bevill, Bresler & Schulman Investment Company, Gateway One, Suite 2400, Newark, New Jersey 07102, was incorporated in July 1977, as a holding company for the proposed Applicant Licensee. This holding company is owned by the following individuals:

Robert L. Bevill—30%.

Gilbert C. Schulman—25%.

William F. Greenley, Jr.—3.5%.

Alan L. Bresler, 549 Lynn Street, Ridgewood, New Jersey 07450—25%.

Andrew D. Ledbetter, 201 Vanderpool, Houston, Texas 77063—15%.
John D. Rooney, 1688 East Drive, Point Pleasant, New Jersey 08742—1.5%.

Venturtech, Inc., was incorporated in February of 1973, as a holding company for Venturtech Capital, Inc., a Federally licensed small business investment company (SBIC) located at Suite 706, Republic Tower, 5700 Florida Boulevard, Baton Rouge, Louisiana 70806. SBA issued license certificate No. 06/06-0163 to this company on May 31, 1973. There are approximately 20 shareholders of Venturtech, Inc., including Mr. E. M. Charlet and Dr. W. A. Bruce. Messrs. Charlet and Bruce are also the principal officers of Venturtech Capital, Inc.

The Applicant proposes to commence operations with a capitalization of $500,-200. Applicant proposes to conduct its operations in the State of New Jersey and in other areas within the United States of America and its territories and possessions as may from time to time be approved by SBA as its operating territory. A brnach office will be located in Baton Rouge, Louisiana, within the offices of Venturtech Capital, Inc. The Applicant will engage primarily, but not exclusively, in equity investments in companies operating in the high technology field.

Venturtech Capital, Inc., will manage the day to day operations of the Applicant under a written contract pursuant to the provisions of section 107.809 of the SBA rules and regulations. Therefore, in accordance with the provisions of section 107.101(a) of the regulations, Venturtech Capital, Inc., is deemed to be an officer of the Applicant. Also, Venturtech Capital, Inc., would be an associate of the Applicant as defined by section 107.3(a) of the regulations.

It is also proposed that the Applicant will provide management services to small business concerns upon the request of such concerns. These services will be provided through its manager/advisor, Venturtech Capital, Inc. In some instances, a fee will be charged to the small concern for these services. This proposed activity is subject to the provisions of section 107.601 of the regulations. Where an Associate of an SBIC provides management services, advisory only or technical in nature, to a small concern being financed by the SBIC, such services shall be performed pursuant to a written contract, and the contract shall be approved annually in advance by the board of directors or the principals of the small concern and by SBA.

Matters involved in SBA's consideration of the application include the general business reputation and character of the management, and the probability of successful operations of the new company in accordance with the Act and Regulations.

Notice is further given that any interested person may, not later than (fifteen days from the date of publication of this notice), submit to SBA, in writing, relevant comments on the proposed licensing of this company. Any such communications should be addressed to: Associate Administrator for Finance and Investment, Small Business Administration, 1441 "L" Street NW., Washington, D.C. 20416.

A copy of this notice shall be published by the proposed Licensee in a newspaper of general circulation in Newark, New Jersey, and Baton Rouge, Louisiana.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies.)

Dated: July 25, 1977.

PETER F. MCNEISH,
Deputy Associate Administrator for Investment.

[FR Doc.77-22114 Filed 8-1-77;8:45 am]

[Declaration of Disaster Loan Area No. 1349]

PENNSYLVANIA

Declaration of Disaster Loan Area

As a result of the President's declaration of July 21, 1977, and Federal Disaster Assistance Administration's designation of Bedford, Cambria, Clearfield, Indiana, Jefferson, Somerest and Westmoreland Counties within the State of Pennsylvania, I find that these counties constitute a disaster area because of damage resulting from severe storms and flooding beginning about July 19, 1977. The Small Business Administration will accept applications for disaster relief loans from disaster victims within the above-named counties, and adjacent counties within the State of Pennsylvania.

Eligible persons, firms, and organizations may file applications for loans for physical damage until the close of business on September 19, 1977, and for economic injury until the close of business on April 21, 1978, at:

Small Business Administration, Disaster Office, East Lobby—Suite 400, One Bala Cynwyd Plaza, 231 St. Asapha Road, Bala Cynwyd, Pennsylvania 19004.
Small Business Administration, Disaster Office, 1000 Liberty Avenue, Pittsburgh, Pennsylvania 15222.

or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: July 22, 1977.

RICHARD HERNANDEZ,
Acting Administrator.

[FR Doc.77-22112 Filed 8-1-77;8:45 am]

[Amdt. 1]

MICHIGAN

Declaration of Disaster Loan Area

The incidence date for physical damage to wells from drought is extended to cover the period from March 14, 1977 to July 11, 1977. Therefore, the above numbered Declaration (see 42 FR 17930) is amended to extend the filing date for physical damage from May 26, 1977, until the close of business October 14, 1977, and for economic injury from December 27, 1977, until the close of business on April 14, 1978.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: July 22, 1977.

RICHARD HERNANDEZ,
Acting Administrator.

[FR Doc.77-22111 Filed 8-1-77;8:45 am]

[Proposed License No. 09/09-0195]

SAN JOSE CAPITAL CORP.

Application for a License to Operate as a Small Business Investment Company

Notice is hereby given of the filing of an application with the Small Business Administration (SBA) pursuant to Section 107.102 of the SBA Regulations (13 CFR 107.102 (1977)) by San Jose Capital Company, 100 Park Center Plaza, San Jose, California 95113, for a license to operate as a small business investment company (SBIC) under the provisions of the Small Business Investment Act of 1958 (Act), as amended (15 U.S.C. 661 et seq.).

The proposed officers, directors and principal stockholders are:

H. Bruce Furchtenicht, President, Director, 18510 Decatur Rd., Monte Sereno, Ca. 95030—12.4%.
Sydney Resnick, Vice President, Secretary and Director, 1690 Cabana Drive, San Jose, Ca. 95125—3%.
John Arrol, Chairman, Director, 2326 Royal Oaks Drive, Alamo, Ca. 94507—15.4%.
Sydney Burk Hardts, Director, 19020 Raleigh Place, Saratoga, Ca. 95070—15.4%.
Daniel Hochman, Director, 14157 Squirrel Hollow Lane, Saratoga, Ca. 95070—15.4%.

Resnick and Furchtenicht, Inc., 100 Park Center Plaza, San Jose, California 95113, a licensed Investment Advisor, will act as general manager of the SBIC. Messrs. Furchtenicht and Resnick are officers, directors and controlling shareholders of the proposed manager.

The SBIC will begin operations with an initial capitalization of $325,000. No concentration in any particular Industry is planned. The applicant intends to make invetments in small business concerns, with growth potential, located primarily within the State of California.

Matters involved in SBA's consideration of the application, in view of the particular circumstances involved, include (1) the general business reputation and character of the proposed owners and management, (2) the reasonable prospects for successful operation of the new SBIC under such management (including adequate profitability and financial soundness, in accordance with the Act and Regulations), and (3) whether the proposed licensing action would be in furtherance of the purposes of the Act.

Notice is hereby given that any person may not later than August 17, 1977, submit to SBA in writing comments on the proposed SBIC to: Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416.

A copy of this notice will be published in a newspaper of general circulation in San Jose, California.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies.)

Dated: July 26, 1977.

PETER F. MCNEISH,
Deputy Associate Administrator for Investment.

[FR Doc.77-22113 Filed 8-1-77;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 449]

ASSIGNMENT OF HEARINGS

JULY 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 113047 (Sub-No. 10), Buanno Transportation Co., Inc., now being assigned November 16, 1977 (3 days), at Albany, N.Y., in a hearing room to be later designated.

MC 134872 (Sub-No. 10), Gosselin Express Ltd., now being assigned November 14, 1977 (2 days), at Albany, N.Y., in a hearing room to be later designated.

MC 117427 (Sub-No. 75), G. C. Parsons Trucking Co., now being assigned November 9, 1977 (3 days), at Boston, Mass., in a hearing room to be later designated.

MC 133679 (Sub-No. 117), Overland Express, Inc., now being assigned November 14, 1977 (1 day), at Boston, Mass., in a hearing room to be later designated.

MC 134035 (Sub-No. 18), Douglas Trucking Co., now being assigned October 17, 1977 (1 day), for hearing in Dallas, Tex., in a hearing room to be later designated.

MC 119988 (Sub-No. 108), Great Western Trucking Co., Inc., now being assigned October 18, 1977 (1 day), for hearing in Dallas, Tex., in a hearing room to be later designated.

MC 126421 (Sub-No. 7), Gypsum Transport, Inc., now being assigned October 19, 1977 (1 day), for hearing in Dallas, Tex., in a hearing room to be later designated.

MC 83835 (Sub-No. 140), Wales Transportation, Inc., now being assigned October 20, 1977 (1 day), for hearing in Dallas, Tex., in a hearing room to be later designated.

MC 128273 (Sub-No. 253), Midwestern Distribution, Inc., now being assigned October 21, 1977 (1 day), for hearing in Dallas, Tex., in a hearing room to be later designated.

MC 115322 (Sub-No. 126), Redwing Refrigerated, Inc., now assigned September 21, 1977, at New York, N.Y. is canceled and application dismissed.

MC 143050, C&M Express, Inc., now being assigned October 18, 1977 (3 days), at Baltimore, Md., in a hearing room to be later designated.

MC 139495 (Sub-No. 232), National Carriers, Inc., now being assigned November 1, 1977 (1 day), for hearing in New Orleans, La., in a hearing room to be later designated.

MC 126844 (Sub-No. 36), R.D.S. Trucking Co., now being assigned November 2, 1977 (1 day), for hearing in New Orleans, La., in a hearing room to be later designated.

MC 107515 (Sub-No. 1056), Refrigerated Transport Co., Inc., now being assigned November 2, 1977 (1 day), for hearing in New Orleans, La., in a hearing room to be later designated.

MC 115311 (Sub-No. 214) J&M Transportation Co., Inc., now being assigned November 3, 1977 (2 days), for a hearing in New Orleans, La., in a hearing room to be later designated.

MC 123048 (Sub-No. 352), Diamond Transportation System, Inc., now being assigned November 7, 1977 (1 week), for hearing in New Orleans, La., in a hearing room to be later designated.

MC 71459 (Sub-No. 55), O.N.C. Freight Systems, now being assigned October 3, 1977 (1 week), for continued hearings at Denver, Colo., in a hearing room to be later designated.

MC 120626 (Sub-No. 3), Law Farms & Cattle Co., d.b.a. Law Motor Lines, now being assigned September 28, 1977 (3 days), at Denver, Colo., in a hearing room to be later designated.

MC 58035 (Sub-No. 13), Trans-Western Express, Ltd., now being assigned September 26, 1977 (2 days), at Denver, Colo., in a hearing room to be later designated.

MC 143109, Associated Diesel Service, Inc., now being assigned September 22, 1977 (2 days), at Denver, Colo., in a hearing room to be later designated.

MC 138018 (Sub-No. 33), Refrigerated Foods, Inc., now being assigned September 20, 1977 (2 days), at Denver, Colo., in a hearing room to be later designated.

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

[FR Doc.77-22197 Filed 8-1-77;8:45 am]

[Notice No. 94]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JULY 28, 1977.

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 3252 (Sub-No. 96 TA), filed July 12, 1977. Applicant: MERRILL TRANSPORT CO., 1037 Forest Avenue, Portland, Maine 04103. Applicant's representative: Francis E. Barrett, Jr., 10 Industrial Park Road, Hingham, Mass. 02043. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Muriatic acid*, in bulk, in rubber lined vehicles, from Orrington, Maine to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): IMC Chemical Group, Inc. 1401 So. Third Street, P.O. Box 207, Terre Haute, Ind. 47808. Send protests to: Donald G. Weiler, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 307, 76 Pearl Street, Portland, Maine 04111.

No. MC 73165 (Sub-No. 411 TA), filed July 12, 1977. Applicant: EAGLE MOTOR LINES, INC., 830 North 33rd Street, Birmingham, Ala. 35202. Applicant's representative: John W. Cooper, 200 Woodward Building, 1927 First Avenue, North Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board*, from the facilities of United States Gypsum Co., located at or near Greenville, Miss., to points in Illinois, Indiana, Ohio, Pennsylvania, Maryland, Delaware, New York and New Jersey for 180 days. Supporting shipper(s): United States Gypsum Co., 101 South Wacker Drive, Chicago, Ill. 60606. Send protests to: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 1616, 2121 Building, Birmingham, Ala. 35203.

No. MC 78228 (Sub-No. 64 TA), filed July 14, 1977. Applicant: J. MILLER EXPRESS, INC., 962 Greentree Road, Pittsburgh, Pa. 15220. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, in dump vehicles, from Clarksburg, W. Va., to Catlettsburg, Ky., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Calgon Corporation, P.O. Box 1346, Pittsburgh, Pa.

15230. Send protests to: John J. England District Supervisor, Interstate Commerce Commission, 2111 Federal Bldg., 1000 Liberty Avenue, Pittsburgh, Pa. 15222.

No. MC 94350 (Sub-No. 398 TA), filed July 12, 1977. Applicant: TRANSIT HOMES, INC., P.O. Box 1628, Haywood Road at Transit Drive, Greenville, S.C. 29602. Applicant's representative: Mitchell King, Jr., P.O. Box 1628, Greenville, S.C. 29602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Single-wide and double-wide mobile homes*, in initial movements, from Shenandoah County, Va., to points in Delaware, Kentucky, Maryland, New Jersey, North Carolina, Pennsylvania, Tennessee, and West Virginia for 180 days. Supporting shipper(s): Concord Homes, P.O. Box 465, Mt. Jackson, Va. 22842. Send protests to: E. E. Strotheid District Supervisor, Interstate Commerce Commission, Room 302, 1400 Building, 1400 Pickens St., Columbia, S.C. 29201.

No. MC 100666 (Sub-No. 356TA), filed July 11, 1977. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, 1129 Grimmett Drive, Shreveport, La. 71107. Applicant's representative: Wilburn L. Williamson, Telephone No. 405–946–1418, 280 National Foundation Life Bldg., 3535 N.W. 58th Street, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Plastic pipe*, from the facilities utilized by Robintech Incorporated at or Sylvania, Ohio, to points in Kentucky and Tennessee, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Robintech Incorporated, P.O. Box 2342, Fort Worth, Tex. 76101. Send protests to: District Supervisor Ray C. Armstrong, Jr., 701 Loyola Avenue, 9038 Federal Bldg., New Orleans, La. 70113.

No. MC 105607 (Sub-No. 10TA), filed July 13, 1977. Applicant: TWIN HAULAGE CO., A Corporation, 401 Commerce Road, Linden, N.J. 07036. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn products and blends thereof, fish oil and vegetable oil*, in bulk, in tank vehicles, from the facilities of Archer Daniels Midland Company, N.J., to points in Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, Delaware, Maryland, Virginia and Washington, D.C., for 180 days. Supporting shipper(s): Archer Daniels Midland, P.O. Box 1470, 4666 Faries Parkway, Decatur, Ill. 62525. Send protests to: Robert E. Johnson, District Supervisor, Interstate Commerce Commission, 9 Clinton Street, Newark, N.J. 07102.

No. MC 105733 (Sub-No. 60 TA), filed July 8, 1977. Applicant: H. R. RITTER TRUCKING CO., INC., 928 East Hazelwood Avenue, Rahway, N.J. 07065. Applicant's representative: Andrew R. Jeltes, P.O. Box 1064–A, Rahway, N.J. 07065. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn products and blends thereof, fish oil, vegetable oil*, in bulk, in tank vehicles, from the facilities of Archer Daniels Midland Co. at Bayway, N.J., to points in Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, Delaware, Maryland, Virginia and Washington, D.C., for 180 days. Supporting shipper(s): Archer Daniel Midland Co., 4666 Faries Parkway, Decatur, Ill. 62525. Send protests to: Robert E. Johnston, District Supervisor, Interstate Commerce Commission, 9 Clinton Street, Newark, N.J. 07102.

No. MC 107002 (Sub-No. 510TA), filed July 13, 1977. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123 (U.S. Highway 80 West), Jackson, Miss. 39205. Applicant's representative: Edward M. Regan, P.O. Box 1123, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from Memphis, Tenn., to points in Illinois, Indiana, Ohio and Virginia, for 180 days. Supporting shipper(s): Sun Oil Co. of Pennsylvania, P.O. Box 2039, Tulsa, Okla. 74102. Send protests to: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Room 212, 145 East Amite Building, Jackson, Miss. 39201.

No. MC 107002 (Sub-No. 511TA), filed July 15, 1977. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, U.S. Highway 80 West, Jackson, Miss. 39205. Applicant's representative: John J. Borth, P.O. Box 1123, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Insecticides*, liquid, in bulk, in tank vehicles, from Becker, Miss., to points in South Carolina for 180 days. Supporting shipper(s): United States Steel Corporation, USS Agri-Chemicals Division, 233 Peachtree Street, Atlanta, Ga. 30303. Send protests to: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Room 212, 145 East Amite Building, Jackson, Miss. 39201.

No. MC 107295 (Sub-No. 857TA), filed July 11, 1977. Applicant: PRE-FAB TRANSIT CO., 100 South Main St., Farmer City, Ill. 61842. Applicant's representative: Duane Zehr (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum, gypsum products, and building materials*, from the plant site of the United States Gypsum Co., Southard, Okla., to points in Illinois, Indiana, Kentucky, Michigan, Missouri, Ohio, Tennessee, and Wisconsin, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): R. A. Stoneham, Traffic Manager, U.S. Gypsum Co., 101 S. Wacker Drive, Chicago, Ill. 60606. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, P.O. Box 2418, Springfield, Ill. 67205.

No. MC 113388 (Sub-No. 118TA) (Amendment), filed June 21, 1977, published in the FEDERAL REGISTER issue of July 8, 1977, and republished as amended this issue. Applicant: LESTER C. NEWTON TRUCKING CO., P.O. Box 618, Seaford, Del. 19973. Applicant's representative: Sol H. Proctor, 1101 Blackstone Bldg., Jacksonville, Fla. 32202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen concentrate foods*, from points in Florida to points in Virginia, Delaware, District of Columbia, Maryland, Pennsylvania, New York, New Jersey, Connecticut, Rhode Island, Maine, New Hampshire, Vermont, and Massachusetts, for 180 days. Supporting shippers: There are approximately 5 statements of support attached to the application which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, 814–B Federal Building, Baltimore, Md. 21201. The purpoe of this republication is to amend carrier's commodity description, and there are approximately 5 supporting shippers instead of 4, as was previously published in error.

No. MC 113528 (Sub-No. 32TA), filed July 7, 1977. Applicant: MERCURY FREIGHT LINES, INC., P.O. Box 1247, Mobile, Ala. 36601. Applicant's representative: Joy Stephenson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Fort Worth, Tex., to Montgomery, Attalla, Anniston, Eutaw, and Cottondale, Ala., with no transportation for compensation on return except as otherwise authorized for 180 days. Supporting shipper(s): Allstate Beverage Co., Inc., P.O. Box 1645, Montgomery, Ala. 36102; Euco Beverage Co., 100 South Wilson, Eutaw, Ala. 35462; Quality Beverage Co., 1215 West 10th Street, Anniston, Ala. 36201. Send protests to: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 1616, 2121 Building, Birmingham, Ala. 35203.

No. MC 114457 (Sub-No. 316TA), filed July 15, 1977. Applicant: DART TRANSIT CO., 2102 University Ave., St. Paul, Minn. 55114. Applicant's representative: James C. Hardman, 33 North LaSalle St., Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fibreboard containers and container ends*, from the facilities of The Continental Group, Inc., at or near Ponca City, Okla., to Chicago, Ill., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): The Continental Group, Inc., 5401 West 65th Street, Chicago, Ill. 60638. Send protests

to: Marion L. Cheney, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building and U.S. Courthouse, 110 South 4th Street, Minneapolis, Minn. 55401.

No. MC 114989 (Sub-No. 19TA), filed July 13, 1977. Applicant: KENTUCKY WESTERN TRUCK LINES, INC., P.O. Box 623, Hopkinsville, Ky. 42240. Applicant's representative: Richard D. Gleaves, 631 Stahlman Bldg., Nashville, Tenn. 37201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from Hopkinsville, Ky., and its commercial zone, to Alcoa, Tenn., and its commercial zone, under a continuing contract, or contracts, with Kentucky Western Truck Lines, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): George Draper, Sales Manager, R. C. Owen Co., Lafayette Road, Hopkinsville, Ky. 42240; B. A. Mullican, General Manager, Veach, May, Wilson, Inc., P.O. Box 218, Alcoa, Tenn. 37701. Send protests to: Linda H. Sypher, District Supervisor, Interstate Commerce Commission, 426 Post Office Building, Louisville, Ky. 40202.

No. MC 116763 (Sub-No. 382TA) (Amendment), filed June 7, 1977, published in the FEDERAL REGISTER issue of June 24, 1977, and republished as amended this issue. Applicant: CARL SUBLER TRUCKING, INC., North West St., Versailles, Ohio 45380. Applicant's representative: H. M. Richters (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from the plantsite and warehouse facility of the International Paper Co., at or near Jay and Livermore Falls, Maine, to points in Alabama, Arizona, Arkansas, California, Colorado, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Nevada, New Mexico, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, Utah, Virginia, West Virginia, Wisconsin, the District of Columbia, Harrisburg, Pa., points in that part of Pennsylvania on and west of U.S. Highway 15, and points in New York north of Interstate Highway 84, and points in New York on and west of Interstate Highway 81, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Charles E. McHugh, Manager Motor Carrier/Barge Rates, International Paper Co., Room 300, 220 East 42nd St., New York, N.Y. 10017. Send protests to: Paul J. Lowry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5514-B Federal Building, 550 Main St., Cincinnati, Ohio 45202. The purpose of this republication is to amend the territorial description in this proceeding.

No. MC 117568 (Sub-No. 14TA), filed July 14, 1977. Applicant: KEMPT TRUCK LINE, INC., P.O. Box 156, Verona, Mo. 65769. Applicant's representative: John E. Jandera, 641 Harrison St., Topeka, Kans. 66603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Heating and air conditioning equipment*, from the plantsite and storage facilities of Southwest Manufacturing Co., at or near Aurora, Mo., to High Point, N.C.; Minneapolis, Minn.; and La Crosse, Wis., under a continuing contract, or contracts, with Southwest Manufacturing Division, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Southwest Manufacturing Division, 10 North Elliott, Aurora, Mo. 65605. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, 600 Federal Building, 911 Walnut St., Kansas City, Mo. 64106.

No. MC 117686 (Sub-No. 174TA), filed July 12, 1977. Applicant: HIRSCHBACH MOTOR LINES, INC., 5000 South Lewis Blvd., P.O. Box 417, Sioux City, Iowa 51102. Applicant's representative: Robert A. Wichser (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugar* (except in bulk), from the plantsite and storage facilities utilized by American Crystal Sugar Co., at Crookston, East Grand Forks, and Moorhead, Minn., to Mason City, Iowa, for 180 days. Supporting shipper(s): Richard T. Mozinski, Traffic Manager, American Crystal Sugar Co., 101 North 3d St., Moorhead, Minn. 56560. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th St., Omaha, Nebr. 68102.

No. MC 118089 (Sub-No. 23TA), (Correction) filed May 31, 1977, published in the FEDERAL REGISTER issue of June 22, 1977, and republished as corrected this issue. Applicant: ROBERT HEATH TRUCKING, INC., 2909 Ave. C, P.O. Box 2501, Lubbock, Tex. 79408. Applicant's representative: Charles Kimball, 350 Capitol Life Center, 1600 Sherman St., Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the *Report in Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except frozen foods, hides and commodities in bulk), from the plantsite and storage facilities utilized by Columbia Foods, Inc., at or near Wallula, Wash., to points in Texas, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Iowa Beef Processors, Inc., Dakota City, Nebr. Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Bos H-4395 Herring Plaza, Amarillo, Tex. 79101. The purpose of this republication is to indicate the correct spelling of the applicant's name Robert Heath Trucking, Inc., in lieu of Robert Heat Trucking, Inc., and to spell out the State of Texas, in lieu of the abbreviation.

No. MC 118989 (Sub-No. 160TA), filed June 22, 1977. Applicant: CONTAINER TRANSIT, INC., 5223 S. 9th St., Milwaukee, Wis. 53221. Applicant's representative: Rolland Draves, (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Metal containers and metal container closures*, from Continental Can Company plantsite, Elwood, Ind.; to the commercial zone of Chicago, Ill., as defined by the ICC in Ex Parte MC 37 prior to Sub 36 extension and (2) from Continental Can Co. plantsite, Shorcham, Mich., to Amboy, Berkeley, Bridgeview, Caclineville, Chester, Chicago (Commercial Zone), Evanston, Hoopeston, Litchfield, Milford, Peoria, Springfield, Sycamore-points in Illinois, and Bufton, Bremen, Elwood, Indianapolis, LaPorte, Mount Summit, Plymouth, South Bend, Terre Haute, Valparaiso-points in Indiana, for 180 days. Applicant has filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Continental Can Co., U.S.A. 11550 Mosteller Rd., Sharonville, Ohio 45241. Send protests to: Gail Daugherty, Transportation Asst., Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building and Courthouse, 517 East Wisconsin Ave., Room 619, Milwaukee, Wis. 53202.

No. MC 121496 (Sub-No. 6TA), filed July 14, 1977. Applicant: CANGO CORPORATION, 1100 Milam Bldg., Suite 2900, Houston, Tex. 77002. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street NW., Washington, D.C. 70001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sodium salt solutions*, in bulk, in tank truck vehicles, from the plantsite or Merichem Co. and/or storage facilities of Merichem Co., in Houston, Tex., to all points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, and Oklahoma, for 180 days. Supporting shipper(s): The Merichem Co., 1914 Haden Road, Houston, Tex. 77015. Send protests to: John Mensing, District Supervisor, Interstate Commerce Commission, 8610 Federal Building, 515 Rusk, Houston, Tex. 77002.

No. MC 121664 (Sub-No. 20TA), filed July 7, 1977. Applicant: G. A. HORNADY, CECIL M. HORNADY, and B. C. HORNADY, a partnership, d.b.a. HORNADY BROTHERS TRUCK LINE, P.O. Box 846, Monroeville, Ala. 36460. Applicant's representative: W. E. Grant, 1702 First Avenue, South, Birmingham, Ala. 35233. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, lumber products and plywood*, from Clarke County, Ala., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Ohio, Tennessee, Texas, and Wisconsin, for 180 days. Supporting shipper(s): Scotch Lumber Co., 1 Main Street, Fulton, Ala. 36446. Send protests to: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 1616-2121 Building, Birmingham, Ala. 35203.

No. MC 121794 (Sub-No. 1TA), filed July 14, 1977. Applicant: JAMES WILKETT, d.b.a. WILKETT TRUCKING CO., P.O. Box 209, Stigler, Okla. 74462. Applicant's representative: Rufus H. Lawson, 106 Bixler Bldg., 2400 NW. 23rd Street, Oklahoma City, Okla. 73107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, in open top dump trucks, from points in Haskell, LeFlore, Muskogee, and Pittsburg Counties, Okla., to points in Bosque, Dallas, Johnson and Tarrant Counties, Tex., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): (1) Randall & Blake, Inc., 6000 Old Mill Road, Littleton, Colo. 80120. (2) Kiamichi Coal Co., P.O. Box 601, Quinton, Okla. 74561. Send protests to: Joe Green, District Supervisor, Room 240, Old Post Office Building, 215 Northwest Third Street, Oklahoma City, Okla. 73102.

No. MC 123056 (Sub-No. 5TA), filed July 1, 1977. Applicant: FREDONIA TRUCK LINE, INC., Hwy. 96 and Jackson Street, Fredonia, Kans. 66736. Applicant's representative: Laurel D. McClellan, P.O. Box 478, Fredonia, Kans. 66736. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dehydrated alfalfa pellets*, in bulk, from Fredonia, Kans., to points in Arkansas, Missouri except St. Louis, Mo., Oklahoma, and Texas except Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery and Waller Counties, Tex., under a continuing contract, or contracts, with Fredonia Dehydrating and Milling Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Fredonia Dehydrating and Milling Co., Route 2, Fredonia, Kans. 66736. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 101 Litwin Building, Wichita, Kans. 67202.

No. MC 123407 (Sub-No. 393TA), filed July 13, 1977. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: H. E. Miller, Jr., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Petroleum products and lubricating oils in packages*; and (2) *return of empty containers*, (1) from the plantsite and warehouses of Mobil Oil Corp., located at or near Beaumont, Tex. to points in Arkansas, Louisiana, New Mexico, and Oklahoma; and (2) from Arkansas, Louisiana, New Mexico, and Oklahoma to Port Arthur, Tex., for 180 days. Supporting shipper(s): Mobil Oil Corp., 8350 North Central Expressway, Campbell Centre, 522, Dallas, Tex. 75206. Send protests to: J. H. Gray, District Supervisor, Interstate Commerce Commission, 343 West Wayne Street, Suite 113, Fort Wayne, Ind. 46802.

No. MC 127726 (Sub-No. 5 TA), filed July 7, 1977. Applicant: LEMAN KNIGHT d.b.a., PETE TRUCKING COMPANY, R.F.D. 1, Detroit, Ala. 35552. Applicant's representative: Fred W. Johnson, Jr., 1500 Deposit Guaranty Plaza, Jackson, Miss. 39205. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from Jasper and Double Springs, Ala., to points in Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia and Wisconsin, under a continuing contract, or contracts, with TMA Forest Products, Division of Tennessee River Pulp and Paper Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): TMA Forest Products, Division of Tennessee River Pulp and Paper Co., P.O. Box 2388, Jasper, Ala. 35501. Send protests to: Clifford W. White District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 1616–2121 Building, Birmingham, Ala. 35203.

No. MC 133095 (Sub-No. 167TA), filed July 8, 1977. Applicant: TEXAS CONTINENTAL EXPRESS, INC., P.O. Box 434, 2603 West Euless Blvd., Euless, Tex. 76039. Applicant's representative: Rocky Moore, P.O. Box 434, Euless, Tex. 76039. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by retail stores (except foodstuffs and commodities in bulk), from the facilities of Target Stores, Inc., in the Minneapolis, Minn., commercial zone to points in the commercial zones of Houston and Dallas, Tex.; Tulsa and Oklahoma City, Okla.; Denver and Colorado Springs, Colo., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Target Stores, Inc., Fridley, Minn. Send protests to: Robert J. Kirspel, District Supervisor, Room 9A27, Federal Building, 819 Taylor St., Fort Worth, Tex. 76102.

No. MC 133689 (Sub-No. 137TA), filed July 6, 1977. Applicant: OVERLAND EXPRESS, INC., 719 First St. SW., New Brighton, Minn. 55112. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic houseware articles and plastic carrying cases* (except commodities in bulk), from Fitchburg, Mass., to points in North Dakota, South Dakota, Nebraska, Kansas, Minnesota, Iowa, Missouri, Wisconsin, Illinois, Michigan, Indiana, Ohio, Virginia, North Carolina, South Carolina, and Georgia for 180 days. Supporting shipper(s): Gotham Industries, Division of Plascor, Inc., Crawford St., Fitchburg, Mass. 01420. Send protests to: Marion L. Cheney, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building and U.S. Courthouse, 110 South Fourth St., Minneapolis, Minn. 55401.

No. MC 136343 (Sub-No. 110TA), filed June 22, 1977. Applicant: MILTON TRANSPORTATION, INC., R.D. No. 1, Box 355, Milton, Pa. 17847. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Highway marking strip glass, ballotini*, (2) *materials, equipment, and supplies* used in the manufacture and sale of the foregoing commodities, (3) between the facilities of Potters Industries, Inc., Cleveland, Ohio, on the one hand, and, on the other, points in the States of Illinois, Indiana, Iowa, Kentucky, Maryland, Michigan, Minnesota, Missouri, New Jersey, New York, North Carolina, Pennsylvania, Tennessee, Texas, Virginia, West Virginia, and Wisconsin, (4) between the facilities of Potters Industries, Inc., Carlstadt, N.J.; on the one hand, and, on the other, points in the States of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Potters Industries, Inc., Hasbrouck Heights, N.J. 07604. Send protests to: Charles F. Myers, District Supervisor, Interstate Commerce Commission, 278 Federal Bldg., 228 Walnut St., P.O. Box 869, Harrisburg, Pa. 17108.

No. MC 138741 (Sub-No. 34TA), filed July 8, 1977. Applicant: AMERICAN CENTRAL TRANSPORT, INC., 230 St. Clair Ave., East St. Louis, Mo. 62201. Applicant's representative: Tom B. Kretsinger, 910 Brookfield Bldg., 101 West 11th St., Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing and building materials*, other than iron and steel and iron and steel articles, from the plantsite and shipping facilities of the G.A.F. Corp., at or near Joliet, Ill., to the lower Peninsula of Michigan, restricted to traffic originating at or destined to the above-described territories for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): G.A.F. Corp., George A. Erath, 1361 Rd., Wayne, N.J. 07470. Send protests to: Patricia A. Roscoe, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 South Dearborn St., Room 1386, Chicago, Ill. 60604.

No. MC 141570 (Sub-No. 9TA), filed July 7, 1977. Applicant: ELECTRONICS TRANSPORT, INC., P.O. Box 31103, 3213 8th Ave. North, Birmingham, Ala. 35222. Applicant's representative: M. Craig Massey, P.O. Drawer J Lakeland, Fla. 33802. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Copying machines, and parts, materials, and supplies* used in the manufacture, installation, or sale of such commodities, between Louisville, Ky., and its commercial zone, on the one hand, and, on the

other hand, points in Indiana and Illinois on and south of U.S. Highway 40, under a continuing contract, or contracts, with Xerox Corp., for 180 days. Supporting shipper(s): Xerox Corp., 3000 Des Plaines Ave., Des Plaines, Ill. 60018. Send protests to: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 1616 2121 Building, Birmingham, Ala. 35203.

No. MC 143446TA, filed June 29, 1977. Applicant: GARY L. MCCALLISTER & MONTE A. MCCALLISTER, doing business as MCCALLISTER BROTHERS, a partnership, 113 Mount View Drive, Rock Springs, Wyo. 82901. Applicant's representative: Ward A. White, P.O. Box 568, Cheyenne, Wyo. 82001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bentonite, barite, drilling compounds and completion materials*, in sacks and in bulk (2) *machinery, equipment, materials* and *supplies* used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission and distribution of natural gas and petroleum, their products and by products. Restricted against transportation of complete drilling rigs, between points in Sweetwater, Carbon, Unita, Lincoln, and Teton Counties, Wyoming, on the one hand, and, on the other (1) points in Colorado located west of U.S. Highway 85 and north of Interstate Highway 70, U.S. Highway 6-24 and (2) points in Daggett, Summit, Duchesne, Uintah, Carbon, Weber, Rich, Cache, Toole, Box Elder, and Emory Counties, Utah; and (3) points in Idaho, for 180 days. Supporting shipper: Magcobar Div. of Dresser Ind., Suite 1600, 475 17th St., Denver, Colo. 80202, Land and Marine Rental Co., 1912 Elk St., Rock Springs, Wyo. 82901, SFACO, Inc., P.O. Box 1122, Rock Springs, Wyo. 82901, Drilco Div. of Smith International, Inc., P.O. Box 608, Rock Springs, Wyo. 82901. Send protests to: District Supervisor Paul A. Naughton, Interstate Commerce Commission, Room 105 Federal Bldg and Crt House, 111 South Wolcott, Casper, Wyo. 82601.

No. MC 143456 (Sub-No. 1TA), filed July 15, 1977. Applicant: THEODORE ROSSI TRUCKING CO., INC., 9 South Vine Street, Barre, Vt. 05641. Applicant's representative: James W. Conner, 431 Keith Avenue, Akron, Ohio 44313. Authority sought to operate as a *coontract carrier*, by motor vehicle, over irregular routes, transporting: *Stone, stone working supplies, material and machinery*, between the plantsites and Quarries of Rock of Ages Corp., in Vermont and Swenson Building Granite in Concord, N.H., under a continuing contract, or contracts, with Rock of Ages Corp., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Rock of Ages Corp., Swenson Building Granite, Barre, Vt. 05641. Send protests to: David A. Demers, District Supervisor, Interstate Commerce Commission, P.O. Box 548, 87 State Street, Montpelier, Vt. 05602.

No. MC 143487TA, filed July 11, 1977. Applicant: INLAND VALLEY TRANSPORTATION, INC., 16 W. 9th, P.O. Box 1245, Walla Walla, Wash. 99362. Applicant's representative: M. C. Risser, Registered Practitioner, Suite 501, 1410 SW. Morrison Street, Portland, Oreg. 97205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetables, canned, other than dehydrated, dried, evaporated or frozen*, from plantsites and facilities of Rogers Walla Walla, Inc., Walla Walla, Wash., and Milton-Freewater, Oreg. to Alameda, Contra Costa, Fresno and Los Angeles Counties in California, with no intermediate application, for 180 days. Supporting shipper(s): Rogers Walla Walla, Inc., P.O. Box 998, Walla Walla, Wash. 99362. Send protests to: L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 858 Federal Building, Seattle, Wash. 98174.

No. MC 143488TA, filed June 30, 1977. Applicant: LAUREN L. DYE, an individual, doing business as LAUREN L. DYE & SON TRUCKING, R. R. 1, 10342 S. 400 W., Union Mills, Ind. 46382. Applicant's representative: Bruce R. Bancroft, Esq., 6th Floor, First Bank Building, South Bend, Ind. 46601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Milwaukee, Wis. Peoria, Ill. and Detroit, Mich., to Michigan City and LaPorte, Ind. under a continuing contract or contracts with Voegler Distributing Co., Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Voegler Distributing Co., Inc., 102 L Street, La Porte, Ind. 46350. La-Porte County Beverage Co., Inc., 700 West 6th Street, Michigan City, Ind. 46360. Send protests to: J. H. Gray, District Supervisor, Interstate Commerce Commission, 343 West Wayne Street, Suite 113, Fort Wayne, Ind. 46802.

No. MC 143489TA, filed July 13, 1977. Applicant: R. B. HUMPHREYS, INC., P.O. Box 736, Tibbits Road, New Hartford, N.Y. 13413. Applicant's representative: S. Michael Richards, Raymond A. Richards, 44 North Avenue, P.O. Box 225, Webster, N.Y. 14580. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cotton knit goods*, from New York Mills N.Y., to Arizona City, Ariz., under a continuing contract, or contracts, with Lally Manufacturing Corp., for 180 days. Supporting shipper(s): Lally Manufacturing Corp., 587 Main Street, New York Mills, N.Y. 13417. Send protests to: Morris H. Ross District Supervisor, Interstate Commerce Comission, U. S. Courthouse & Federal Bldg., 100 S. Clinton Street, Room 1259, Syracuse, N.Y. 13202.

By the Commission.

H. G. Homme, Jr.,
Acting Secretary.

[FR Doc.77-22199 Filed 8-1-77;8:45 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 28, 1977.

An application, as summarized below, has been filed requesting relief from the requirements of Section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed on or before August 17, 1977.

FSA No. 43404—*Beet or Can Sugar from Points in Montana, Trans-Continental and WTL Territories*. Filed by Western Trunk Line Committee, Agent, (No. A-2739), for interested rail carriers. Rates on sugar, beet or cane, dry, in bulk, in carloads, as described in the application, from specified points in Montana, trans-continental, and western trunk-line territories, to Kansas City, Mo.-Kans., Skokie, Ill., and Coldspur, Kans.

Grounds for relief—Rate relationship and returned shipments.

Tariffs—Supplements 190 and 192 to Western Trunk Line Committee, Agent, tariff 159-0, I.C.C. No. A-4481, and 4 other schedules named in the application. Rates are published to become effective on August 15, 1977.

FSA No. 43405—*Alcohol from Talla Bena, Louisiana*. Filed by Southwestern Freight Bureau, Agent (No. B-695), for interested rail carriers. Rates on alcohol and related articles, in tank-car loads, as described in the application, from Talla Bena, Louisiana, to points in Illinois, Indiana, Kentucky, Minnesota, North Dakota, and Ohio.

Grounds for relief—Market competition.

Tariff—Supplement 53 to Southwestern Freight Bureau, Agent, tariff 210-M, I.C.C. No. 5245. Rates are published to become effective on August 28, 1977.

AGGREGATE-OF-INTERMEDIATES

FSA No. 43406—*Methanol (Methyl Alcohol) from Talla Bena, Louisiana*. Filed by Southwestern Freight Bureau, Agent (No. B-696), for interested rail carriers. Rates on methanol (methyl alcohol), in tank-car loads, as described in the application, from Talla Bena, Louisiana, to Chicago, Illinois, and points taking same rates.

Grounds for relief—Maintenance of depressed rates published to meet market competition without use of such rates as factors in constructing combination rates.

Tariff—Supplement 53 to Southwestern Freight Bureau, Agent, tariff 210-M, ICC No. 5245. Rates are published to become effective on August 28, 1977.

By the Commission.

H. G. Homme, Jr.,
Acting Secretary.

[FR Doc.77-22198 Filed 8-1-77;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).

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1

CIVIL AERONAUTICS BOARD.

ADDITION OF ITEM TO JULY 28, 1977, MEETING AGENDA

TIME AND DATE: 10 a.m., July 28, 1977.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: 5. Docket 30277 et al. Chicago-Midway Low-Fare Route Proceeding (Memo No. 6653-D, BOR, BE, BLJ, OGC).

STATUS: Open.

PERSON TO CONTACT:

Phyllis T. Kaylor, The Secretary, 202-673-5068.

SUPPLEMENTARY INFORMATION: The Board will make a presentation at the House Aviation Subcommittee hearings to be held in Chicago on July 30, 1977. Since the Board's discussion of this item in the Chicago-Midway Low-Fare Route Proceeding might affect the Board's testimony, the following Members have voted that agency business requires the addition of this item to the agenda of the July 28, 1977 Board meeting and that no earlier announcement of the change was possible:

Chairman Alfred E. Kahn
Vice Chairman Richard J. O'Melia
Member G. Joseph Minetti
Member Lee R. West

Dated: July 27, 1977.

[S-1018-77 Filed 7-28-77;3:50 pm]

2

CIVIL AERONAUTICS BOARD.

TIME AND DATE: 10 a.m., August 4, 1977.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: Oral Argument, Docket 29898, Part 207, Charter Trips and Special Services Off-Route Charter Limitations.

STATUS: Open.

PERSON TO CONTACT:

Phyllis T. Kaylor, The Secretary, 202-673-5068.

Dated: July 27, 1977.

[S-1019-77 Filed 7-28-77;3:50 pm]

3

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 10 a.m., August 4, 1977.

PLACE: 2033 K Street NW., Washington, D.C., 5th Floor Hearing Room.

STATUS: Parts of this meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED:

Portions open to the public:

Chicago Board of Trade Application for Designation as a Contract Market in Long Term U.S. Treasury Bonds.

Processing of Section 5a(12) Submissions.

New Orleans Cotton and Commodity Exchange—Informational Discussion.

Portions closed to the public:

Enforcement Matters.
POIA Appeal.

CONTACT PERSON FOR MORE INFORMATION:

Jane Stuckey, 254-6314.

[S-1020-77 Filed 7-28-77;4:02 pm]

4

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 11 a.m., August 5, 1977.

PLACE: 2033 K Street NW., Washington, D.C., 8th Floor, Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Market Surveillance Meeting.

CONTACT PERSON FOR MORE INFORMATION:

Jane Stuckey, 254-6314.

[S-1021-77 Filed 7-28-77;4:02 pm]

5

FEDERAL DEPOSIT INSURANCE CORPORATION.

CHANGE IN SUBJECT MATTER OF AGENCY MEETING

At its meeting held at 10:30 a.m. on Thursday, July 28, 1977, the Board of Directors of the Federal Deposit Insurance Corporation determined, on motion of Chairman George A. LeMaistre, seconded by Director John G. Heimann (Comptroller of the Currency), that Corporation business required its addition of a recommendation regarding the liquidation of assets acquired by the Corporation in its capacity as liquidating agent of The New Boston Bank and Trust Company, Boston, Massachusetts (Case No. 43,143-L), to the agenda for consideration at that meeting and that no earlier notice of a change in the subject matter of the meeting was possible.

The Board's deliberations with respect to the matter were closed pursuant to the provisions of subsections (c)(6) and (d)(1) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(6) and (d)(1)) on the basis of the Board's determination that the public interest did not require consideration of the matter in a meeting open to public observation.

Dated: July 28, 1977.

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

[S-1016-77 Filed 7-28-77; 3:32 pm]

6

FEDERAL DEPOSIT INSURANCE CORPORATION.

CHANGE IN SUBJECT MATTER OF AGENCY MEETING

At its meeting held at 11 a.m. on Thursday, July 28, 1977, the Board of Directors of the Federal Deposit Insurance Corporation determined, on motion of Chairman George A. LeMaistre, seconded by Director John G. Heimann (Comptroller of the Currency), that Corporation business required its addition of a recommendation regarding the restructuring of a loan from the Corporation to European-American Bank & Trust Company, New York, New York, in connection with the bank's purchase of assets and assumption of liabilities of Franklin National Bank, New York, New York (in liquidation), to the agenda for consideration at that meeting and that no earlier notice of a change in the subject matter of the meeting was possible.

The Board's deliberations with respect to the matter were open to public observation.

Dated: July 28, 1977.

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

[S-1017-77 Filed 7-28-77;3:32 pm]

7

INTERSTATE COMMERCE COMMISSION.

TIME AND DATE: 10 a.m., Thursday, August 4, 1977.

PLACE: Room 4225, Interstate Commerce Commission Building, 12th and Constitution Avenue NW., Washington, D.C.

STATUS: Special Open Conference.

MATTER TO BE CONSIDERED: 1. Ex Parte No. MC 103, Procedures in Motor Carrier Application Proceedings Where For-Hire Carriage is Substituted for Proprietary Operations.

CONTACT PERSON FOR MORE INFORMATION:

Office of Information and Consumer Affairs, Douglas Baldwin, Director, telephone 202-275-7252.

The Commission's profesional staff will be available to brief news media representatives on conference issues at the conclusion of the meeting.

[S-1022-77 Filed 7-29-77;8:45 am]

8

RENEGOTIATION BOARD.

DATE AND TIME: Wednesday, August 3, 1977, 9:30 a.m.

PLACE: Conference Room, 4th Floor, 2000 M St. NW., Washington, D.C. 20446.

STATUS: Closed to public observation.

MATTER TO BE CONSIDERED: Division Meeting concerning: A. J. Industries, Inc., fiscal year ended March 31, 1972.

CONTACT PERSON FOR MORE INFORMATION:

Kelvin H. Dickinson, Assistant General Counsel-Secretary, 2000 M Street NW., Washington, D.C. 20446, 202-254-8277.

Dated: July 28, 1977.

GOODWIN CHASE,
Chairman.

[S-1014-77 Filed 7-28-77; 2:37 pm]

9

RENEGOTIATION BOARD.

DATE AND TIME: Tuesday, August 9, 1977, 10 a.m.

PLACE: Conference Room, 4th Floor, 2000 M St. NW., Washington, D.C. 20446.

STATUS: Matters 1 through 3 are open to the public. Matters 4 and 5 are closed to public. Status is not applicable to matters 6 and 7.

MATTERS TO BE CONSIDERED:

1. Approval of Minutes of meeting held August 2, 1977, and other Board meetings, if any.

2. Partial Mandatory New Durable Productive Equipment Exemption: The G. A. Gray Company, LPI No. 95659, fiscal year ended December 31, 1972.

3. Summary of Meeting of Staffs of Regional and Statutory Boards.

4. Republic Corporation, fiscal year ended October 31, 1969.

5. Court of Claims Case: Bennett Box & Pallet Co., Inc., fiscal years ended December 31, 1967, 1968, and 1969.

6. Approval of Agenda for meeting to be held August 23, 1977.

7. Approval of Agenda for other meetings, if any.

CONTACT PERSON FOR MORE INFORMATION:

Kelvin H. Dickinson, Assistant General Counsel-Secretary, 2000 M Street NW., Washington, D.C. 20046, 202-254-8277.

Dated: July 29, 1977.

GOODWIN CHASE,
Chairman.

[S-1015-77 Filed 7-29-77;12:24 pm]

federal register

TUESDAY, AUGUST 2, 1977
PART II

ENVIRONMENTAL PROTECTION AGENCY

■

TOXIC SUBSTANCES CONTROL

General Provisions and Inventory Requirements; Public Meeting

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Parts 700 and 710]

[OTS-081002; FRL 764-1]

TOXIC SUBSTANCES CONTROL

General Provisions and Inventory Reporting Requirements; Supplemental Notice; Public Meeting

AGENCY: Environmental Protection Agency.

ACTION: Proposed Rules; Notice of Public Meeting.

SUMMARY: This notice reproposes the inventory reporting regulations first proposed on March 9, 1977 in the FEDERAL REGISTER and supplemented thereafter. Specifically, these reproposed regulations would require some manufacturers:

(1) To report the identity of each chemical substance manufactured (or imported) for a commercial purpose and the site of such manufacture;

(2) To estimate the amount of each such chemical substance manufactured or imported at each site;

(3) To indicate whether each such chemical substance is manufactured and used only within one site; and

(4) To indicate whether the respondent is a manufacturer, processor, and/or importer of each such chemical substance.

In addition, these reproposed regulations would authorize certain other persons to report such information at their discretion.

DATES: Written comments must be received on or before September 16, 1977. EPA will hold a public meeting in Washington, D.C. on August 24, 1977 to provide an opportunity for oral comments. Details are provided below.

ADDRESS: Comments should be addressed to the Federal Register Section (WH-557), Office of Toxic Substances, Attention: Vicki Briggs, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460. Comments should be filed in triplicate and bear the identifying notation OTS-081002. All written comments filed pursuant to this notice will be available for public inspection at that office from 8:30 a.m. to 4:00 p.m. Monday through Friday.

FOR FURTHER INFORMATION CONTACT:

Mr. John Ritch, Office of Industry Assistance, Office of Toxic Substances (TS-788), Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, 202-755-0535.

SUPPLEMENTARY INFORMATION: These regulations are proposed under the authority of subsection 8(a) of the Toxic Substances Control Act (90 Stat. 2003; 15 U.S.C. 2601 et seq.; hereinafter referred to as TSCA).

On March 9, 1977, EPA first published in the FEDERAL REGISTER (42 FR 13130) proposed inventory reporting regulations to govern reporting of chemical substances for inclusion on an inventory of chemical substances required by subsection 8(b) of TSCA. On April 12, 1977, EPA published a supplemental notice of proposed rulemaking in the FEDERAL REGISTER (42 FR 19298) providing additional information pertaining to the proposed inventory regulations. This notice set forth instructions for use of a Candidate List of Chemical Substances and specified minerals which EPA proposed to include in the inventory of chemical substances. On April 28, 1977, EPA published a notice of availability of the Candidate List of Chemical Substances for use in reporting chemicals for inclusion on the inventory (42 FR 21639). In addition, on July 8, 1977, the Agency published a notice to amend the procedures for securing a copy of the Candidate List on computer-readable tape (42 FR 35183).

On April 18, 1977, EPA held a public meeting in Washington, D.C. to provide interested persons an opportunity to comment publicly on the proposed regulations. In addition, approximately 200 persons have submitted written comments on the proposed regulations. Both the transcript of the public meeting and the written comments are available for inspection by the public in the Federal Register Office of the Office of Toxic Substances.

As a result of these comments, EPA has decided to repropose the inventory reporting regulations to require additional reporting by some persons and less reporting by others.

PARTICIPATION IN THE PUBLIC MEETING

The public meeting on these proposed regulations will be on Wednesday, August 24, 1977 from 9:00 a.m. to 4:30 p.m. in the Thomas Jefferson Auditorium of the Department of Agriculture, 14th and Independence Avenue, SW., Washington, D.C. Persons who want to reserve time to present their comments at that meeting should contact Vicki Briggs at the address provided above or telephone 202-426-9819. Each person may request up to 15 minutes although less time may be allotted depending upon the number of participants. EPA will make a transcript of the proceedings for public inspection.

STATUS OF REPROPOSAL

The record of this rulemaking will include all comments received in response to the earlier notices of proposed rulemaking as well as the comments received in response to this notice. The public is encouraged to review the earlier notices of proposed rulemaking if any questions arise concerning the context of these reproposed regulations. While EPA would welcome comments on any aspect of these proposed regulations, persons are encouraged to direct their comments to the new provisions proposed here and not duplicate comments submitted earlier on other aspects of the proposed regulations. EPA will respond to all the comments submitted in response to the proposed rulemaking notices in the final inventory reporting regulations.

MODIFICATIONS OF INITIAL REPORTING REQUIREMENTS

The main purpose in revising the proposed approach is to use these initial reporting requirements not only to compile the inventory required by section 8(b) but also to fulfill the Congressional intent, as stated in section 2 of TSCA, that adequate data be developed for implementation of TSCA and other authorities directed to regulating risks associated with chemical substances. Although the regulations proposed on March 9, 1977 would have required manufacturers to report chemical substances manufactured for commercial purposes, the proposed approach would not have required reporting concerning production sites or the quantities produced.

In contrast to EPA's original proposal, the revised version published here would require certain manufacturers not only to identify the chemical substances in commerce but also to report where the chemical substances are manufactured and in what quantities. This information will be valuable for estimating the potential exposure to chemical substances for monitoring, control, and preventive actions. For example, plant site information would be useful in identifying possible sources of hazardous chemicals, especially in an emergency. Data on the quantities of chemical substances in commerce would enable EPA and other agencies to select substances for priority attention among the tens of thousands in commerce.

These amendments would expand the scope of the initial reporting requirements, but would limit the applicability of the requirements to those persons with establishments that are primarily engaged in the manufacture of chemical substances. Accordingly, only the approximately 20,000 establishments in the Standard Industrial Classification Major Group 28 (Basic Chemicals and Allied Products) and Group 2911 (Petroleum Refining) would be required to report each chemical substance manufactured at the production site and the volume of production. Manufacturers outside these groups would not be required to report. These latter persons could choose to report or could authorize a trade association to report to ensure chemical substances which they manufacture are included on the inventory. The hundreds of thousands of chemical processors may report during a limited period following publication of the initial inventory. EPA may require reporting by any of these manufacturers or processors as part of its phased reporting strategy under section 8(a), discussed in the following section.

Other amendments to the March 9, 1977 proposal include a requirement that manufacturers indicate whether a chemical substance is manufactured and processed solely within one site and not distributed for a commercial purpose outside that site. EPA is considering specially designating these chemical substances on the inventory and providing under section 5(a)(2) that any use of

those substances for commercial purposes outside the manufacturing site would be considered a "significant new use." In addition, respondents would be required to indicate whether they manufacture, process, and/or import a chemical substance. Knowing which persons manufacture, import, or process a reported chemical substance would enable EPA to direct any future notice or requirement to appropriate persons and permit the Agency to estimate how much of a substance is manufactured domestically and how much is imported.

Various representatives of the Federal government and environmental groups have urged EPA to amend the initial reporting requirements to include reporting on uses of chemical substances. EPA recognizes the importance of obtaining use information in order to estimate exposure to a chemical substance. However, incorporating use reporting into the initial requirements would substantially delay the publication of the inventory, perhaps for more than a year after the statutory date. Premanufacture notification of new chemicals would be delayed accordingly.

For this and other reasons, EPA decided to postpone use reporting to the second phase of its reporting strategy, as described below.

Overall Strategy

By reproposing the inventory regulations, EPA recognizes that it will be unable to meet the statutory deadline for publication of the inventory in November 1977. Nonetheless, EPA believes that the proposed delay is warranted by the importance of the data base that would be generated as a foundation for implementation of TSCA. At the same time, EPA will not attempt to develop a comprehensive data base on all chemical substances through the initial reporting requirements. EPA has developed an overall strategy for data development under section 8(a) of TSCA. These initial reporting requirements are the first of three phases.

The second phase of EPA's proposed strategy will be initiated after these regulations are final this fall. In this phase, EPA will address chemical substances selected because of their concern to EPA, the Occupational Safety and Health Administration (OSHA), the Consumer Product Safety Commission (CPSC), as well as to other agencies and interested parties. Manufacturers and processors of those chemical substances may be required to submit use information, including the estimated amounts of a chemical substance manufactured or processed for each use. In addition, EPA would consider asking for information on impurities, byproducts, worker exposure, and other factors as needed for specific chemical substances or categories of chemical substances.

The third phase of EPA's reporting strategy would begin after the inventory is published in 1978. EPA would by regulation require reporting under section 8(a) for additional chemical substances selected in part on the basis of their relative production volumes as reported under the initial reporting requirements. During this phase, EPA intends to develop the data base for a larger portion of chemical substances in commerce with respect to their use, exposure and other factors. Finally, in addition to such systematic reporting, EPA anticipates that it may ask for information on certain chemical substances as needed by the Department of Labor and others in emergency situations.

In determining what information to require in each of these phases, EPA will of course review alternative sources of data such as information available under Section 308 of the Federal Water Pollution Control Act Amendments of 1972 and other authorities, and will minimize duplicative reporting requirements.

Definitions of Small Manufacturers for These Regulations Only

In proposing an expanded approach to the inventory reporting requirements, EPA would require certain manufacturers and importers to report information in addition to the identities of chemical substances in commerce. Paragraph 710.5(d) of these proposed regulations outlines this information. Although TSCA section 8(a) provides broad authority to EPA to require information necessary for the administration of the Act, EPA may require "small manufacturers and processors" to submit only information required for compilation of the initial inventory or concerning a chemical substance which is subject to a proposed rule or order under TSCA section 4, 5, or 6, or court action under section 5 or 7.

Some of the additional information outlined in paragraph 710.5(d), such as production volume and the manufacturing sites of a chemical substance, may not be considered necessary for compilation of the initial inventory. Therefore, EPA may not be authorized to require submission of that information from "small manufacturers" under these regulations. Accordingly, EPA is proposing to define which persons qualify as "small manufacturers" for the purpose of these regulations and to exempt small manufacturers from certain of these reporting requirements.

The definition of "small manufacturer" proposed here is a one-time definition intended to apply solely to these regulations. Accordingly, it would only apply to manufacturers in SIC groups 28 and 2911 and to importers of chemical substances. Persons should not interpret this definition as indicative of future definitions which will be proposed for the purpose of subsequent regulations under section 8(a) of TSCA. Those definitions for "small manufacturers" will take into account the burdens of complying with the future reporting and/or record-keeping requirements.

Section 8(a)(3)(B) of TSCA provides that, after consulting with the Small Business Administration, the Administrator shall by rule prescribe standards for determining the manufacturers and processors which qualify as "small manufacturers and processors." The legislative history of TSCA shows that the Senate bill contained no exemption from the reporting requirements for small manufacturers and processors. The House bill first introduced this provision because reporting and record-keeping requirements "may impose a particularly heavy burden on small manufacturers and processors" (H.R. Rep. No. 94-1341, 94th Cong., 2d Sess. 42 (1976)). The Conference substitute retained the exemption of the House amendment in order to "protect small manufacturers and processors from *unreasonably* burdensome requirements" (italics added) (H.R. Rep. No. 94-1679, 94th Cong., 2d Sess. 80 (1976)).

In exempting "small manufacturers and processors" from certain reporting requirements, Congress intended that EPA balance its need for certain information with the burden imposed upon small manufacturers and processors in submitting that information. As discussed above, EPA believes that the information which would be required by these regulations is necessary to establish a data base for implementation of TSCA and other authorities directed to regulating risks associated with chemical substances. In developing the proposed exemption from these reporting requirements, EPA has consulted with the Small Business Administration (SBA) and others in order to assess the administrative and economic burdens for small manufacturers of complying with these reporting regulations.

As proposed in § 710.2 of these regulations, the term "small manufacturer or importer" means "a manufacturer who (a) has only a single manufacturing site, and either (b) has total sales of less than $100,000, based on the manufacturer's latest complete fiscal year, or (c) has no more than 2,000 pounds annual production (i.e., amount manufactured and imported) of each manufactured chemical substance. In the case of a company which is owned or controlled by another company, such factors would apply to the parent company and all companies owned or controlled by it taken together."

Manufacturers and importers which fall within this definition would be exempt from reporting production volume. They would not be exempt from reporting the following information, which is necessary for compilation of the inventory: The identities of the chemical substances they manufacture or import; the business address; whether a chemical substance is used solely within the manufacturing site; or whether they manufacture, process, and/or import the chemical substance. Any small manufacturer whose chemical substance is not included on the initial inventory would be subject to the premanufacture notification requirements of TSCA section 5.

In considering alternative definitions, EPA is evaluating the burden of complying with the expanded reporting requirements in light of the fact that manufacturers and importers would already be reporting the identities of chemical sub-

stances for the inventory. In promulgating these regulations, EPA will probably define "small" in terms of (a) plant site, and either (b) sales or (c) production levels, incorporating only two parameters in the final definition.

With respect to the alternative of defining the term "small manufacturer" in terms of clauses (a) and (b) above, the number of plant sites is indicative of the management structure of a company and the likelihood that the information required would already exist in a centralized form. Information on the total annual sales of all products is generally available to all manufacturers. It also is a measure of size in terms of dollars and therefore is relevant to the burden imposed by these reporting requirements. EPA considers $100,000 an appropriate level above which all manufacturers should be able to comply with the additional requirements of this regulation without undue economic burden. If the manufacturer is owned or controlled by another company, the manufacturer should compute both the total annual sales and the number of plant sites on the basis of the sales and number of plants in the United States for that company as a whole.

If "small" is defined in terms of (a) and (b), potentially as many as 20 percent of the firms in Standard Industrial Classification Major Group 28 (SIC 28), Chemicals and Allied Products, would be considered "small manufacturers." However, the exempted manufacturers contribute a very small fraction, less than one percent, of the total sales within SIC 28.

Alternatively, if EPA chose to define "small manufacturer" in terms of clauses (a) and (c) above, one plant site and no more than 2,000 pounds annual production of any chemical substance, the number of establishments which would be exempted from reporting production would probably be far fewer. In fact, the effect of using the criteria in clauses (a) and (c) would be to exempt those persons who only manufacture chemical substances in less than 2,000 pounds from reporting the estimated production levels of those substances. EPA solicits comments on this alternative, especially with respect to the number of pounds selected for setting the exemption.

EPA also solicits comments on this proposed definition of "small manufacturer," including any quantitative data on the estimated costs of compliance, the number, sizes, and types of firms for which it may be a significant additional burden, or other information which describes the impact of these reporting requirements on small manufacturers. For example, EPA anticipates that reporting production may be burdensome for some manufacturers, particularly those who use batch processing to produce a variety of chemicals and keep records of production only on the basis of shipments or customer invoices. EPA would also appreciate any comments on other possible parameters for defining "small manufacturer," such as profits, market share, financial assets, or the number of employees.

Other Definitions

As indicated in § 710.2, EPA proposes to revise many of the definitions published in the March 9, 1977 proposed regulations. The definitions are included in § 710.2 rather than § 700.2 so that their applicability will be limited to these regulations and not automatically extend to subsequent regulations under TSCA. While minor proposed changes to the originally proposed terms are included in the new § 710.2, these changes are not discussed here as they will be addressed in the final regulations.

Several definitions included in the March 9, 1977 regulations were taken from other authorities. Specifically, the definitions of "food additive," "drug," "cosmetic," "device," "special nuclear material," "nuclear byproduct material," "nuclear source material," and "pesticide" were incorporated without modification from other regulations. Instead of including these definitions in their entirety in these regulations, EPA would include them by reference. Thus any changes in the other statutes will automatically be reflected in these regulations.

Included in these proposed regulations are three additional terms. EPA is proposing to define "article" as a "manufactured item (a) which is formed to a specific shape or design during manufacture, (b) which has end use function(s) dependent in whole or in part upon its shape or design during end use, and (c) which is functional in its end use(s) without change of chemical composition during its end use; except that (d) fluids and particles are not considered articles regardless of shape or design." This definition is added to clarify proposed § 710.4(d)(6) which would exclude from the inventory, and from these reporting requirements, a chemical substance which is the result of a chemical reaction that occurs upon use of curable plastic molding compounds and other chemical substances to manufacture an article destined for the marketplace without further chemical change. Examples of this are chemical substances that form during the thermosetting process in forming plastic articles, firing pottery or enamel products, setting concrete sidewalks, or molding rubber products. This exclusion is discussed further below under the section "Chemical Substances Excluded From the Inventory."

Related to this is the proposed definition of "manufacture, process, or import 'for commercial purposes' " which means to manufacture, process, or import for use by the manfacturer, as well as for distribution in commerce, for use as a catalyst or an intermediate, and for test marketing purposes. This definition is intended to clarify that chemical substances that are used by the manufacturer, not only as an intermediate or catalyst in the manufacture of another chemical substance, but also in the manufacture of a mixture or an article or in any other way, would be subject to these regulations. Accordingly, chemical substances which are manufactured and then converted by the manufacturer into an article should be reported by that manufacturer and would not be excluded from reporting for the inventory under § 710.4(d)(6). For example, a person who manufactures a polymer and then converts the polymer into a synthetic fiber should report the polymer.

The term "establishment" is defined as "an economic unit, generally at a single site, as defined for purposes of the Standard Industrial Classification of Establishments. There may be more than one establishment at a single site." This term is necessary to clarify proposed § 710.3(a) which would provide that only manufacturers with establishments in certain Standard Industrial Classification (SIC) groups would be required to report.

EPA is proposing to define the term "site" as "each contiguous property unit where a chemical substance is manufactured or processed whether or not such site is independently owned or operated. Property divided only by a public right of way shall be considered one site. For the purposes of imported chemical substances, the site shall be the business address of the importer." While all persons are encouraged to report by site, § 710.5(a)(1) would require only those persons required to report under § 710.3(a) to report by site. EPA solicits comment on these definitions and the clarity of the reporting requirements with respect to articles, establishments, and sites.

Applicability: Who Must Report; Who May Report, Who May Not Report

Section 710.3 is intended to clarify who must report for the inventory under these regulations and for whom reporting is optional. In addition, the section states who may not report. Although these regulations expand the information obtained, EPA is proposing to limit the expanded reporting requirements primarily to those establishments which are the basic manufacturers of chemical substances.

Under the March 9, 1977 proposal, every person who currently manufactures a chemical substance for commercial purposes would have had to report that substance for the inventory. Many comments emphasized that this approach would require duplicative reporting by persons who are not generally recognized as part of the chemicals industry but who, for economic reasons or special purposes, manufacture a limited number of chemical substances essential to their processes. For example, in the pulp and paper industry, pulp mills manufacture sodium hydroxide and other chemical substances as part of their recovery processes. If EPA adopted the approach of the March 9, 1977 proposal, there may be more than 400 such establishments re-

porting that they manufacture sodium hydroxide or other chemical substances common to pulp manufacture.

As an alternative, these initial reporting requirements would focus on the chemical and allied products sector of the manufacturing industry and the petroleum refining sector, as defined by SIC Major Group 28 and Group 2911, respectively. Major Group 28 includes the manufacturers of chemicals such as acids, alkalies, and organics; synthetic fibers and plastics; dry colors and pigments; soaps and detergents; and paints and fertilizers. Group 2911, petroleum refining, is the basis of the organic chemicals industry.

Establishments subject to TSCA which fall outside these SIC groups are primarily involved in processing chemical substances, such as fabricating plastic and rubber products or treating articles such as textiles and metals, and would not be required to report. In most cases the chemical substances they manufacture would be reported by establishments in SIC Group 28. To the extent that they manufacture chemical substances for special purposes that may not otherwise be reported for the inventory, they would be responsibile for ensuring, either through trade associations or individually, that those substances were included in the inventory. Otherwise, if these substances are not included in the inventory, any person who manufactured or imported the substances would be subject to premanufacture notification requirements under section 5(a)(1)(A) of TSCA.

One advantage of limiting required reporting primarily to manufacturing establishments in the chemical and allied products sectors of industry would be that EPA would be able to direct the reporting requirements to 20,000 establishments rather than to 225,000 or more establishments, most of which primarily process chemical substances, as explained above. Those establishments in SIC group 28 represent approximately 95 percent of chemical production.

Further, if someone identified a hazard associated with the processing of a chemical substance or wanted to know exactly what chemical substances may be manufactured or processed by establishments outside SIC groups 28 and 2911, EPA has authority under section 8(a) to require such detailed reporting. As mentioned in the discussion of EPA's overall strategy, EPA intends to implement this general reporting authority to develop a data base on those substances for which there is significant human or environmental exposure or some other reason for concern.

EPA solicits comments on this proposal to limit required reporting to establishments in SIC groups 28 and 2911. Specifically, EPA assumes that there may be manufacturers who do not know in which SIC group their establishment appropriately belongs. Others may have been categorized in one group five years ago and have since changed their primary economic activity and belong in a different SIC group. EPA intends to notify each establishment which, to the best of EPA's knowledge, should be included in the SIC groups 28 or 2911. If for some reason a person has not been directly notified and would belong in SIC groups 28 or 2911, that person would still be required to report to EPA. Accordingly, it would be useful to EPA to know to what extent manufacturers are familiar with SIC groupings and whether the descriptions provided in the Standard Industrial Classification Manual published by the U.S. Government Printing Office would be adequate for manufacturers to determine in which group they belong.

Section 710.3(a)(2) would modify the original proposal and would only require importers to report those chemical substances imported into the United States for a commercial purpose since January 1, 1977. The March 9, 1977 proposed regulations would have required importers to report not only those chemical substances imported in bulk into the United States but also those chemical substances contained in the articles they import. Comments from industry and trade associations argued that it would be extremely burdensome for importers to identify the chemical substances contained in the articles they import. Moreover, they argued that the proposed regulations would have imposed a burden on importers of articles which was not imposed on domestic manufacturers of articles. The Administrator has decided to revise the original proposal to limit the reporting requirement to imported chemical substances. This includes all chemical substances which are imported in cans, bottles, drums, barrels, packages, tanks, bags, and other devices which are used to contain the substances during importation. EPA solicits comments on this reproposal.

Aside from importers, under this proposal only establishments in SIC groups 28 and 2911 would be required to report the chemical substances they have manufactured since January 1, 1977. Section 710.3(b) provides that in addition to those required to report, any person who has manufactured, imported, or processed a chemical substance for a commercial purpose since January 1, 1975, may report that substance or authorize a trade association or other representative to report on his behalf.

As proposed in § 710.3(c), during a special reporting period, 120 days after the first publication of the inventory, any person who has processed or used a chemical substance (including the manufacture of a mixture or article containing that chemical substance) for a commercial purpose since January 1, 1975 may report that chemical substance if it was not included in the inventory. EPA would like to minimize duplicative reporting of chemical substances by processors during the initial reporting period to facilitate compilation of the initial inventory in a timely way. Many processors and users have expressed concern that the manufacturers of the chemical substances they process may fail to report. EPA hopes that this proposed provision would reduce the amount of duplicative reporting by processors seeking to ensure that chemical substances are included in the inventory.

As provided by section 5(a)(1)(A) of TSCA, 30 days after publication of the initial inventory any person who manufactures or imports a "new chemical substance must submit premanufacture notification prior to manufacture or importation of the chemical substance. Processors are not subject to the provisions of section 5(a)(1)(A). However, it is a prohibited act under section 15(2) of TSCA for a person to use for commercial purposes a chemical substance which he had reason to know was manufactured in violation of section 5. As a matter of Agency policy, the Agency will not enforce section 15(2) with respect to processors and users of chemical substances (including manufacturers of a mixture or article containing that substance) during the 120-day period proposed in § 710.3(c). The Agency will, however, enforce section 15(2) with respect to all manufacturers and importers of chemical substances during that period, and will enforce sections 15(2) and (3) with respect to all persons after the period expires.

Section 710.3(d) would clarify who may not report chemical substances for the inventory, either because the chemical substances are automatically included in the inventory as provided in § 710.4(b), or because they are excluded from the inventory as provided in paragraphs (c) and (d) of § 710.4. A person should only report those substances which he knows and could verify are chemical substances as defined in the Act. In particular, chemical substances used exclusively as pesticides and drugs may not be reported. In addition, chemical substances manufactured solely in small quantities for research and development may not be reported. If a person does not know whether his customers may use the substance for a TSCA use and does not report, but discovers later that they do, he may add it to the inventory at that time. Any customer who uses the substance could add it to the inventory during the 120-day period provided in § 710.3(c).

Scope of the Inventory

In the March 9, 1977 proposal EPA relied upon certain definitions of terms such as "mixture," "manufacture or process for 'commercial purposes'," and "by-product" to clarify what chemical substances should be reported for the inventory. Because this approach was confusing to many, EPA has redrafted section 710.4 to clarify what substances are eligible for inclusion on the inventory.

Basically, the Act provides in sections 8(b) and (f) that any chemical substance may be included on the inventory if it has been manufactured or processed for a commercial purpose in the United States within three years of the effective date of these regulations. In the regulations proposed on March 9, 1977, EPA anticipated that the regulations would

become effective by July 1, 1977, and that the three-year period would date from July 1, 1974. The decision to repropose means that the final regulations will not be published until sometime in October. In order to define a reporting period that industry can rely upon, regardless of the actual date the final regulations are published, EPA is proposing that the three-year period begin on January 1, 1975. This proposal would satisfy those who have urged that EPA define the period in terms of calendar years. EPA recognizes that some may still prefer to have the period include the full three years from whatever date the regulations are final. EPA specifically solicits comment on this matter.

Section 710.4(a) generally defines which chemical substances are manufactured, imported, or processed "for a commercial purpose." Because the term "manufacture" is defined to include "to import into the customs territory of the United States," chemical substances which are imported into the United States are subject to the same provisions as those which are manufactured in the United States. The provisions in § 710.4 (a) are consistent with the definition of the term "manufacture, process, or import 'for commercial purposes'" in § 710.2. Accordingly, any chemical substance manufactured, processed, or imported (1) for distribution in commerce, (2) for use as a catalyst or an intermediate, (3) for use by the manufacturer, or (4) for test market purposes, would be eligible for inclusion on the inventory.

Chemical Substances Automatically Included

Section 710.4(b) specifies that chemical substances which are naturally occurring and are unprocessed or processed only by manual, mechanical, or gravitational means; by dissolution in water; or by heating solely to remove water shall be automatically included on the inventory under the category "Naturally Occurring Chemical Substances." Examples of naturally occurring substances that would be included on the inventory are raw agricultural commodities, water, air, natural gas, crude oil, rocks, ores, and minerals.

In the March 9, 1977 regulations, EPA proposed to automatically include on the inventory the general category "raw agricultural commodities." The revised proposal would incorporate this category. Accordingly, as under the original proposal, manufacturers, importers, and processors of raw agricultural, horticultural, and silvicultural products, such as unprocessed cotton, wood, wool, straw, oat hulls, and raw hides, for example, would not report. For clarity, this proposal also cites water, air, and natural gas, and crude oil as examples of "naturally occurring chemical substances" that need not be reported. With respect to rocks, ores, and minerals, this revised approach would not attempt to list each automatically included mineral separately, but would include all rocks, ores, and minerals under the category "naturally occurring chemical substances."

In the supplement to the March 9, 1977 regulations published on April 12, 1977 (42 FR 19308), EPA proposed a list of minerals under consideration for inclusion on the inventory without reporting. Persons commenting on that proposal have emphasized the difficulty of knowing precisely all the minerals a company may be extracting from the earth and, accordingly, whether the minerals being mined were included on the inventory or not. Most rocks and ores contain many different substances of varying composition depending upon the geological formation of the mined area. With respect to creating an inventory of where each major mineral is mined, the U.S. Bureau of Mines already has such an inventory. For those minerals, such as asbestos, which may present a risk to human health or the environment, EPA will require information on uses, exposure, and other factors necessary in assessing that risk under section 8(a) of the Act.

EPA solicits comments on the proposed approach to "naturally occurring chemical substances" and any suggestions for clarifying this category.

Chemical Substances Excluded by Definition or by TSCA Section 8(b)

Section 710.4(c) clarifies those substances which may not be reported for the inventory either because of the definition of "chemical substance" in section 3(2) of the Act or the specific exemption for chemical substances manufactured, imported, or processed solely in small quantities for research in section 8(b) of TSCA. In response to the March 9, 1977, proposal, EPA received extensive comments on the exclusion of chemical substances used in the manufacture of pesticides and drugs and will respond to the comments in the final regulations. Likewise, the final regulations will explain the exemptions for alloys, inorganic glasses, ceramics, frits and cements, including Portland cement.

A chemical substance used as a reagent in quality control testing, where the material tested is distributed in commerce, is itself considered to be distributed in commerce and should be reported to EPA for inclusion on the inventory unless it is known that the "small quantities for research and development" exemption applies. As mentioned above, section 8(b) explicitly exempts from the inventory any chemical substance which is manufactured or processed only in small quantities solely for purposes of research, including analysis of another chemical substance. EPA would define "small quantities for research and development" as quantities that are not greater than reasonably necessary for such purposes and which, after the effective date of premanufacture notification requirements, are used for "research and development that is conducted by, or directly supervised by, a technically qualified individual(s)." Accordingly, unless the persons performing the quality control testing are themselves technically qualified persons, as defined in § 710.2, or are directly supervised by technically qualified individuals, the chemical substance would not be considered to be manufactured in a "small quantity for research and development" and would be subject to these reporting requirements or the premanufacture notification requirements.

Chemical Substances Excluded From the Inventory

Section 710.4(d) clarifies that certain chemical substances which are not manufactured for distribution in commerce as chemical substances per se and have no commercial purpose separate from the mixture or article of which they may be a part are excluded from these reporting requirements. Specifically, impurities or chemical substances which are unintentionally present with another chemical substance are excluded. With respect to byproducts, the proposed regulations of March 9, 1977, would have excluded byproducts which have no commercial purpose. However, the proposal left unclear whether manufacturers should report byproducts which are not manufactured for a commercial purpose but are used as a fuel or reprocessed. These regulations would provide that those byproducts whose sole commercial value is to municipal or private organizations who (1) burn it as a fuel, (2) dispose of it as a waste, including as a landfill or for enriching soil or (3) extract component chemical substances which may have some commercial value, may be included on the inventory but that the reporting of such substances, insofar as they are byproducts as defined in § 710.2, is optional.

In proposing to exempt from the reporting requirements such byproducts which have some commercial purpose, EPA intends to encourage conservation and recycling of the energy and resources contained in the waste material that might otherwise be discarded because of reporting burdens under TSCA. Further, insofar as these wastes are hazardous, EPA intends to require reporting of them under the Resource Conservation and Recovery Act (RCRA) next spring or under TSCA section 8(a)(2) during the second or subsequent phases of reporting. EPA explicitly solicits comments on this approach, particularly with respect to the proposed exemptions.

The exclusions in § 710.4(d) (3), (4), and (5) are for chemical substances which result from chemical reactions that occur incidental to exposure to environmental factors, or during storage or end use of a chemical substance or mixture. These exemptions clarify those provided in the March 9, 1977, proposed regulations and are consistent with the legislative history of the Act (H.R. Rep. 94-1341, 94th Cong., 2d Sess. 13 (1976)).

In § 710.4(6), EPA would exclude "any chemical substance which is the result of a chemical reaction that occurs upon use of curable plastic or rubber molding compounds, inks, drying oils, metal finishing compounds, adhesives, paints, or other chemical substances used to manufacture an article destined for the

marketplace without further chemical change of the chemical substance except for those chemical changes that may occur as described elsewhere in this § 710.4(d). This provision expands upon the earlier proposal to exempt chemical substances formed upon use of curable plastic molding compounds. By providing a general exclusion for chemical substances manufactured as articles or parts of articles destined for the marketplace without further chemical change of the chemical substance, EPA intends to exclude from reporting persons who are primarily manufacturers of articles.

Section 710.2 proposes to define "article" as "a manufactured item (a) which is formed to a specific shape or design during manufacture, (b) which has end use function(s) dependent in whole or in part upon its shape or design during end use, and (c) which is functional in its end use(s) without change of chemical composition during its end use; except that (d) fluids and particles are not considered articles regardless of shape or design." Under this definition, fluids and particles such as dust, powders, dispersions, granules, lumps, and flakes would not be considered articles.

To illustrate, sodium hypochlorite and particles of titanium dioxide would not be considered "articles" in themselves. The function of sodium hypochlorite as a bleach, for example, depends upon a change of chemical composition during its end use. Similarly, although the distinctive shape of titanium dioxide particles may contribute to their ultimate usefulness, they are particles and would not be considered articles in themselves. Paints containing titanium dioxide particles would not be articles because they are liquids and do not have "shape or design" when manufactured. But automobiles coated with titanium dioxide containing paints are articles under this definition. Other examples of articles which need not be reported for the inventory include plastic films, synthetic fibers, leather goods, nails, iron bars, chrome plated bumpers, jewelry, paper, particle board, furniture, refrigerators, cloth, and clothing. EPA solicits comments on this provision and the clarity of the distinction between articles and chemical substances.

Further, precursors of the compositions covered by the exclusions in § 710.4(d) (5) and (6) may be supplied to users as two or more different products which need to be mixed as a first step in their use because of limited stability of the mixture. Chemical substances formed during such mixing would be excluded.

Finally, § 710.4(d)(7) provides an exemption for chemical substances that may occur as the result of a chemical reaction when a stabilizer, colorant, odorant, antioxidant, filler, solvent, carrier, surfactant, plasticizer, corrosion inhibitor, antifoamer or de-foamer, dispersant, precipitation inhibitor, binder, emulsifier, de-emulsifier, dewatering agent, agglomerating agent, adhesion promoter, flow modifier, pH neutralizer, sequestrant, coagulant, flocculant, fire retardant, lubricant, chelating agent, quality control reagent, or a chemical substance which is solely intended to impart a specific physico-chemical characteristic functions as intended. This provision expands upon the approach in the March 9, 1977, proposal which would have exempted as "mixtures" the result of chemical reactions that occur when certain chemical substances function as intended.

How to Report

Section 710.5(a) would provide general instructions for reporting chemical substances. As discussed in the earlier sections, only importers and manufacturers with establishments in SIC groups 28 and 2911 would be required to report, and "small manufacturers" in these SIC groups would not have to report certain information. The Agency would encourage any person not required to report all the information, to do so anyway because the information will establish the data base for future actions under TSCA.

Section 710.5(b) outlines how to report the name or specific identity of a chemical substance. In April 1977, EPA published and made available the TSCA Candidate List of Chemical Substances, and on April 12, 1977, published in the Federal Register a guide for using this list. EPA realizes that the Candidate List is not a complete list of chemical substances in commerce and does include some substances which would be excluded from the inventory. In addition, there are some minor errors. On or before the date these reporting requirements are published in their final form in October 1977, EPA intends to revise the guide to the Candidate List and make necessary corrections and certain additions to the List itself.

Section 710.5(c) proposes that any person reporting a polymer for inclusion in the inventory must list in the description of the polymer composition at least those constituent monomers used at greater than two weight percent in the manufacture of the polymer. A person may include as part of the description of the polymer composition those monomers used at two weight percent or less in the manufacture of the polymer. Of course, all monomers themselves must be separate entries on the inventory. EPA received extensive comment on the issue of polymer reporting in response to the March 9, 1977, proposal and will respond to all the comments in the final regulations.

Additional information, which would be required according to the general instructions in § 710.5(a), is outlined in § 710.5(d). As mentioned earlier in this preamble, knowing who is manufacturing, importing, or processing a chemical substance would enable EPA to direct any future notice or requirement to the appropriate person. The reporting forms will provide three check boxes for persons to check any or all of them, as appropriate.

Manufacturers must report according to the site at which the chemical substance is manufactured. As explained earlier, the definition of "site" includes each contiguous property unit where a chemical substance is manufactured or processed whether or not such site is independently owned or operated. There may be more than one establishment, including subsidiaries or branches of a given company, at one site. The chemical substances manufactured at that site may all be reported on one form with the site address provided.

Paragraph (d)(3) of § 710.5 would require manufacturers to designate whether they manufacture and process a chemical substance only within a site and do not distribute the chemical substance, or any mixture or article containing that substance, for commercial purposes outside that site. In most cases these chemical substances would be consumed by chemical reaction in the manufacture of another chemical substance. The exposure to such chemicals would be limited to persons involved in the manufacture, processing, and use at that site and immediate environs. Intermediates and catalysts would most likely form the greatest percentage of these chemical substances. However, this provision would also apply to any other chemical substances which are not distributed in commerce outside that site.

Section 710.5(d)(4) would require that manufacturers and importers report the amount of each chemical substance manufactured or imported in calendar year 1976. Alternatively, if the chemical substance was not manufactured or imported during 1976, a manufacturer or importer would either report the amount manufactured or imported during 1975 or the projected amount during 1977. If there has been no manufacture or importation since January 1, 1975, a manufacturer or importer should report the amount distributed to others for any purpose since that date. Processors would not be permitted to report amounts processed in order to avoid double-counting.

EPA is considering requiring that all production amounts be expressed in pounds. EPA would appreciate alternative suggestions for cases where conversion to pounds appears unreasonable.

As one alternative, persons would report amounts above five thousand pounds to only two significant figures. That is, only the first two figures of a six-figure number would be reported, such as 590,000 instead of 586,272. Instead, EPA could use a one-digit code to require reporting of the range of production volume. For example, production levels of 1,000 to 10,000 pounds would be reported by "1"; 10,000 to 50,000 reported by "2"; and so forth. While this approach may be easy to use, the results may not be as valuable since the imprecision of the ranges would be compounded when the production amounts are aggregated. As a third alternative, EPA could require reporting production accurate to within ten

percent of the production. EPA would appreciate comments on these or other possible alternative ways of reporting production.

In addition, the reproposal at § 710.4 (e) would permit an importer to authorize his foreign supplier(s) to report on his behalf. For several reasons, including issues of confidentiality, importers often do not know exactly what they are importing. Because EPA's jurisdiction under TSCA extends only to importers, and not to their foreign suppliers, EPA will hold the importers liable for compliance with these reporting rules. However, the foreign suppliers will be permitted to act as agents for the importers with the latter remaining legally liable for their reports. To do so, the foreign suppliers must sign declarations on the reporting forms, and the importers must endorse these declarations. This approach is similar to that already followed by the U.S. Bureau of Customs in some of its 40 CFR Part 19 regulations.

CONFIDENTIALITY

The expanded scope of these regulations would significantly increase the number of possible claims of confidentiality that persons reporting may make. Section 14 of TSCA provides that EPA must not disclose information which is exempt from mandatory disclosure under the Freedom of Information Act (5 U.S.C. 552(b)(4)). EPA has regulations dealing with the confidentiality of business information in Part 2, Subpart B of Title 40 of the Code of Federal Regulations (40 CFR Part 2; 41 FR 36906, September 1, 1976), which outline the general approach taken by EPA in dealing with confidentiality claims. EPA intends to add a new section to those regulations which will govern how the Agency will deal with claims of confidentiality with respect to information obtained under TSCA. A proposed version of this new section should be published in the FEDERAL REGISTER for public comment within the next several months.

With respect to these reporting regulations, § 710.7(a) lists the items of information that may be claimed as confidential. EPA will design its reporting forms to allow all potential confidentiality claims to be asserted on the forms. EPA solicits comments on the various kinds of claims that might be asserted so that EPA can design its reporting forms accordingly.

Paragraphs 710.7 (b), (c), and (d) would provide that any claim of confidentiality must accompany the information at the time it is submitted to the Agency and that failure to make a claim on the reporting form could result in disclosure by EPA. EPA will consider only those claims that are asserted. Moreover, each company should take into account the possibility that EPA (or a court) might determine that some of the information should be released. Thus, if more than one claim applies concerning a particular chemical substance, the company should assert all those claims. For example, if a company believes that both the production volume of a chemical substance at a particular site or sites and the company-wide production of that substance are confidential, the company should specifically claim both of these items as confidential.

If a company makes a claim in the manner prescribed on the form, the information claimed to be confidential will be treated in accordance with EPA's confidentiality regulations and TSCA section 14, including the 30-day notice prior to release. EPA is considering amending the proposed reporting forms to include statements which a company asserting a confidentiality claim could check to substantiate its claims. This would expedite the process of making final determinations by eliminating the need for obtaining that information at a later date. The success of this approach, however, is dependent upon businesses asserting only justifiable claims. If EPA determines that a particular claim or substantiation from a company is frivolous, EPA will take this into account in making other determinations concerning that company's other claims of confidentiality.

Section 710.7(e) of these proposed regulations modifies the March 9, 1977, proposal which would have required the submission of the following information from a person submitting a claim as to the specific name or identity of a chemical substance: (1) The confidential identity; (2) a proposed name which is only as generic as necessary to protect the substance's confidential identity; (3) a list of the elements of the chemical substance and its molecular weight; and (4) a bibliography identifying any published literature and summaries of any unpublished information concerning the health and ecological effects and environmental behavior of the chemical substance. These proposed regulations would require submission of only items (1) and (2) above at the time the person submits the claim of confidentiality.

Some comments suggested that EPA publish on the inventory only a noninformative code designation instead of a generic name and list of elements of the chemical substance and its molecular weight. As explained in the preamble to the March 9, 1977, proposed regulations, EPA originally proposed that the inventory include these items so that the public would have some indication of the undisclosed substance. Because of the likelihood that someone may be able to discern the identity of a confidential chemical substance from these data, EPA is proposing to publish only a generic name. EPA would either publish the generic name as proposed or, if EPA disagreed with the proposed generic name, consult with the person submitting it before publishing a revised generic name on the inventory.

Many comments recommended that EPA not require submission of a bibliography identifying any published literature because in many cases competitors could learn the identity of a chemical substance by reading the referenced literature. Others argued that without the specific identity of the chemical substance, the health and safety data would not be particularly useful to the public. Finally, some asserted that development of such a bibliography could be costly to prepare. Many suggested that EPA simply require a brief summary of known data on the health and environmental effects of the chemical substance. Others contended that a summary would not meaningfully contribute to the public understanding of the potential risks presented by the substance. Without the specific identity of the chemical substance, the public could not verify the information and, according to some, there would be a considerable possibility that the summaries would be misleading.

For these and other reasons, EPA is proposing to drop the requirement that persons submit a bibliography or summary of the health and safety studies pertaining to the confidential chemical substance at the time the claim is made. Under section 8, EPA has authority to require submission of such information for any chemical substances in commerce and could request such information after the publication of the inventory. Moreover, TSCA section 8(e) requires submission of information which supports the conclusion that a chemical substance presents a substantial risk of injury to health or the environment. EPA would appreciate comments on this proposal.

ALTERNATIVES FOR HANDLING CONFIDENTIAL INFORMATION

Of the information reported to EPA, only the identity of the chemical substances and perhaps designation of those chemical substances manufactured and used within a single site will be published. The remainder of the information will be used by EPA for various purposes under TSCA. EPA does not anticipate that this remaining information will be routinely released to the public. If EPA proposes to release confidential information, it will do so in accordance with EPA's confidentiality regulations.

EPA will be subject to disclosure requests under the Freedom of Information Act (FOIA, 5 U.S.C. 552). Under the Act, EPA must respond to any request for records by either releasing the records or denying the request because the information is exempted from disclosure. Records may be exempt from disclosure if they are "trade secrets and commercial or financial information obtained from a person and privileged or confidential." Section 14 of TSCA makes it clear that if EPA determines that information is exempt under 5 U.S.C. 552(b)(4), it must be kept confidential by EPA.

If a manufacturer claimed that the chemical name of a particular chemical substance is a trade secret, EPA would be confronted with conflicting statutory provisions. Section 8(b) apparently requires EPA to place the chemical name in the inventory. Section 14 appears to require EPA to keep the name confidential (at least temporarily, until a final

determination is made by EPA or the courts.) In addition, the Freedom of Information Act requires that EPA either release information in response to a request or provide reasons for any denial. EPA cannot refuse to answer the request. Normally, in responding to Freedom of Information requests, EPA would reply either: (1) "We have no records;" (2) "We have such records and are releasing them;" or (3) "We have such records but are denying them because they constitute a confidential trade secret and are exempt from disclosure." However, if the request concerned disclosure of the identity of a chemical substance which was allegedly a trade secret, to reply that EPA had a record but was refusing to release it would inform the requester that such a substance was being manufactured, imported, or processed for commercial purposes. The result would be to reveal the trade secret by denying the request.

Confidentiality assertions also pose a problem under section 5 of TSCA. Section 5 requires anyone who proposes to manufacture a new chemical substance to furnish EPA with a 90-day premanufacture notice, during which time the person may not manufacture the new chemical substance. This delay may be even longer if a testing rule under section 4 requires the manufacturer to develop and submit certain test data. However, if the chemical substance is on the section 8(b) inventory, it is not a "new substance", and the section 5 notice need not be given. If a company asserts that the name or specific identity of a chemical substance is confidential, EPA may not be able to list that substance on the inventory, and all other manufacturers would have to give premanufacture notification.

EPA has not decided how it will deal with these contradictory statutory requirements in the face of a claim that the identity of a chemical substance is confidential. Four issues arise that EPA must consider before deciding which approach to take. The issues are set forth below with a discussion of the options available under each:

1. What chemical substances' identities should be determined by EPA to be entitled to confidential treatment? EPA perceives three positions it could take:

A. No chemical identity is entitled to confidential treatment.

B. Only chemical identities of those chemical substances that are manufactured and used within one site and not distributed for a commercial purpose outside that site may be entitled to confidential treatment.

C. Any chemical identity may be entitled to confidential treatment.

If EPA decided that some or all of the chemical identities claimed as confidential were not entitled to confidential treatment, companies would be given the 30-day notice required in section 14 of the Act. Before determining that a particular chemical identity was entitled to confidential treatment, EPA would have to make a specific determination, in accordance with 40 CFR Part 2, Subpart B, and the criteria in 40 CFR 2.208, that the particular chemical identity is entitled to confidential treatment.

2. Assuming that some chemical identities are temporarily (because no final determination has been made or because a court has enjoined EPA from disclosing the identity) or permanently (as a result of a final confidentiality determination by EPA or a court order) entitled to confidential treatment, how should EPA treat confidential chemical identities for purposes of the published inventory? EPA perceives four positions it could take:

A. The inventory could be published with only non-confidential chemical substances in it. There would be no mention of confidential chemical identities. This approach would give the public no information concerning confidential chemicals.

B. The inventory could be published with non-confidential chemical identities and generic names for those chemical substances that are entitled to confidential treatment. The use of generic names would inform the public in general terms about what types of confidential chemical substances had been reported.

C. The inventory could be published with non-confidential chemical identities and random code numbers for those chemical substances that are entitled to confidential treatment. The use of a random code number would not give the public any information beyond that which would be available under A, except to acknowledge the existence of confidential chemical substances.

D. The inventory could be published with only non-confidential chemical identities appearing on it and a notice that some chemical substances were reported that are confidential. This approach would give the public no more information than A or C.

3. Assuming that some chemical names are temporarily or permanently entitled to confidential treatment and that EPA is, therefore unable to publish the chemical identities on the section 8 inventory list, how are present and future manufacturers to be treated under section 5 of TSCA? EPA perceives four positions it could take:

A. If a manufacturer proposed to manufacture a chemical substance that did not appear on the inventory and asked EPA whether it was one of the reported confidential chemical substances, EPA could tell the manufacturer whether the chemical substance had been reported. If it had been reported, the manufacturer would be exempt from requirements of section 5(a), as would the manufacturer that originally reported the chemical substance.

B. If a manufacturer proposed to manufacture a chemical susbtance that did not appear on the inventory and asked EPA whether it was one of the reported confidential chemical substances, EPA could refuse to answer the question. EPA would require the manufacturer to give premanufacture notification under section 5(a), and the manufacturer would not be able to begin manufacturing for at least 90 days. The manufacturer that originally reported the chemical substance would be exempt from section 5(a). This approach would treat the two manufacturers unequally allowing one to manufacture its chemical substance without delay or interruption while requiring the other to undergo premanufacture notification and a 90-day delay. Section 5 speaks in terms of "new chemical substances." This substance would not be "new" since it was already reported for the inventory.

C. If a manufacturer reported a confidential chemical substance for the inventory, EPA could require the manufacturer to give premanufacture notification under section 5(a) and to cease manufacture for at least 90 days. If another manufacturer later proposed to manufacture the same chemical substance, EPA would require that the manufacturer give premanufacture notification and wait at least 90 days before starting manufacture. This approach would treat the two manufacturers equally. However, it would impose a burden on the first manufacturer reporting the chemical substance for the inventory in that it would have to stop manufacturing even though it may have been manufacturing the substance for some time before the inventory.

D. If a manufacturer reported a confidential chemical substance for the inventory, EPA could require the manufacturer to give premanufacture notification. However, EPA would not require the manufacturer to cease manufacture for 90 days. If another manufacturer later proposed to manufacture the same chemical substance, EPA would require that manufacturer to give premanufacture notification and wait at least 90 days before starting manufacture. This approach would give the first manufacturer reporting the chemical substance an advantage by allowing him to continue manufacture. Section 5(a) states that no person may manufacture a new chemical substance without giving notice at least 90 days before beginning manufacture. This approach would violate section 5.

4. Assuming that some chemical identities are temporarily or permanently entitled to confidential treatment, how is EPA to answer Freedom of Information requests for disclosure of records concerning confidential substances? EPA perceives two positions it could take:

A. If a request were made for disclosure of records concerning a reported chemical substance, the chemical identify of which was entitled to confidential treatment, EPA could reply: "EPA has such a record, but the request is denied because the record contains trade secrets that are exempt from disclosure by virtue of 5 U.S.C. 552(b)(4)." If a request were made for disclosure of records concerning a chemical substance that had not been reported, EPA would reply: "EPA has no such record." The result of this type of answer would be to confirm whether a particular chemical sub-

stance had been reported for the inventory and, therefore, was being manufactured, imported, or processed for commercial purposes.

B. If a request were made for disclosure of records concerning a particular chemical substance that did not appear on the inventory by chemical identity, EPA could reply: "The request is denied either because the record in question is exempt from mandatory disclosure by virtue of 5 U.S.C. 552 (b)(4) or because EPA has no such record." This same answer would be given whether or not the chemical substance in question had been reported to EPA. In this way EPA would be able to give an answer that would allow the requester to pursue any judicial remedies under the Freedom of Information Act. At the same time, EPA would not have disclosed whether the particular chemical substance was being manufactured, imported, or processed for commercial purposes.

Any combination of the options under the four issues set forth above might be selected in the final approach taken by EPA. EPA intends to evaluate the advantages and disadvantages of these options before determining how to handle claims of confidentiality under the inventory reporting. EPA would appreciate comments concerning the various alternatives mentioned here and any other possible approaches.

ENFORCEMENT LIABILITY

Because of the great importance of compiling a sound data base on the chemical substances in commerce, the Agency considers violation of these reporting requirements to be a serious violation of TSCA. Section 15(3)(B) of TSCA makes it "unlawful for any person to fail or refuse to submit reports, notices, or other information, as required by this Act or a rule thereunder." Section 16(a) provides for civil penalties of up to $25,000 for each violation of section 15. Section 16(b) provides that criminal penalties of not more than $25,000 for each day of violation, or imprisonment for not more than one year, may be imposed on "any person who knowingly or willfully violates any provision of section 15." Section 17(a) authorizes specific enforcement to restrain any violation of section 15 and to compel the taking of any action required by or under this Act.

The Agency considers the most serious violations of these reporting requirements to include the following: (1) Failure to report information required under the regulation; (2) falsification of information reported under the regulation; and (3) reporting of chemical substances which are specifically excluded from the inventory, such as chemical substances manufactured solely in small quantities for research and development.

Enforcement liability attaches to any person submitting a report for the inventory, including (1) those required to report, (2) manufacturers, importers, or processors who are not required to report, but voluntarily do so, (3) trade associations acting as agents for manufacturers, processors, or importers, and (4) those manufacturers, processors, or importers certifying to trade associations that a given chemical substance was manufactured, imported, or processed for a commercial purpose since January 1, 1975.

ECONOMIC IMPACT ANALYSIS STATEMENT

EPA has determined that the regulation does not require the compilation of an Economic Impact Analysis Statement as required by Executive Order 11821. This determination is based on the cost estimate for compilation of the inventory as originally proposed and an estimate of the additional burden created by the added reporting requirements. EPA has not completed an adequate analysis of the cost of complying with the requirements of this regulation because of the lack of time between the decision to repropose these regulations and the actual date for reproposal of the regulations. EPA is obtaining a better cost estimate at this time and will perform an Economic Impact Analysis if the cost exceeds the criteria for a major action, in general, $100 million annual cost. A discussion of the cost will accompany the final regulation.

The Environmental Protection Agency has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Analysis Statement under Executive Order 11821 and OMB Circular A-107.

Dated: July 27, 1977.

DOUGLAS M. COSTLE,
Administrator.

Parts 700 and 710 as previously proposed are withdrawn, and it is proposed to establish a new Part 710 to read as follows:

PART 710—INVENTORY REPORTING

Sec.
710.1 Scope and compliance.
710.2 Definitions.
710.3 Applicability: Who must report; who may report; who may not report.
710.4 Scope of the inventory.
710.5 How to report for the inventory.
710.6 When to report.
710.7 Confidentiality.

AUTHORITY: Subsection 8(a), Toxic Substances Control Act (90 Stat. 2003) (15 U.S.C. 2601 et seq.).

§ 710.1 Scope and compliance.

(a) This part establishes regulations governing reporting by certain manufacturers, processors, and importers of chemical substances under section 8(a) of the Toxic Substances Control Act (15 U.S.C. 2607). That subsection requires EPA to issue regulations for the purpose of compiling the inventory of chemical substances manufactured or processed for a commercial purpose, as required by section 8(b) of the Act. In accordance with section 8(b), EPA periodically will amend the inventory to include chemical substances which are manufactured, processed, or imported for commercial purposes; will revise the categories of chemical substances; and will make other amendments as appropriate.

(b) Section 15(3) of TSCA makes it unlawful for any person to fail or refuse to submit information required under these reporting regulations. In addition, section 15(3) makes it unlawful for any person to fail to keep, and permit access to, records required by these regulations. Section 16 provides that a violation of section 15 renders a person liable to the United States for a civil penalty and possible criminal prosecution. Pursuant to section 17, the Government may seek judicial relief to compel submittal of section 8(a) information and to otherwise restrain any violation of section 8(a).

(c) Each person who reports under these regulations shall permit access to, and the copying of, records that document information reported under these regulations.

§ 710.2 Definitions.

For the purposes of this part, the following terms shall have the meaning contained in the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 321, and the regulations issued under such Act: "cosmetic," "device," "drug," "food," and "food additive." In addition, the term "food" includes poultry and poultry products, as defined in the Poultry Products Inspection Act, 21 U.S.C. 453; meats and meat food products, as defined in the Federal Meat Inspection Act, 21 U.S.C. 60; and eggs and egg products, as defined in the Egg Products Inspection Act, 21 U.S.C. 1033. The term "pesticide" shall have the meaning contained in the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. 136, and the regulations issued thereunder. The following terms shall have the meaning contained in the Atomic Energy Act of 1954, 42 U.S.C. 2014, and the regulations issued thereunder: "nuclear byproduct material," "nuclear source material," and "special nuclear material." In addition, "Act" means the Toxic Substances Control Act, 15 U.S.C. 2061, et seq.

"Administrator" means the Administrator of the U.S. Environmental Protection Agency or any employee of the Agency to whom the Administrator may either herein or by order delegate his authority to carry out his functions, or any person who shall by operation of law be authorized to carry out such functions.

An "article" is a manufactured item (a) which is formed to a specific shape or design during manufacture, (b) which has end use function(s) dependent in whole or in part upon its shape or design during end use, and (c) which is functional in its end use(s) without change of chemical composition during its end use; except that (d) fluids and particles are not considered articles regardless of shape or design.

"Byproduct" means a chemical substance produced without separate commercial intent during the manufacture or processing of other chemical substance(s) or mixture(s).

"Chemical substance" means any organic or inorganic substance of a par-

ticular molecular identity including (a) any combination of such substances occurring in whole or in part as a result of a chemical reaction or occurring in nature and (b) any chemical element or uncombined radical, and (c) except that "chemical substance" does not include:

(1) Any mixture,

(2) Any pesticide when manufactured, processed, or distributed in commerce for use as a pesticide,

(3) Tobacco or any tobacco product, but not including any derivative products,

(4) Any nuclear source material, special nuclear material, or nuclear byproduct material,

(5) Any pistol, firearm, revolver, shells, and cartridges, and

(6) Any food, food additive, drug, cosmetic, or device, when manufactured, processed, or distributed in commerce for use as a food, food additive, drug, cosmetic, or device.

"Commerce" means trade, traffic, transportation, or other commerce (a) between a place in a State and any place outside of such State, or (b) which affects trade, traffic, transportation, or commerce described in clause (a).

"Distribute in commerce" and "distribution in commerce" when used to describe an action taken with respect to a chemical substance or mixture or article containing a substance or mixture mean to sell or to transfer the ownership of the substance, mixture, or article in commerce, to introduce or deliver for introduction into commerce, or the introduction or delivery for introduction into commerce of the substance, mixture, or article; or to hold, or the holding of, the substance, mixture, or article after its introduction into commerce.

"EPA" means the U.S. Environmental Protection Agency.

"Establishment" means an economic unit, generally at a single site, as defined for purposes of the Standard Industrial Classification of Establishments. There may be more than one establishment at a single site.

"Importer" means any person who imports any chemical substance into the customs territory of the U.S. and includes: (a) The person primarily liable for the payment of any duties on the merchandise, or (b) an authorized agent acting on his behalf (as defined in 19 CFR 1.11).

"Impurity" means a chemical substance which is unintentionally present with another chemical substance.

"Intermediate" means any chemical substance (a) which is deliberately present in a chemical reaction sequence used to manufacture or process another chemical substance, (b) whose presence is known or reasonably ascertainable, and (c) which could be isolated and identified under conditions which are practically encountered in the environment.

"Manufacture" means to produce or manufacture in the United States or import into the customs territory of the United States.

"Manufacture, process, or import 'for commercial purposes'" means to manufacture, process, or import

(a) For distribution in commerce,

(b) For use as a catalyst or an intermediate,

(c) For use by the manufacturer, or

(d) For test marketing purposes.

"Mixture" means any combination of two or more chemical substances if the combination does not occur in nature and is not, in whole or in part, the result of a chemical reaction; except that "mixture" does include (a) any combination which occurs, in whole or in part, as a result of a chemical reaction if none of the chemical substances comprising the combination is a new chemical substance and if the combination could have been manufactured for commercial purposes without a chemical reaction at the time the chemical substances comprising the combination were combined, (b) hydrates of a chemical substance or hydrated ions formed by association of a chemical substance with water.

"New chemical substance" means any chemical substance which is not included in the inventory compiled and published under subsection 8(b) of the Act.

"Person" means any natural or juridical person including any individual, corporation, partnership, or association, any State or political subdivision thereof, or any municipality, any interstate body and any department, agency, or instrumentality of the Federal Government.

"Process" means the preparation of a chemical substance or mixture, after its manufacture, for distribution in commerce (a) in the same form or physical state as, or in a different form or physical state from, that in which it was received by the person so preparing such substance or mixture, or (b) as part of an article containing the chemical substance or mixture.

"Processor" means any person who processes a chemical substance or mixture.

"Site" means each contiguous property unit where a chemical substance is manufactured or processed whether or not such site is independently owned or operated. Property divided only by a public right-of-way shall be considered one site. For the purposes of imported chemical substances, the site shall be the business address of the importer.

"Small manufacturer or importer" means a manufacturer who (a) has only a single manufacturing site, and either (b) has total annual sales of less than $100,000, based on the manufacturer's latest complete fiscal year or (c) has no more than 2,000 pounds annual production (i.e., amount manufactured and imported) of each manufactured chemical substance. In the case of a company, which is owned or controlled by another company, such factors would apply to the parent company and all companies owned or controlled by it taken together.

"Small quantities for purposes of scientific experimentation or analysis or chemical research on, or analysis of, such substance or another substance, including any such research or analysis for the development of a product" (hereinafter sometimes shortened to "small quantities for research and development") means quantities of a chemical substance manufactured or processed or proposed to be manufactured or processed that (a) are no greater than reasonably necessary for such purposes and (b) after (the effective date of premanufacture notification requirements), are used by, or directly under the supervision of, a technically qualified individual(s).

"State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the Canal Zone, American Samoa, the Northern Mariana Islands, or any other territory or possession of the United States.

"Technically qualified individual" means a person who, because of his education, training, or experience, or a combination of these factors, is capable of appreciating the health and environmental risks associated with exposure to the chemical substance which is used under his supervision, and who (a) is responsible for enforcing appropriate methods of conducting scientific experimentation, analysis, or chemical research in order to minimize such risks and (b) is responsible for the safety assessments and clearances related to the procurement, storage, use, and disposal of the chemical substance as may be appropriate or required within the scope of conducting the research and development activity.

"Test marketing" means the distribution of no more than a predetermined amount of a chemical substance, or mixture or article containing that chemical substance, by a manufacturer or processor to no more than a defined number of potential customers to explore market capability in a competitive situation during a predetermined testing period prior to the broader distribution in commerce.

"United States," when used in the geographic sense, means all of the States, territories, and possessions of the United States.

§ 710.3 Applicability: Who must report; who may report; who may not report.

Paragraphs (a), (b), and (c) of this section identify the persons subject to these requirements with respect to reporting chemical substances in accordance with § 710.4. Paragraph (d) of this section identifies the persons who may not report chemical substances for the inventory.

(a) *Who Is Required to Report*—(1) *Manufacturers.* Any person who manufactures, or has manufactured since January 1, 1977, a chemical substance(s) for a commercial purpose in an establishment included in the Chemical and Allied Products sector (as defined by Standard Industrial Classification (SIC) Major Group 28) or Petroleum Refining sector (as defined by SIC Group 2911) must report concerning the chemical substance(s) manufactured in that establishment.

(2) *Importers.* Any person who imports, or has imported since January 1,

1977, a chemical substance(s) into the United States for a commercial purpose must report concerning that chemical substance(s).

(b) *Who may report.* (1) In addition to those persons required to report by paragraph (a) of this section, any person who has manufactured, imported, or processed a chemical substance for a commercial purpose since January 1, 1975 may report concerning that chemical substance.

(2) If a person manufactured or imported a chemical substance prior to January 1, 1975 but the substance was processed after that date, he may report that substance for the inventory if he certifies that the substance was processed after January 1, 1975.

(3) A trade association may report on behalf of any person who would be permitted to report under paragraphs (b) (1) and (2) of this section. For every chemical substance reported by a trade association, at least one manufacturer, processor, or importer must have certified to that trade association, and be able to document to EPA in accordance with § 710.1(c), that the chemical substance was manufactured, imported, or processed for commercial purposes since January 1, 1975.

(c) *Who may report after publication of the inventory.* During the 120-day period after the first publication of the inventory, any person who has processed or used a chemical substance (including the manufacture of a mixture or article containing that chemical substance) for a commercial purpose since January 1, 1975 may report that chemical substance if it was not included in the inventory.

NOTE.—Premanufacture notification requirements under section 5 for manufacturers and importers of new chemical substances will begin thirty (30) days after the first publication of the inventory and will apply to all chemical substances not included on the first inventory.

(d) *Who may not report.* (1) No person may report any chemical substance which is automatically included in the inventory under § 710.4(b).

(2) No person may report any chemical substance which is excluded from the inventory under paragraphs (c) or (d) of § 710.4.

(3) No person may report any chemical substance which has not been manufactured, processed, or imported for a commercial purpose since January 1, 1975.

§ 710.4 Scope of the Inventory.

(a) *Chemical substances subject to these regulations.* The following chemical substances are manufactured, imported, or processed "for a commercial purpose";

Chemical substances which are manufactured, imported, or processed

(1) For distribution in commerce,

(2) For use as a catalyst or as an intermediate,

(3) For use by the manufacturer, or

(4) For test marketing purposes.

(b) *Naturally occurring chemical substances automatically included.* Any chemical substance which is naturally occurring and which is either unprocessed or processed only by manual, mechanical, or gravitational means; by dissolution in water; or by heating solely to remove water, shall be automatically included in the inventory under the category "Naturally Occurring Chemical Substances." Examples of such substances are: (1) Raw agricultural commodities; (2) water, air, natural gas, and crude oil; and (3) rocks, ores, and minerals.

(c) *Substances excluded by definition or Section 8(b) of TSCA.* The following substances are excluded from the inventory:

(1) Any substance which is not considered a "chemical substance" as provided in subsection 3(2)(B) of the Act and in the definition of "chemical substance" in § 710.2.

(2) Any mixture as defined in § 710.2. This term will include alloys, inorganic glasses, ceramics, frits, and cements, including Portland cement.

(3) Any chemical substance manufactured, imported, or processed solely in small quantities for research and development, as defined in § 710.2.

(d) *Chemical substances excluded from the inventory.* The following chemical substances are excluded from the inventory insofar as they are not manufactured for distribution in commerce as chemical substances per se and have no commercial purpose separate from the mixture or article of which they may be a part.

NOTE.—In addition, chemical substances excluded here would not be subject to premanufacture notification under section 5 of the Act.

(1) Any impurity.

(2) Any byproduct which has no commercial purpose.

NOTE.—A byproduct which has commercial value to municipal or private organizations who (i) burn it as a fuel, (ii) dispose of it as a waste, including in a landfill or for enriching soil, or (iii) extract component chemical substances which may have some commercial value, may be included on the inventory.

(3) Any chemical substance which is the result of a chemical reaction that may occur incidental to exposure of another chemical substance, mixture, or article to environmental factors such as air, moisture, microbial organisms, or sunlight.

(4) Any chemical substance which is the result of a chemical reaction incidental to storage of a chemical substance or mixture.

(5) Any chemical substance which is the result of a chemical reaction that may occur upon end use of other chemical substances or mixtures such as adhesives, paints, miscellaneous cleansers or other housekeeping products, fuels and fuel additives, water softening and treatment agents, and which is not itself manufactured for distribution in commerce.

(6) Any chemical substance which is the result of a chemical reaction that occurs upon use of curable plastic or rubber molding compounds, inks, drying oils, metal finishing compounds, adhesives, paints, or other chemical substances used to manufacture an article destined for the marketplace without further chemical change of the chemical substance except for those chemical changes that may occur as described elsewhere in this paragraph.

(7) Any chemical substance which occurs as the result of a chemical reaction when a stabilizer, colorant, odorant, antioxidant, filler, solvent, carrier, surfactant plasticizer corrosion inhibitor, antifoamer or de-foamer, dispersant, precipitation inhibitor, binder, emulsifier, de-emulsifier, dewatering agent, agglomerating agent, adhesion promoter, flow modifier, pH neutralizer, sequestrant, coagulant, flocculant, fire retardant, lubricant, chelating agent, quality control reagent, or a chemical substance which is solely intended to impart a specific physico-chemical characteristic functions as intended.

§ 710.5 How to report.

(a) *General instructions.* (1) Except for small manufacturers or importers, any person who is required to report under section 710.3(a) shall follow the reporting procedures of paragraphs (b), (c), and (d) of this section.

(2) Any person who chooses to report under § 710.3(b) shall follow the reporting procedures of paragraphs (b), (c), and (d) (3) of this section. In addition, the Agency encourages those persons to report in accordance with paragraphs (d)(1), (d)(2), and (d)(4 of this section. A trade association may report aggregated production data under paragraph (d)(4) of this section.

(3) Any person who is required to report under § 710.3(a) and who is a small manufacturer or importer as defined in § 710.2 shall follow the reporting procedures of paragraphs (b), (c), and (d)(1) and (d)(3) of this section. In addition, the Agency encourages small manufacturers to report in accordance with paragraphs (d)(2) and (d)(4) of this section.

(b) *Reporting the identity of a chemical substance.* (1) To report a chemical substance, a person shall first consult the TSCA Candidate List of Chemical Substances and any amendment to the Candidate List.

(2) To report a chemical substance found in the Candidate List, or in an amendment to the List, a person must complete, sign, and submit EPA inventory reporting Form A (EPA Form No. —).

(3) To report a chemical substance not found in the Candidate List, or in an amendment to the list, a person must complete, sign and submit EPA inventory reporting Form B (EPA Form No. —).

(4) For assistance in using the Candidate List or the reporting forms, consult "Guide to the Use of the TSCA Candidate List of Chemical Substances and

Instructions for Reporting" published in Appendix A of these regulations.

(c) *Reporting polymers.* (1) To report a polymer a person must list in the description of the polymer composition at least those monomers used at greater than two weight percent in the manufacture of the polymer.

(2) Those monomers used at two weight percent or less in the manufacture of the polymer may be included as part of the description of the polymer composition.

(3) For purposes of this paragraph, the "weight percent" of a monomer is the weight of the monomer expressed as a percentage of the weight of the polymeric chemical substance manufactured.

(d) *Reporting other information concerning a chemical substance.* (1) Designate whether the person manufactures, processes and/or imports the chemical substance.

(2) Report the site(s) at which the person manufactures, processes, and/or imports the chemical substance.

(3) Designate whether the person manufactures and processes the chemical substances only within a site and does not distribute the chemical substance, or any mixture or article containing that substance, for commercial purposes outside that site.

(4) Report the amount of the chemical substance which the person manufactured at each site and/or imported during calendar year 1976. If the person did not manufacture or import the chemical substance during 1976, report the amount manufactured and/or imported during 1975 or projected for 1977. If there has been no manufacture or importation since January 1, 1975, report the amount distributed to others for any purpose since that date.

(e) *Importers.* (1) Any importer who is required to report or who chooses to report a chemical substance for the inventory may authorize the foreign supplier of an imported chemical substance(s) to report to EPA on behalf of the importer if both the foreign supplier and the importer sign the declarations provided on the reporting form.

(2) The importer has the ultimate responsibility for reporting all information required by this part and for the completeness and truthfulness of such information. If certain information is not or cannot be provided by the foreign supplier, it must be provided by the importer.

§ 710.6 When to report.

(a) All reports concerning chemical substances manufactured, processed, or imported for a commercial purpose during the period January 1, 1975 to (the effective date of these regulations) shall be submitted by (90 days after the effective date of these regulations).

(b) All reports concerning chemical substances which are manufactured, processed, or imported for a commercial purpose for the first time during the period (the effective date of these regulations) to (the effective date of premanufacture notification regulations) shall be submitted when such manufacturing, processing, or importation begins.

§ 710.7 Confidentiality.

(a) A manufacturer, importer, or processor may claim that for a particular chemical substance any or all of the following items of information submitted under this part are entitled to confidential treatment:

(1) Company name.

(2) Site.

(3) The specific chemical name or identity.

(4) Whether the chemical substance is manufactured, imported, or processed.

(5) Whether the chemical substance is manufactured and processed only within one site and not distributed for commerical purposes outside that site.

(6) The quantity manufactured, imported, or processed.

(b) Any claims of confidentiality must accompany the information at the time it is submitted to EPA. The claims must appear on the form on which the information is submitted to EPA and in the manner prescribed on the form.

(c) Any information that is covered by a claim made as specified will be disclosed by EPA only to the extent permitted by, and by means of, the procedures set forth in Part 2 of this title (41 FR 36902).

(d) If no claim accompanies the information at the time it is submitted to EPA, the information may be made public by EPA without further notice to the submitter.

(e) If a claim of confidentiality is asserted concerning the specific chemical name or identity of a particular chemical substance, the person making the claim shall furnish EPA with (1) the specific chemical name and identity and (2) a proposed generic name which is only as generic as necessary to protect the confidential identity of the particular chemical substance.

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